

Borough Council of  
**King's Lynn &  
West Norfolk**



# **CABINET**

**Agenda**

**TUESDAY, 10 JANUARY 2012  
at 5.30pm**

in

**Committee Suite  
King's Court  
Chapel Street  
King's Lynn**



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Borough Council of  
**King's Lynn &  
West Norfolk**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
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23 December 2011

**CABINET AGENDA**

**DATE: CABINET – TUESDAY, 10 JANUARY 2012**

**VENUE: COMMITTEE SUITE, KING'S COURT, CHAPEL STREET, KING'S LYNN**

**TIME: 5.30 pm**

**1. MINUTES**

To approve the Minutes of the Meeting held on 6 December 2011.

**2. APOLOGIES**

To receive apologies for absence.

**3. URGENT BUSINESS**

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

**4. DECLARATION OF INTEREST**

Please indicate whether the interest is a personal one only or one which is also prejudicial. A declaration of an interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. If a prejudicial interest is

declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.

**5. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

**7. CALLED IN MATTERS**

To report on any Cabinet decisions called in.

**8. FORWARD DECISIONS LIST**

A copy of the Forward Decisions List is attached (Page 6 )

**9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES**

To receive any comments and recommendations from other Council bodies some of which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee – 4 January 2012
- Regeneration, Environment & Community Panel – 5 January 2012

**10. REPORTS**

**1) Budget Monitoring 2011/2012 (Page 8)**

This report updates the 2011/2012 revenue estimates and the projections for 2012 to 2014. These figures will form the base on which the new Financial Plan 2011/2015 will be formulated for council tax setting purposes in February 2012.

## **2) Draft Statement of Policy – Sex Establishments (Page 18)**

The Borough Council does not currently have an adopted policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

## **3) Timetable of Meetings 2012/2013 (Page 43 )**

The report sets out a draft timetable of meetings for the 2012/13 Municipal Year.

### **EXCLUSION OF THE PRESS AND PUBLIC**

To consider passing the following resolution:

“That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.”

## **4) Nar Ouse Regeneration Area Land to the East of Nar Ouse Way) – Proposed Land Disposal (Page 45)**

To: Members of the Cabinet  
Councillors N J Daubney (Chairman), A Beales, Lord Howard, B Long,  
Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

Samantha Winter

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King's Lynn PE30 1EX

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## FORWARD DECISIONS LIST

Officer

Portfolio  
Responsible

### 10 January 2012

Timetable of Meetings 2012/13	Exec Dir Central Services	Leader
Budget Monitoring 2011/2012	Dep Chief Exec	Leader
Nar Ouse Regeneration Area (Land to the East of Nar Ouse Way) – Proposed Land Disposal	Dep Chief Executive	Regeneration and Commercial Services
Draft Statement of Policy – Sex Establishments	Exec Dir Environmental Health and Housing	Environment and Community

### 7 February 2012

NoM 8/11: Cllr Tilbury : Development of employment opportunities in villages	Exec Dir Development & Regeneration	Regeneration and Commercial Services
Local Authority Leisure Trust – Project Plan and Follow Up report	Chief Executive	Leader/Leisure and Operational Assets
Section 106 funding	Exec Dir Development and Regeneration	Development
Careline Alarm Monitoring Contract	Exec Dir Environmental Health & Housing	Deputy Leader
Financial Plan 2011 – 2015	Dep Chief Exec	Leader
Capital Programme 2011 – 2015	Dep Chief Exec	Leader
Major Housing Development – King's Lynn	Exec Dir Regen and Planning	Regeneration and Commercial Services
NoM 4/11: Cllr Mack : Localism Bill & NoM 9/11: Cllr Collis – Parishing of King's Lynn	Chief Executive	Leader
Hunstanton – Proposed Land Disposal	Dep Chief Executive	Regeneration and Commercial Services
Report of the Independent Panel for Members Allowances	Dep Chief Executive	Leader

### 6 March 2012

#### Forthcoming Items, as yet unprogrammed

Planning Fees	Exec Dir Regeneration & Development	Development
Community Governance Review	Chief Executive	Leader

Revised KLATS & KL Car Parking Strategy	Exec Dir Regeneration & Development	Regeneration / Shared Services
Community Cohesion Strategy	Chief Executive	Community
Town Centre Plan	Exec Dir Regeneration & Development	Regeneration
Lynnsport Skate Park	Exec Dir Leisure and Public Space	Leader/Leisure and Operational Assets
Care and Repair Framework Agreement	Exec Dir Environmental Health & Housing	Deputy Leader

## REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards None	Mandatory	(a) Be entirely within Cabinet's powers to decide    YES		
		(b) Need to be recommendations to Council        NO		
		(c) Be partly for recommendations to Council    NO and partly within Cabinets powers –		
Lead Member: Councillor Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: David Thomason E-mail: david.thomason@west-norfolk.gov.uk Direct Dial: 01553 616246		Other Officers consulted: Management Team		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equality Impact Assessment req'd? NO	Risk Management Implications YES

Date of meeting: 10 January 2012

### 1 BUDGET 2011/2012- MONITORING

#### **Summary**

This report updates the 2011/2012 revenue estimates and the projections for 2012 to 2014. These figures will form the base on which the new Financial Plan 2011/2015 will be formulated for council tax setting purposes in February 2012.

#### **RECOMMENDATION**

**It is recommended that Cabinet approve the changes, transfers to/from reserves and revised revenue estimates for 2011/2012 as detailed in section 1 of the report.**

#### **Reason for Decision**

Formal approval is required by Cabinet for the amendments to the 2011/2012 revenue estimates. The amendments have been reported to members as part of the monthly monitoring reports for April to October 2011 and are summarised in section 1 below.



## 1. The Revenue Estimates 2011/2012

1.1 The original budget 2011/2012 was approved by Council on the 24 February 2011. Throughout the year the Deputy Chief Executive has monitored the budget and, where necessary, Executive Directors have sought approval for additional budget provision. The purpose of this report is to formally establish base estimates and projections on which a revised Financial Plan for 2011/2015 can be built. This will leave the report to Cabinet and Council in February 2012 to focus on future years.

1.2 The variances between the approved original budget and revised budget have been detailed in the monthly Monitoring Reports for April to October 2011 which have been distributed to members. The adjustments are summarised below:

	<b>Original Budget 2011/2012</b>	<b>Revised Budget October Monitoring 2011/2012</b>	<b>Variance Adverse/ (Favourable)</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Community & Democracy	3,753,290	3,826,110	72,820
Environmental Improvement & Protection	5,596,510	5,596,380	(130)
Housing General Fund	1,688,310	1,652,450	(35,860)
Performance & Resources	7,782,100	8,064,240	282,140
Regeneration	407,090	667,280	260,190
Safer & Healthy Communities	292,140	296,300	4,160
<b>Portfolio Totals</b>	<b>19,519,440</b>	<b>20,102,760</b>	<b>583,320</b>
Financing Adjustment	(3,015,140)	(3,026,080)	(10,940)
Special Expenses	(554,880)	(554,880)	0
Internal Drainage Boards	2,591,210	2,591,210	0
Government Grant Council Tax Freeze	(159,000)	(157,440)	1,560
New Homes Bonus	(300,000)	(451,600)	(151,600)
Contribution to Restructuring Reserve	579,470	205,840	(373,630)
Contribution from Balances	(366,420)	(415,130)	(48,710)
<b>Borough Spend</b>	<b>18,294,680</b>	<b>18,294,680</b>	<b>0</b>

## 1.3

The main reasons for the changes within the thematic totals have been detailed in the monthly monitoring reports for April to October 2011 and are summarised below –

<b>Detail</b>	<b>Monitoring Report</b>	<b>£</b>
Redundancy Payments	June, September	373,630
Savings from Service Reviews in excess of the target of £231,000 included in the estimates - see section 3 of the report for full details	June, July, September and October	(211,770)
Car park income below target	July	150,000
Planning income below target	July	100,000
Benefits reduction in staff travel costs	September	(7,710)
Reduction in income to the CIC	September	15,680
Costs to rejoin the Local Government Association	September	5,800
Increased utility charges	September	139,300
Decriminalisation of car parking staff costs	October	4,160
Reduced rent agreement King's Lynn mart	October	1,110
On cost account contribution to revenue budget	October	(57,820)
Lower than anticipated shop rents	October	60,000
<b>Total</b>		<b>572,380</b>
<b>Funded by</b>		
Additional income from New Homes Bonus	April	(151,600)
Council Tax Freeze - Government grant lower than anticipated	June	1,560
Additional contribution from the General Fund Balance		(48,710)
Reduction in contribution to the restructuring reserve		(373,630)
<b>Total</b>		<b>(572,380)</b>

1.4 The contribution to balances is detailed in the table below:

	<b>Original Budget 2011/2012</b>	<b>Revised Budget October Monitoring 2011/2012</b>	<b>Variance Adverse/ (Favourable)</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Contribution to Balances from service reviews	0	211,770	211,770
Contributions from Balances	(366,420)	(626,900)	(260,480)
<b>Total</b>	<b>(366,420)</b>	<b>(415,130)</b>	<b>(48,710)</b>

The net changes to the budget as at 31 October 2011 require a draw from balances of £626,900 in 2011/2012, an increase of £260,480. The savings achieved in 2011/2012 as a result of the ongoing programme of service reviews, as detailed below in section 3, mean that it has been possible to make a contribution of £211,770 to balances. The net overall draw from balances in 2011/2012 is therefore £415,130, compared to £366,420 originally included in the budget 2011/2012 as approved at Council on 24 February 2011, an increase of £48,710. As a result the estimated general fund balance at 31 March 2012 remains at is £3,143,234 as included in the Financial Plan 2010/2014 and is detailed in 4.1 below.

- 1.5 In addition to the movements detailed in 1.3 above the following variances, summarised in the table below, have been reported and all additional costs have been offset by increased income, reduced expenditure and transfers to/from reserves within service areas:

<b>Detail</b>	<b>Monitoring Report</b>	<b>£</b>
Management of North Norfolk Car Parks offset by income	June	8,600
Incinerator campaign funded from reserve	June	150,000
The Walks Royal Wedding Event funded from LABGI reserve	June	10,000
Rural Transport savings target met from reserves	June	5,900
Crematorium maintenance programme funded from repairs and renewals reserve	July	18,800
Home Improvement Agency to correct support service allocations funded from the admin holding reserve	July	31,350
Grounds Maintenance continuation of the 'In Bloom' scheme funded from reserves	August	40,000
Financing Adjustment - reduced borrowing costs offset by need to draw from reserves	September	(131,460)
Committee suite new projector funded from offices repairs and renewals reserve	September	4,000
Hunstanton seafront groyne repairs funded from repairs and renewals reserve	September	40,000
Land drainage camera funded from repairs and renewals reserve	September	8,000
Leisure and arts facilities installation of wireless connections funded from repairs and renewals reserve	September	6,980
To provide a budget to meet costs associated with the ongoing programme of service reviews funded from the admin holding account	September	20,000
Lynnsport refund of national non domestic rates appeal transferred to capital reserves	October	(155,300)
Cemeteries and closed churchyards maintain plans funded from repairs and renewals reserve	October	5,000
<b>Total</b>		<b>61,870</b>

- 1.6 Any further movements which may be identified as part of the ongoing monitoring process will be reported in the monthly monitoring reports and Cabinet updated as part of the Budget Report in February 2012.

## 2. Projections 2012 to 2014

2.1 The projections 2012 to 2014 were also approved by Council on the 24 February 2011. The projections have been updated as part of the monthly monitoring process for those areas identified in 2011/2012 which have an ongoing impact in future years. The movements are summarised in the tables below:

### Projection 2012/2013

	<b>Original Projection 2012/2013</b>	<b>Revised Projection October Monitoring</b>	<b>Variance Adverse/ (Favourable</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Community & Democracy	3,719,750	3,742,570	22,820
Environmental Improvement & Protection	5,740,880	5,740,880	0
Housing General Fund	1,714,810	1,667,760	(47,050)
Performance & Resources	7,983,510	8,138,080	154,570
Regeneration	137,470	140,750	3,280
Safer & Healthy Communities	267,490	272,320	4,830
<b>Portfolio Totals</b>	<b>19,563,910</b>	<b>19,702,360</b>	<b>138,450</b>
Financing Adjustment	(2,612,820)	(2,634,700)	(21,880)
Special Expenses	(792,910)	(792,910)	0
Internal Drainage Boards	2,637,390	2,637,390	0
Government Grant Council Tax Freeze	(159,000)	(157,440)	1,560
New Homes Bonus	(300,000)	(451,600)	(151,600)
Contribution from Balances	(1,259,550)	(1,226,080)	33,470
<b>Borough Spend</b>	<b>17,077,020</b>	<b>17,077,020</b>	<b>0</b>

2.2 In 2012/2013 the net changes to the projection arising from the ongoing implications from changes to the budget in 2011/2012, requires a draw from balances of £1,226,080, a reduction of £33,470.

2.3 The savings of £470,360 achieved as a result of the on going programme of service reviews, detailed in section 3, are accounted

for within the Performance and Resources Portfolio, exceeding the target of £381,000 included in the original projection by £89,360.

## 2.4 Projection 2013/2014

	<b>Original Projection 2013/2014</b>	<b>Revised Projection October Monitoring</b>	<b>Variance Adverse/ (Favourable)</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Community & Democracy	3,872,900	3,897,310	24,410
Environmental Improvement & Protection	5,295,370	5,295,370	0
Housing General Fund	1,796,830	1,749,980	(46,850)
Performance & Resources	6,918,130	7,167,730	249,600
Regeneration	273,010	276,470	3,460
Safer & Healthy Communities	295,260	301,620	6,360
<b>Portfolio Totals</b>	<b>18,451,500</b>	<b>18,688,480</b>	<b>236,980</b>
Financing Adjustment	(2,611,730)	(2,633,610)	(21,880)
Special Expenses	(800,090)	(800,090)	0
Internal Drainage Boards	(2,663,790)	(2,663,790)	0
Government Grant Council Tax Freeze	(159,000)	(157,440)	1,560
New Homes Bonus	(300,000)	(451,600)	(151,600)
Contribution from Balances	(861,090)	(926,150)	(65,060)
<b>Borough Spend</b>	<b>16,383,380</b>	<b>16,383,380</b>	<b>0</b>

2.4 In 2013/2014 the net changes to the projection arising from the ongoing implications from changes to the budget 2011/2012, require a draw from balances of £926,150, an increase of £65,060.

2.5 The savings of £477,710 achieved as a result of the on going programme of service reviews, detailed in section 3, are accounted for within the Performance and Resources Portfolio.

## 2.6

The main reasons for the changes within the projections have been reported in the monitoring reports for April to October 2011 and are summarised below –

<b>Detail</b>	<b>Monitoring Report</b>	<b>Projection 2012/2013 £</b>	<b>Projection 2013/2014 £</b>
Savings from Service Reviews in excess of the target of £381,000 included in the estimates 2012/2013 - see section 3 of the report for full details	June, July, September and October	(89,360)	0
Reduction in income to the CIC	September	15,940	15,940
Costs to rejoin the Local Government Association	September	11,600	11,600
Increased utility charges Norfolk County Council Contribution to CIC withdrawn	October October	147,290 20,000	156,570 20,000
Decriminalisation of car parking staff costs	October	9,990	9,990
Reduced rent agreement King's Lynn mart	October	1,110	1,000
<b>Total</b>		<b>116,570</b>	<b>215,100</b>
<b>Funded by</b>			
Additional income from New Homes Bonus	April	(151,600)	(151,600)
Council Tax Freeze - Government grant lower than anticipated	June	1,560	1,560
(Increase)/decrease in contribution from the General Fund Balance		33,470	(65,060)
<b>Total</b>		<b>(116,570)</b>	<b>(215,100)</b>

## 2.7

The revised projections will be further reviewed as part of the current estimates process and form the base on which the new Financial Plan 2011/2015 will be calculated for council tax setting purposes in February 2012.

### 3. Savings Targets 2011-2014

3.1 The Financial Plan for the period 2010-2014 approved by Council on 24 February 2011 set the following savings targets for the period:

<b>New Savings Targets</b>	<b>2011/2012 £</b>	<b>2012/2013 £</b>	<b>2013/2014 £</b>
Service reviews in progress	231,000	381,000	481,000
Service reviews – new targets	0	0	1,200,000
<b>Total</b>	<b>231,000</b>	<b>381,000</b>	<b>1,681,000</b>

3.2 A programme of service reviews is continuing in 2011/2012. The savings achieved to 31 October 2011 have been detailed in the monthly monitoring reports for April to October 2011 and are detailed below –

	<b>2011/2012 £</b>	<b>2012/2013 £</b>	<b>2013/2014 £</b>
<b>Non Salary Savings to October 2011</b>			
Civics	7,750	7,750	7,750
Coffee Shop	12,080	12,080	12,080
Corn Exchange Ticketing System	0	14,550	16,650
Directorate	5,420	5,430	5,440
Fund Manager	10,940	21,880	21,880
Hackney Carriage and Private Hire Licensing	10,000	10,000	10,000
Legal Commissioning Costs	(118,040)	(118,040)	(118,040)
Lynnsport COWA Income – Cabinet 5 July	10,000	30,000	30,000
Lynnsport COWA Income – Cabinet 5 July	13,800	7,000	7,000
Lynnsport Service Review	15,560	22,060	22,060
Scrutiny Panels (3 to 2) – Cabinet 5 July	1,900	2,870	2,870
Training	50,000	0	0
Private Water Supplies	2,430	5,820	5,820
Relocation	20,000	0	0
<b>Sub Total</b>	<b>41,840</b>	<b>21,400</b>	<b>23,510</b>
<b>Salary Savings to October 2011</b>			
Benefits	16,330	21,770	21,770
Civics	8,540	8,820	9,200
Corn Exchange	0	5,600	7,600
Democratic Services – delegated decision	13,900	33,350	33,350
Directorate	85,020	86,800	89,660
Legal Services	221,040	221,040	221,040
Lynnsport	5,340	5,820	5,820



Pollution Monitoring	40,060	40,060	40,060
Benefits Advice and Review	10,700	25,700	25,700
<b>Sub Total</b>	<b>400,930</b>	<b>448,960</b>	<b>454,200</b>
<b>Total</b>	<b>442,770</b>	<b>470,360</b>	<b>477,710</b>

- 3.3 The impact of service reviews will be further considered as part of the current estimates process, and form the base for revised savings targets which will be incorporated in the new Financial Plan 2011/2015.

#### 4. General Fund Balance and Reserves

- 4.1 The impact on the General Fund Balance is detailed below. The projected balance remains above the minimum level required of the Council across all years of the Plan 2011/2014.

	2011/2012	2012/2013	2013/2014
	£	£	£
<b>Balance b/f</b>	3,558,364	3,143,234	1,917,154
Draw from Balances - updated for monitoring to October 2011	(415,130)	(1,226,080)	(926,150)
<b>Balance c/f</b>	<b>3,143,234</b>	<b>1,917,154</b>	<b>991,004</b>
<b>Minimum requirement set at Council 24 February 2011</b>			
5% of Budget Requirement	914,730	853,850	819,170
Bellwin	46,885	46,885	46,885
	<b>961,615</b>	<b>900,735</b>	<b>866,055</b>

#### 5. Policy Implications

None

#### 6. Statutory Considerations

None

#### 7. Consultations

Management Team

#### 8. Access to Information

Cabinet Reports  
The Financial Plan 2010/2014  
Monthly Monitoring Reports 2011/2012

## REPORT TO CABINET

<b>Open</b>	Would any decisions proposed :			
<b>Any especially affected Wards</b>	(a) Be entirely within cabinet's powers to decide NO			
	(b) Need to be recommendations to Council YES			
	(c) Be partly for recommendations to Council NO and partly within Cabinets powers –			
Lead Member: Cllr Brian Long E-mail: <a href="mailto:cllr.brian.long@west-norfolk.gov.uk">cllr.brian.long@west-norfolk.gov.uk</a>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Andy Piper E-mail: <a href="mailto:andy.piper@west-norfolk.gov.uk">andy.piper@west-norfolk.gov.uk</a> Direct Dial: 01553 616365		Other Officers consulted: Vicki Hopps / John Gilbraith,		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) YES	Equality Impact Assessment req'd NO	Risk Management Implications NO

Date of meeting: 10<sup>th</sup> January 2012

### **2 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STATEMENT OF LICENSING POLICY FOR SEX ESTABLISHMENTS**

#### **Summary**

The Borough Council does not currently have an adopted policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.

#### **Recommendation**

**That Full Council be invited to adopt the attached Statement of Licensing Policy for Sex Establishments with immediate effect.**

#### **Reason for Decision**

Whilst there is no legal requirement that the Council adopts a Statement of Licensing Policy for Sex Establishments it is considered good practice to do so. The policy sets out the Borough Council's functions in relation to the licensing of sex establishments in a clear and transparent way for the benefit of potential applicants, relevant stakeholders and the general public.

### **1.0 Introduction**

1.1 On the 30<sup>th</sup> September 2010 the Borough Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by Section 27

of the Policing & Crime Act 2009. The amended provisions took effect from the 1<sup>st</sup> December 2010.

- 1.2 The Local Government (Miscellaneous Provisions) Act 1982, when originally adopted allowed the licensing of sex shops and sex cinemas. The adoption of the amended provisions added a new classification of premises of sexual entertainment venue.
- 1.3 The new control have strengthened the role that local communities can play in deciding whether, for example a lap dancing venue is appropriate for the location. The adoption of the amended provisions has brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas.
- 1.4 The Policy is a document which gives advice to applicants as to the considerations the Borough Council will make in respect of applications, how the licensing process will be carried out, and the standard conditions to be applied to a licence if granted.

## **2.0 Consultation**

- 2.1 The proposed Statement of Licensing Policy for Sex Establishments was consulted upon between the 1<sup>st</sup> September 2011 and the 30<sup>th</sup> November 2011. This proposal and a request for comments and suggestions were circulated to the following:

- Norfolk Constabulary;
- Norfolk Fire Service;
- Norfolk Trading Standards;
- Norfolk Children's Safeguarding Board;
- Neighbourhood / Housing Trusts / Residents Associations;
- Norfolk County Council;
- Downham Market Town Council;
- Hunstanton Town Council;
- Vancouver/Town Centre Managers;
- All holders of Premises Licences and Club Premises Certificates issued under the Licensing Act 2003;
- All Parish Clerks;
- King's Lynn Chamber of Commerce;
- Hunstanton Chamber of Commerce;
- Downham Market Chamber of Commerce;
- All Borough Councils;
- Senior Management Team;
- Development Services
- Community Safety & Neighbourhood Nuisance

- 2.4 In addition, to the above the consultation was accessible to the general public through the Borough Council's website.

- 2.5 The consultation has generated the following comments:

2.5.1 Ms Susan MacPherson. Ms MacPherson emailed the following:

***'I strongly recommend introducing a 'nil' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government Act (LGMPA)1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.***

*The introduction of a nil policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As Philip Kolvin QC, chair of the Institute of Licensing states:*

*"...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground."*

*The introduction of a nil policy is currently being proposed by the London Boroughs of Hackney and Haringey. In the view of Hackney council SEVs:*

*"...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities."*

*As my parents and my sister and her family live here, and I visit King's Lynn regularly, I believe that the licensing of these establishments in the town is appalling. To encourage women to be seen as objects and men to view them and pay for them as such is wrong, and I would like to think more and more councils will use the laws at their hands to take responsibility for this side of the entertainment industry'.*

2.5.2 Councillor Foster. Councillor Foster returned a copy of the proposed policy with a number of comments including:

- Inconsistent use of capital letters;
- Reference to the recently approved Corporate Enforcement Policy; and
- Use of grammar.

2.5.3 Councillor Leamon. Cllr Leamon emailed the following:

*'I think lap dancing on an infrequent basis - but ongoing in an establishment – should come under the Licensing Policy as it is still, fundamentally, lap dancing.*

*Conditions – Does the Policy need to have wording to emphasise that*

*the Policy can be amended at any time, as appropriate, at the discretion of the Borough Council. (I note on page 13, paragraph 3.1 - similar wording but assume this is in individual cases as it mentions the licence holder and does not refer to the whole document.)'*

2.6 A reply was sent to Ms MacPherson that while the Borough Council could adopt a 'nil' policy it was unlikely to do so as we already had three licensed sex establishments within the Borough.

2.7 The majority of Cllr Foster's observations have been included in the attached draft policy.

2.8 In relation to Cllr Leamon's comments the policy cannot dictate conditions on venues that offer sexual entertainment on an infrequent basis. It is the law that states that premises that offer such entertainment on no more than eleven occasions in a 12-month period are exempt from requiring a sexual entertainment venue licence.

2.9 By definition, a policy can be updated at end time but if it is Cabinet's wish a suitable sentence could be included within the preface page at the beginning of the policy.

### **3.0 Policy Implications**

3.1 The proposals to our current policy do not impact on any other Council Policies.

### **4.0 Financial Implications**

4.0 None

### **5.0 Statutory Considerations**

5.1 There is no statutory requirement that the Borough Council has a policy on sex establishments.

### **6.0 Risk Assessment**

6.1 The Borough Council has the responsibility to ensure that Sex Establishments within the Borough maintain satisfactory standards and adhere to conditions placed upon them.

6.2 By adopting a policy, which details the way in which the authority will oversee and control sex establishments the Borough Council can ensure a consistent approach when dealing with such premises.

### **7.0 Access to Information**

7.1 Local Government Act (LGMPA)1982.

7.2 Section 27 of the Policing and Crime Act (PCA) 2009.



# **Local Government (Miscellaneous Provisions) Act 1982**

## **Draft Statement of Licensing Policy**

For

## **Sex Establishments**

Approved by Full Council: XXXXX 2012

Commences: XXXXX 2012

## **Preface**

This Statement of Licensing Policy sets out the Borough Council's requirements for premises to be licensed as sex establishments within the meaning of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), hereafter referred to as the 'Act'.

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area, which has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the Borough Council to set terms and conditions and fees for the grant, renewal, transfer and variation of such licences and the number of licences that may be issued in the area, including nil.

Any comments on the contents of this draft policy should be sent to:-

The Licensing Manager  
Environmental Health & Housing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

or by e-mail to [EHLicensing@west-norfolk.gov.uk](mailto:EHLicensing@west-norfolk.gov.uk)

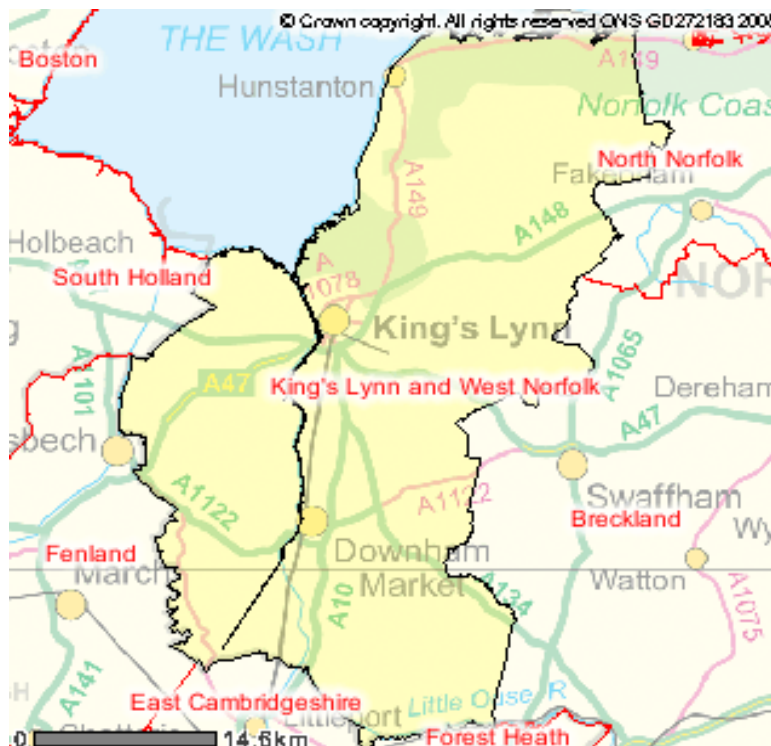
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## Foreword

The Borough Council of King's Lynn & West Norfolk, hereafter referred to as the Borough Council is situated in the County of Norfolk. The Borough Council's area has a population of 135,345 (2001 Census) making it the largest in the County in terms of population. In terms of area it is also the largest, covering 1428.76 square kilometres (551 square miles). The Borough Council's area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below.



The Borough Council currently has three premises licensed as sex establishments.

This 'Statement of Licensing Policy' sets out the policy the Borough Council will generally apply when making decisions on applications for Sex Establishment Licences. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Borough Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

The policy should be read in conjunction with, and without prejudice to other existing legislation including the Human Rights Act 1998 and the Equality Act 2010.

## **1.0 Introduction**

- 1.1 The Borough Council resolved to apply Schedule 3 of the Act on the 25<sup>th</sup> November 1982, providing that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the Borough Council.
- 1.2 The Borough Council resolved to adopt the provisions introduced by Section 27 of the Policing & Crime Act 2009 on the 30<sup>th</sup> September 2010 with a commencement date of the 1<sup>st</sup> December 2010.
- 1.3 This Statement of Licensing Policy for Sex Establishments sets out the Borough Council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or schedules issued under the Act.

## **2.0 Definition of 'sex establishment'**

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'. Full definitions of those terms can be found in Schedule 3 of the Act.
- 2.2 It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

## **3.0 Location of Licensed Premises**

- 3.1 The Borough Council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 3.2 The Borough Council has not imposed a limit on the number of premises that may be licensed in any area, and will treat each application upon its own merits.
- 3.3 The Borough Council expects that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

## **4.0 Making an application**

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the Borough Council in accordance with the requirements shown in Annex A to this policy.

4.2 An application form is available separately and an example of a public 'notice' for advertising is attached in Annex B.

4.3 Applications can be made in the following ways:

4.3.1 By post/personal service to:

Licensing  
Environmental Health & Housing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

4.3.2 On line at: [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

## **5.0 Grant, renewal or transfer of licences**

5.1 The Borough Council may grant to any applicant or renew any licence for the use of any premises as a 'sex establishment' on such terms and conditions as may be specified.

5.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

5.3 The Borough Council may, if they think fit, transfer a licence to any other person upon application by that person.

5.4 Where an application for renewal of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

## **6.0 Variation of licences**

6.1 The holder of a licence may apply to the Borough Council to vary the terms, conditions or restrictions on or subject to which the licence is held.

## **7.0 Objections**

7.1 Objections may be made to an application by any person.

7.2 An objection must be in writing and addressed to the Executive Director, Environmental Health & Housing at the Borough Council stating the grounds on which the objection is made.

7.3 The Borough Council will only consider objections that relate to the matters mentioned in paragraph 10 below. Objections should not be based on moral grounds or values.

- 7.4 Objections will only be accepted if they are made within the period of 28 days following the date on which the application was accepted by the Borough Council.
- 7.5 The Borough Council will not consider any objection that does not contain the name and address of the person making it.
- 7.6 Where objections are made the Borough Council will provide copies to the applicant. However, the Borough Council will not divulge the identity of the objector/s to the applicant without their permission to do so.
- 7.7 Where objections are made and not withdrawn, a hearing before a Licensing Sub-Committee will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree a hearing is not necessary.
- 7.8 In all cases, applicants and those making objections that are aggrieved by a decision of the Borough Council are entitled to appeal that decision to the Magistrates' Court.
- 7.9 Where no objections are made, the Borough Council may grant the licence using delegated authority.

## **8.0 Determining applications**

- 8.1 When considering applications, the Borough Council will have regard to:
- 8.1.1 the Local Government (Miscellaneous Provisions) Act 1982;
  - 8.1.2 any supporting regulations;
  - 8.1.3 this Statement of Licensing Policy; and
  - 8.1.4 Any objections made.
- 8.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 8.3 When determining applications, the Borough Council will take account of any comments or representations made by:
- Norfolk Constabulary;
  - the Borough Council's Community Safety & Neighbourhood Nuisance Team; and
  - Development Services.
- 8.4 The Borough Council reserves the right to consult any other body that it

considers appropriate.

## **9.0 Conditions**

- 9.1 The Borough Council will attach 'standard conditions' as specified in Annex C to this Policy document to all sex establishment licences.
- 9.2 Additional conditions may be added in the following circumstances:
  - 9.2.1 When offered by the applicant as part of the application;
  - 9.2.2 Voluntary following recommendations made by the Licensing Authority, Police etc;
  - 9.2.3 By the Licensing Sub-Committee following receipt of an objection.
- 9.3 Applicants who wish to be exempt from the requirements of any of the 'standard conditions' should state, with full reasons why they should be so exempted, when making an application.

## **10.0 Refusal of licences**

- 10.1 Except where the Borough Council are prohibited from granting, renewing, varying or transferring a licence, the Borough Council will not refuse a licence without first:
  - 10.1.1 Notifying the applicant or holder of the licence in writing of the reasons;
  - 10.1.2 Giving the applicant (or holder) of the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.
- 10.2 In accordance with Paragraph 12(1) of Schedule 3 to the 'Act' the Borough Council must refuse to grant or transfer a licence to:
  - 10.2.1 A person under the age of 18;
  - 10.2.2 A person who is for the time being disqualified from holding a licence;
  - 10.2.3 A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
  - 10.2.4 A body corporate which is not incorporated in the United Kingdom;
  - 10.2.5 A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused

the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

10.3 In accordance with Paragraph 12(2) of Schedule 3 to the Act the Borough Council may refuse:

10.3.1 an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 10.4 below;

10.3.2 an application for transfer of a licence on either or both of the grounds shown in paragraph 10.4.1 and 10.4.2 below.

10.4 The grounds for refusal are:

10.4.1 That the applicant is unsuitable by reason of having been convicted of an offence or for any other reason;

10.4.2 That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application him/her self;

10.4.3 That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Borough Council considers is appropriate for that locality;

10.4.4 That the grant or renewal of the licence would be inappropriate having regard to:

10.4.4.1 The character of the relevant locality;

10.4.4.2 The use to which any premises in the vicinity are put; or

10.4.4.3 The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

10.5 Nil may be an appropriate number for the purposes of paragraph 10.4.3 above although the Borough Council has not set such a figure.

## **11.0 Revocation of licences**

11.1 The Borough Council may revoke a licence:

11.1.1 on any of the grounds specified in paragraph 10.2 above;

11.1.2 on either of the grounds specified in paragraphs 10.4.1 or 10.4.2 above.

11.2 The Borough Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.

11.3 Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence for a period of 12 months from date of revocation.

## **12.0 Cancellation of licences**

12.1 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

12.2 In accordance with Paragraph 15 of Schedule 3 to the Act, in the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

12.3 Where the Borough Council is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## **13.0 Complaints**

13.1 Where possible and appropriate the Borough Council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **14.0 Enforcement**

14.1 The Borough Council recognises that most licence holders seek to comply with the law. Notwithstanding, any enforcement action will be in accordance with the Borough Council's Corporate Enforcement Policy.

## **15.0 Exchange of Information**

15.1 The Borough Council may exercise its power under Section 115 of the Crime & Disorder Act 1998 to exchange data and information with the Police and other partners.

15.2 Details of applications and objections which are referred to the Licensing Sub-Committee will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

## 16.0 Administration

16.1 The setting of fees in relation to sex establishments is delegated to officers in consultation with the Portfolio Holder.

16.2 Information and advice on all aspects of licensing can be obtained by either:

- Visiting the website on [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk), or
- Telephoning the Borough Councils Information Centre on (01553) 616200, or
- By email to [EhLicensing@west-norfolk.gov.uk](mailto:EhLicensing@west-norfolk.gov.uk) or
- By writing to:
  - Licensing
  - Environmental Health & Housing
  - King's Court
  - Chapel Street
  - King's Lynn
  - PE30 1EX
- In person at King's Court

16.3 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 can be accessed on the following link:

<http://www.legislation.gov.uk/ukpga/1982/30/schedule/3>



## **Requirements for applying for Grant, Variation, Transfer or Renewal of a Sex Establishment Licence**

### All Applications

1. To apply for the grant, variation, transfer or renewal of a sex establishment licence an applicant must:
  - a) Send to the Borough Council:
    - i) a completed application form;
    - ii) Where the application is either for the 'grant' or a 'variation' with a change in layout then a plan to the scale of 1:100 of the premises to which the application relates. [See paragraph 2 below for plan requirements];
    - iii) The fee.
  - b) Advertise the application. (See paragraphs 4 to 7 below on notice requirements);
  - c) Send a copy of the application (and plan if applicable) to the Licensing Officer, 4<sup>th</sup> Floor, Vantage House, Fishers Lane, Norwich, Norfolk NR2 1ET.  
*[Does not apply when application made by electronic on-line as in this circumstance it is for the Borough Council to send a copy within 7 days]*

### Plan requirements

2. The plan shall show:
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) in a case where the premises is to be used for more than one activity, the area within the premises used for each activity;
  - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;

- i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - j) the location and use of other rooms, if any, on the premises.
3. The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

#### Public Notice Requirements

4. A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the Borough Council, where it can be conveniently read from the exterior of the premises.
5. The notice must be paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
6. The notice must state:
- a) details of the application and activities that it is proposed will be carried on or from the premises,
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, being 28 days after that on which the application is given to the Borough Council, by which representations may be made and that representations should be made in writing,
7. A similar notice must be published in a local newspaper within 7 days of giving the application to the Borough Council.

#### Variation of a licence

8. The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

#### Renewal of a licence

9. The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.

10. The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

#### Transfer of a licence

11. A person may apply for transfer of a licence at any time.
12. The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

### Example of Public Notice

<p><b>NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER OF A SEX ESTABLISHMENT LICENCE</b></p> <p><b>Local Government (Miscellaneous Provisions) Act 1982</b></p> <p><b>Schedule 3</b></p>
<p>NOTICE IS HEREBY GIVEN that I/we [ <i>insert name of applicant</i> ] of [ <i>insert applicant's address</i> ] have made an application to the Borough Council of King's Lynn &amp; West Norfolk being the licensing authority for the purpose of Section 2 of the above 'Act' for the [ <i>insert type of application e.g. grant, renewal etc.</i> ] of a [ <i>insert type of licence e.g. sex shop, sex cinema or sexual entertainment venue</i> ] licence in respect of premises known as [ <i>insert trading name of premises</i> ] at [ <i>insert full address of premises</i> ].</p> <p>Anyone wishing to object to this application should do so, in writing stating reasons by [ <i>enter date</i> ] to the Executive Director, Environmental Health &amp; Housing, BCKLWN, King's Court, Chapel Street, King's Lynn, PE30 1EX.</p>

#### **Notes:**

- This Notice may also be used to display the application on the premises or for publication in a local newspaper.
- The date to be inserted in the notice by which objections must be made will be that of the 28<sup>th</sup> day following the day on which the application is given to the Borough Council.

#### **Newspaper Notice**

- It must be published in a local newspaper circulating in the vicinity of the premises.
- The Notice must be published on **AT LEAST ONE OCCASION** during the period of **SEVEN DAYS** starting on the day after the day on which the application was given to the Borough Council.

#### **Premises Notice**

- This Notice must be of a size **EQUAL TO OR LARGER THAN A4** paper. It must be **PRINTED IN BLACK INK** or **TYPED IN BLACK** in a **FONT SIZE EQUAL TO OR LARGER THAN 16**.
- It must be displayed prominently on or near the premises to which the application relates where it can be conveniently read from the exterior of the premises.
- The Notice must be displayed for a period of **NOT LESS THAN 21 CONSECUTIVE DAYS** starting on the day after the day on which the application was given to the Borough Council.

## **Standard Conditions - Sex Establishments**

### **The following Conditions Apply to all Sex Establishments**

#### **1.0 Definition**

- 1.1 In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
- 1.1.1 "Sexual Entertainment Venue", "Sex Cinema", "Sex Shop" & "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  - 1.1.2 "Premises" means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
  - 1.1.3 "Approval, Approved or Consent of the Borough Council" means the approval or consent of the Borough Council in writing.
  - 1.1.4 "The Borough Council" means the Borough Council of King's Lynn & West Norfolk.
  - 1.1.5 "Film" shall have the meaning ascribed to it in the Films Act 1985.

#### **2.0 General**

- 2.1 In the event of a conflict between these regulations and any special conditions contained on a licence relating to a Sex Establishment the special conditions shall prevail.
- 2.2 The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous) Act 1982.

#### **3.0 Variation of Conditions**

- 3.1 The Borough Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case. However, before doing so the Borough Council will consult with the licence holder.

#### **4.0 Licensed Name**

- 4.1 The name of the premises specified on the licence shall be known as the "Licensed Name". The licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 5 below.
- 4.2 An application in respect of a change of licence name shall be made to the Borough Council in writing not less than 28 days prior to the proposed change and the Borough

Council shall have an absolute and unfettered discretion to allow or refuse such a change.

## **5.0 Conduct and Management of Sex Establishments**

- 5.1 Where the licence holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Borough Council within 14 days of such change. The notification should include a completed 'Information on Individuals' form which is attached to an application form for a Sex Establishment Licence at Annex A. Additionally, should the Borough Council request information in respect of any new person this must be furnished within 14 days of such a request in writing from the Borough Council.
- 5.2 The licence holder, or a responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing by the Borough Council shall be in charge of and upon the premises during the whole time they are open to the public.
- 5.3 The name of the person responsible for the management of a Sex Establishment (whether the licence holder or a manager) approved by the Borough Council shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
- 5.4 The licence holder shall maintain a daily register in which he shall record the name and address of any person who is responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty minutes of the Sex Establishment opening for business and is to be available for inspection by the Police and by authorised officers of the Borough Council.
- 5.5 The licence holder shall retain control over all portions of the premises and shall not let or part with possession of any part of the premises.
- 5.6 The licence holder shall maintain good order in the premises.
- 5.7 No person under the age of 18 shall be admitted to the premises or employed in any part of the business of Sex Establishment.
- 5.8 The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those which have been approved by the Borough Council.
- 5.9 Prostitutes shall not use any part of the premises for the purposes of solicitation or of otherwise exercising their calling.
- 5.10 Neither the licence holder nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the premises.
- 5.11 The licence holder shall comply with all statutory provisions and any regulations made there under.
- 5.12 The licence holder shall ensure that during the hours of Sex Establishment is open for business every employee wears a badge of a type to be approved by the Borough Council indicating his name and that he is an employee.
- 5.13 The copy of the licence and conditions are required to be displayed in accordance with

Paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and shall be reproduced to the same scale as those issued by the Borough Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the condition of these Regulations shall be retained in a clean and legible condition.

## **6.0 Use**

- 6.1 No change of use of any part of the premises from that approved by the Borough Council shall be made until the consent of the Borough Council has been obtained.
- 6.2 No change of use between a Sex Cinema, a Sex Shop or a Sexual Entertainment Venue shall be effected without the prior consent of the Borough Council.

## **7.0 External Appearance**

- 7.1 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
  - 7.1.1 Any notice of a size and in a form approved by the Borough Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence granted by the Borough Council.
  - 7.1.2 Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Borough Council.
- 7.2 The entrances to the premises shall be of a material or covered with a material, which will render the interior of the premises invisible to passers by.
- 7.3 Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the Borough Council but shall have suspended behind them, in a position and at an attitude approved by the Borough Council, opaque screens or blinds of a type and size approved by the Borough Council.

## **8.0 State, Condition & Layout of Premises**

- 8.1 The premises shall be maintained in good repair and condition.
- 8.2 The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Borough Council and shall comply with the following requirements:
  - 8.2.1 All such doors or openings approved by the Borough Council shall be clearly indicated on the inside by the word "exit".
  - 8.2.2 Doors and openings, which lead to parts of the premises, to which the public are not permitted, shall have notices placed over them marked "private".
  - 8.2.3 Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- 8.3 The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 8.4 Where premises do not have an entrance lobby there shall be provided within the entrance of the premises a partition screening the interior of the premises from passers

by at all times whilst the entrance doors may be opened.

8.5 Alterations of additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Borough Council.

8.6 All parts of the premises shall be kept in a clean and good condition to the satisfaction of the Borough Council.

## **9.0 Safety**

9.1 The licence holder shall take all reasonable precautions for the safety of the public and employees.

9.2 The licence holder shall comply with any health and safety measures that may be required of him by the Borough Council.

## **The Following Conditions Apply to 'Sex Shops' only**

### **10.0 Times of Opening**

10.1 Except with the prior written consent of the Borough Council a Sex Shop shall only be open between 9am and 8pm Monday to Saturday inclusive.

10.2 Except with the prior written consent of the Borough Council a Sex Shop shall not be open on Sundays or any Bank Holidays or any public holidays.

10.3 A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

### **11.0 Use of Sex Shop**

11.1 Neither Sex Articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or Sexual Entertainment Venue.

### **12.0 Goods available in Sex Shops**

12.1 All Sex Articles and other items displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

12.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Shop.

12.3 The licence holder shall without charge display and make available such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Borough Council. Such literature is to be displayed in a prominent adjacent to all cash collection points in the Sex Establishment.

### **13.0 State, Condition and Layout of the Premises**

13.1 Lighting in all parts of a Sex Shop shall be in operation continuously during the whole of the time that the premises are open to the public.



## **The Following Conditions Apply to 'Sexual Entertainment Venues' only**

### **14.0 General Rules and Conduct**

- 14.1 All reference to striptease includes all forms of striptease or nudity, including the wearing of transparent clothing.
- 14.2 No payment shall be made by or on behalf of the licence holder for bringing persons to the premises (i.e. no touting).
- 14.3 Striptease and nudity shall not be visible from outside the premises. The layout of premises should be as such to ensure that this requirement applies equally when doors are open for access and egress.
- 14.4 No persons (whether as customers, employees, performers or other persons) under the age of 18 years shall be permitted on the premises during performances. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following term: "No person under 18 shall be admitted".
- 14.5 All members of staff at the premises, including door supervisors, shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years, and who is seeking access to the premises.
- 14.6 Striptease performers shall be aged not less than 18 years and no striptease performers may perform at the premises until such time as photographic proof of identity, showing date of birth, is provided, confirming that the performer is over the age of 18 years.
- 14.7 A customer Code of Conduct shall be prominently displayed and clearly visible throughout the premises advising patrons of the rules in relation to the performance
- 14.8 There shall be in place a Code of Conduct for all performers. Each performer is to sign a copy of the Code of Conduct before being allowed to commence dancing at the premises. A copy of the code of conduct will be submitted to the Police and Borough Council and shall not be amended without prior consultation with the Borough Council.
- 14.9 No still or moving photographic recordings or other recordings shall be made of any performances by customers at the time in the premises.
- 14.10 Performers shall not take or give telephone numbers or business cards.
- 14.11 There must be no movement of the performer's G-string (including flashing, hands or fingers inside G-strings) or removal of the G-string except in the dressing rooms or the private dance area.
- 14.12 Performers must report all inappropriate behaviour and breaking of the house rules (Customer Code of Conduct) to the management.
- 14.13 Performers found taking drugs on the premises or under the influence of alcohol or drugs shall not be allowed to perform.

### **15.0 Door Supervisors**

- 15.1 The licence holder shall employ SIA registered door supervisors at all times the premises is open for business as a sexual entertainment venue.
- 15.2 The licence holder shall ensure that a register is maintained on the premises and will include a contemporaneous entry showing the name, registration number and tour of

duty of every door supervisor employed in/on the premises at any one time. The register shall be so kept that it can be readily inspected at any reasonable time by a police officer, an authorised officer of the Borough Council or an officer of the Security Industry Authority (SIA).

- 15.3 The licence holder shall ensure that every person engaged as aforesaid in the capacity of door supervisor shall, at all times whilst on duty, wear in a readily visible position, an SIA badge.
- 15.4 The licence holder shall ensure that all door supervisors are aware of the position of:
  - 15.4.1 emergency lighting switches;
  - 15.4.2 the method of entry and exit by both normal and emergency exits;
  - 15.4.3 the location of telephones and radios, with instructions for calling the emergency services.

### **The Following Conditions Apply to 'Sex Cinemas' only**

#### **16.0 Film Classification**

- 16.1 No film or video film shall be exhibited unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984.

#### **17.0 External of Layout of Sex Cinema**

- 17.1 The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for the following in the form approved by the Borough Council:-
  - 17.1.1 The licensed name of the premises;
  - 17.1.2 The address of the premises;
  - 17.1.3 A notice stating the opening hours of the establishment;
  - 17.1.4 The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises.

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	<b>Operational</b>	(a) Be entirely within cabinet's powers to decide YES		
		(b) Need to be recommendations to Council NO		
		(c) Be partly for recommendations to Council and partly within Cabinets powers – NO		
Lead Member: Councillor Nick Daubney E-mail: <a href="mailto:cllr.nick.daubney@west-norfolk.gov.uk">cllr.nick.daubney@west-norfolk.gov.uk</a>		Other Cabinet Members consulted: All		
Lead Officer: Samantha Winter E-mail: <a href="mailto:sam.winter@west-norfolk.gov.uk">sam.winter@west-norfolk.gov.uk</a> Direct Dial: 01553 616327		Other Members consulted: Chairmen of Panels, CSC and Planning Committee		
Lead Officer: Samantha Winter E-mail: <a href="mailto:sam.winter@west-norfolk.gov.uk">sam.winter@west-norfolk.gov.uk</a> Direct Dial: 01553 616327		Other Officers consulted: Management Team, Legal		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications (incl S.17) NO	Equality Impact Assessment reqd? NO	Risk Management Implications NO

Date of meeting: 10 January 2012

### 3 TIMETABLE OF MEETINGS FOR 2012/13

<p><b>Summary</b></p> <p>The report sets out a draft timetable of meetings for the 2012/13 Municipal Year.</p> <p><b>Recommendation</b></p> <p>That the Timetable for the 2012/13 Municipal Year be approved.</p> <p><b>Reason for Decision</b></p> <p>To enable the decision making process to take place.</p>
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Attached for members' consideration is the draft timetable of meetings for the 2012/13 Municipal Year.

The Cabinet is scheduled to meet on a monthly basis, mirrored by the Cabinet Scrutiny Committee to fit in with the call in timescales. The meetings have been scheduled in line with the previous year, and it is accepted that if there is insufficient business they may be cancelled/dates changed or if there is the requirement of special meetings, they will be called.

The Chairmen of the Panels, Cabinet Scrutiny Committee and Planning Committee have also been consulted.

#### **Background Papers**

Previous timetable,

# Calendar of Meetings 2012/2013



	2012								2013				
	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Monday			2 PC			1 PC		3 PC				1 EASTER MON	
Tuesday	1 CABINET		3 CABINET			2 CABINET		4 CABINET	1 BANK HOLIDAY			2	
Wednesday	2		4	1		3		5	2 RP/AC			3	1
Thursday	3 PC SV		5 PC SV	2 PC SV		4 PC SV	1	6 PC SV	3 REC			4	2 ELECTION
Friday	4	1	6	3		5	2	7	4	1	1	5	3
Monday	7 BANK HOLIDAY	4 BANK HOLIDAY	9	6	3 PC	8	5 PC	10	7 PC	4 PC	4 PC	8 PC	6 BANK HOLIDAY
Tuesday	8	5 BANK HOLIDAY	10	7	4 CABINET	9	6	11	8 CABINET	5 CABINET	5 CABINET	9 CABINET	7 CABINET
Wednesday	9	6 CABINET	11	8	5	10	7	12	9	6	6	10	8
Thursday	10 ANN COUNCIL	7	12	9	6 PC SV	11	8 PC SV/CSC	13	10 PC SV	7 PC SV	7 PC SV	11 PC SV	9 ANN COUNCIL
Friday	11	8	13	10	7	12	9	14	11	8	8	12	10
Monday	14	11	16	13	10	15	12	17 CSC	14	11	11	15	13 PC
Tuesday	15	12	17	14	11 SPECIAL AC	16	13	18	15	12	12	16	14
Wednesday	16	13	18	15	12	17 CSC	14	19	16	13	13	17 CSC	15
Thursday	17	14 AC (ACCTS)	19 CSC	16	13	18	15 ELECTION	20	17	14	14	18	16 PC SV
Friday	18	15	20	17	14	19	16	21	18	15	15	19	17
Monday	21	18	23	20	17	22	19	24	21 CSC	18 CSC	18	22	20
Tuesday	22	19 CAB (ACCTS)	24 R&P/AC	21	18 CAB (ACCTS)	23 RP/AC	20	25 BANK HOLIDAY	22	19	19	23 RP/AC	21
Wednesday	23 CSC	20 CSC	25 REC	22 CSC	19	24 REC	21	26 BANK HOLIDAY	23	20	20 CSC	24 REC	22 CSC
Thursday	24	21 COUNCIL	26 COUNCIL	23	20 CSC	25 COUNCIL	22	27 HOLIDAY	24 COUNCIL	21 COUNCIL TAX	21	25 COUNCIL	23
Friday	25	22	27	24	21	26	23	28 HOLIDAY	25	22	22	26	24
Monday	28 PC	25	30 PC	27 BANK HOLIDAY	24	29	26	31 HOLIDAY	28	25	25	29	27 BANK HOLIDAY
Tuesday	29 R&P/AC	26 R&P/AC	31 CABINET	28 R&P/AC	25 RP/AC	30 CABINET	27 RP/AC		29 RP/AC	26 RP/AC	26 RP/AC	30	28
Wednesday	30 REC	27 REC		29 REC	26 REC	31	28 REC		30 REC	27 REC	27 REC		29
Thursday	31 PCSV	28		30	27 COUNCIL		29 COUNCIL		31	28	28 COUNCIL		30
Friday		29		31	28		30				29 GOOD FRIDAY		31

KEY: CAB = Cabinet  
 R&P = Resources & Performance Development Panel  
 AC = Audit Committee  
 REC = Regeneration, Environment & Community Panel

PC = Planning Committee  
 PC SV = Planning Committee Site Visits  
 CSC = Cabinet Scrutiny Committee  
 COUNCIL = Council

Half Term  
 15 Nov - Police Authority Election  
 2 May - County Council Election