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EPSOM & EWELL

TOWN HALL

EPSOM

9 October 2017

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell, which will be held at the Town Hall, The Parade, Epsom on **TUESDAY, 17 OCTOBER, 2017 at 7.30 pm**. The business to be transacted at the Meeting is set out on the Agenda overleaf.

Prayers will be said by the Mayor's Chaplain prior to the start of the meeting.

A handwritten signature in black ink, appearing to read 'S Yusuf'.

Head of Legal and Democratic Services

COUNCIL

Tuesday 17 October 2017

7.30 pm

Council Chamber - Epsom Town Hall

For further information, please contact Fiona Cotter, tel: 01372 732124 or
email: fcotter@epsom-ewell.gov.uk

FIRE PRECAUTIONS

No fire drill is planned to take place during the meeting. If an alarm sounds, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate. Do not use the lifts.

On leaving the building, please make your way to the Fire Assembly point on Dullshot Green.

AGENDA

1. **DECLARATIONS OF INTEREST**

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. **MINUTES** (Pages 5 - 22)

To confirm the Minutes of the Meeting of the Council held on 25 April 2017 (**attached**), the Annual Meeting of the Council held on 16 May 2017 (**Annexe 1**) and the Extraordinary Meeting of the Council held on 19 September 2017 (**Annexe 2**).

3. **MAYORAL COMMUNICATIONS/BUSINESS**

To receive such communications or deal with such business as the Mayor may decide to lay before the Council.

4. **QUESTIONS FROM COUNCILLORS**

To answer any written questions from Councillors

Note: The deadline for questions is 5pm on Wednesday 11 October 2017 (17.00 hours on the third clear working day before the meeting).

5. SEXUAL ENTERTAINMENT VENUE AND SEX ESTABLISHMENT POLICY
(Pages 23 - 34)

To receive and consider the report of the Head of Housing and Community in respect of the adoption of a revised Sexual Entertainment Venue and Sex Establishment Policy.

6. MOTIONS TO COUNCIL

In pursuance of the Council's Rules of Procedure, to consider any Motions submitted by the due deadline.

No Motions were received by the deadline.

Note: The deadline for Notice of Motions was 5.00pm on Wednesday 4 October 2017 (17.00 hours on the eighth clear working day before the meeting)

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**EPSOM AND EWELL****Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND
EWELL held at the Town Hall, Epsom on
25 April 2017**

PRESENT -

The Mayor (Councillor George Crawford); The Deputy Mayor (Councillor Liz Frost); Councillors Michael Arthur, Tony Axelrod, Richard Baker, Rekha Bansil, Steve Bridger, Kate Chinn, Alex Clarke, Graham Dudley, Robert Foote, Chris Frost, Rob Geleit, Omer Kokou-Tchri, Jan Mason, Tina Mountain, Barry Nash, Peter O'Donovan, Martin Olney, Keith Partridge, Jane Race, David Reeve, Humphrey Reynolds, Guy Robbins, Vince Romagnuolo, Clive Smitheram, Jean Steer, Mike Teasdale, Peter Webb, David Wood, Clive Woodbridge and Tella Wormington

Absent: Councillors John Beckett, Lucie Dallen, Neil Dallen, Hannah Dalton, Eber Kington and Alan Sursham

The Meeting was preceded by prayers led by the Mayor's Chaplain

51 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding items on the Agenda.

52 MINUTES

The Minutes of the Ordinary and Extraordinary meetings of the Council held on 14 February 2017 and 7 March 2017 respectively were agreed as a true record and signed by the Mayor.

53 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor had no communications/business about which he wished to inform the Council.

54 QUESTIONS FROM COUNCILLORS

Six questions had been addressed to Committee Chairmen to which written answers had been provided and published.

55 TREASURY MANAGEMENT STRATEGY 2017/18 TO 2019/20

Council received a report from the Director of Finance and Resources regarding the updated Treasury Management Strategy 2017/18 to 2019/20.

Councillor Clive Woodbridge **MOVED**, and Councillor Clive Smitheram **SECONDED** the recommendations in the report. Upon being put the recommendation was **CARRIED** (without a division) and it was

RESOLVED that:

The updated Treasury Management Strategy 2017/18 to 2019/20 be adopted.

56 AUDIT, CRIME & DISORDER AND SCRUTINY COMMITTEE; ANNUAL REPORT

In accordance with Article 6 of the Council's Constitution, the Annual Report of the Audit, Crime & Disorder and Scrutiny Committee was presented to the Council.

Councillor David Reeve **MOVED** its reception, highlighting in particular the Council's outstanding audit performance, **SECONDED** by Councillor Clive Smitheram. Upon being put, it was thereupon **CARRIED** (without a division) and

RESOLVED that

the annual report of the Audit, Crime & Disorder and Scrutiny Committee be received and noted.

57 MOTIONS TO COUNCIL

Pursuant to FCR 79, Councillor Omer Koukou-Tchri **MOVED** and Councillor Alex Clarke **SECONDED**, the following Motion:

- (1) *The Audit, Crime & Disorder and Scrutiny Committee be requested to establish a review group comprising representatives from each political group, to undertake a review of the proposal to explore the opportunities to twin the Borough of Epsom & Ewell with Graubünden and to report to the Strategy & Resources Committee at the earliest opportunity.*
- (2) *Strategy & Resources Committee consider the report of the Audit, Crime & Disorder and Scrutiny Committee, and make such recommendations to Council as they think fit by December 2017.*

- (3) *Officers be asked to consider whether it might be possible, within existing resources, to hold or support holding a Swiss themed event this year 2017, either on or around the Swiss national day of "1 August", or at such other time as may be considered appropriate.*

In accordance with the advice given by the Chief Executive, the Council **RESOLVED** (without a division) to debate the motion.

Upon being put, the **MOTION** was **LOST** there being 4 members in favour and the majority against.

The meeting began at 7.30pm and ended at 8.13pm

GEORGE CRAWFORD
MAYOR

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EPSOM AND EWELL

Minutes of the ANNUAL Meeting of the COUNCIL of the BOROUGH of EPSOM AND EWELL held at the Town Hall, Epsom on 16 May 2017

PRESENT -

The Mayor (Councillor George Crawford); The Deputy Mayor (Councillor Liz Frost); Councillors Michael Arthur, Tony Axelrod, Richard Baker, Rekha Bansil, John Beckett, Steve Bridger, Kate Chinn, Alex Clarke, Lucie Dallen, Neil Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Chris Frost, Rob Geleit, Eber Kington, Jan Mason, Peter O'Donovan, Martin Olney, Keith Partridge, David Reeve, Humphrey Reynolds, Guy Robbins, Vince Romagnuolo, Clive Smitheram, Jean Steer, Alan Sursham, Mike Teasdale, Peter Webb, David Wood, Clive Woodbridge and Tella Wormington

Absent: Councillors Omer Kokou-Tchri, Tina Mountain, Barry Nash and Jane Race

The Meeting was preceded by prayers led by the Mayor's Chaplain

1 TO ELECT THE MAYOR

It was **PROPOSED** by Councillor Neil Dallen, **SECONDED** by Councillor Eber Kington and

RESOLVED

That Councillor Liz Frost be elected Mayor for the Municipal Year 2017/18

2 VOTE OF THANKS TO THE EX-MAYOR

It was **PROPOSED** by Councillor Clive Smitheram and **SECONDED** by Councillor David Reeve that a vote of thanks be recorded to the Ex-mayor, Councillor George Crawford. Accordingly, it was

RESOLVED

That the Council place on record its high appreciation of the excellent and devoted service rendered by Councillor George Crawford during his term of office as Mayor.

3 EX-MAYOR'S BADGE AND EX-MAYORESS'S BROOCH

The Chief Executive, on behalf of Members of the Council, presented to Councillor George Crawford and Ex-Mayor's badge and to Mrs. Jackie Hennings an Ex-Mayoress's brooch in acknowledgement of their service to the Borough. The gifts were acknowledged by Councillor George Crawford who spoke of his privilege and pleasure to have been Mayor of the Borough, thanking all who had helped him during his term of office.

(The retiring Mayor, Councillor George Crawford, thereupon vacated the Chair and the newly elected Mayor, Councillor Liz Frost, took the Chair)

4 DECLARATION OF ACCEPTANCE OF OFFICE

Councillor Liz Frost made and subscribed the Declaration of Acceptance of Officer and spoke in acknowledgement of her election.

5 TO ELECT THE DEPUTY MAYOR

It was **PROPOSED** by Councillor Clive Smitheram, **SECONDED** by Councillor Clive Woodbridge and

RESOLVED

That Councillor Neil Dallen be elected Deputy Mayor for the Municipal Year 2017/18.

6 APPOINTMENT OF MAYOR'S CHAPLAIN

The Mayor announced that she had appointed the Revd Nik Wooler of Epsom Methodist Church to be her chaplain for the year of her occupancy of the office of Mayor.

7 THE CHIEF EXECUTIVE TO REPORT APOLOGIES FOR ABSENCE (IF ANY)

Apologies for absence were received from Councillors Omer KoKou-Tchri, Barry Nash, Tina Mountain and Jane Race

8 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding items on the Agenda.

9 MINUTES

The Minutes of the meeting of the Council held on 25 April 2017 were agreed as a true record and signed by the Mayor.

10 MAYORAL COMMUNICATIONS/BUSINESS

The Mayor announced that she intended to use her Mayoral Year to publicise and promote the horse training and racing industry in the Borough, and to raise awareness about mental health and that she had elected to support the following three charities during her year of office:

- Citizen’s Advice, Epsom & Ewell which undertook excellent work helping local residents, particularly those who were experiencing housing or debt problems;
- The Sunnybank Trust: as a former resident of Sunnybank, the Mayor had great admiration for the founder of this charity which worked tirelessly supporting and enabling those with learning disabilities;
- The Lower Mole Countryside Trust which supported the work of the Lower Mole Partnership to maintain and preserve valuable open spaces, thus providing the environment to enhance people’s physical and mental health.

11 CONSTITUTION OF COMMITTEES AND ADVISORY PANELS; ALLOCATION OF SEATS ON COMMITTEES AND ADVISORY PANELS; APPOINTMENTS TO COMMITTEES AND ADVISORY PANELS; APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN

The Council considered a report which sought approval of the allocation of seats on Committees and Advisory Panels; the appointments to Committees and Advisory Panels and the appointment of Chairman and Vice Chairman for the 2017/18 Municipal Year.

RESOLVED:

- (1) To approve the recommended allocation of seats set out in the report as follows:**

	Total Seats	RA	Con	Lab
Planning	13	11	1	1
Planning and Licensing Policy	10	8	1	1
Strategy and Resources	10	8	1	1
Environment	10	8	1	1
Community and Wellbeing	10	8	1	1
Standards	9	7	1	1
		50	6	6

Other Committees & Panels				
	Total Seats	RA	Con	Lab
Audit Crime & Disorder and Scrutiny Committee	10	8	1	1
Financial Policy Panel	8	6	1	1
Health Liaison Panel	7	6	1	0
Human Resources Panel	6	5	1	0
Licensing Hearings Panel	13	11	1	1
Nonsuch Park Joint Management Committee	3	2	1	0
Surrey First	1	1	0	0
Surrey Police and Crime Panel	1	1	0	0

(2) To allocate seats on the Committees and Advisory Panels in accordance with the wishes of the political groups and appoint Chairmen and Vice Chairmen in light of the nominations received as set out in the Annexe to the report (circulated following publication of the Agenda) as follows:

Planning Committee (13) Humphrey Reynolds (**Chairman**); David Reeve (**Vice Chairman**); Michael Arthur, John Beckett, Lucie Dallen, Neil Dallen, Jan Mason, Tina Mountain, Peter O'Donovan, Martin Olney, Clive Smitheram Vince Romagnuolo, and David Wood

Community and Wellbeing Committee (10) Barry Nash (**Chairman**); Tony Axelrod (**Vice Chairman**); Rekha Bansil, Kate Chinn, Hannah Dalton, Jane Race, Humphrey Reynolds, Jean Steer, Clive Woodbridge and Tella Wormington

Environment Committee (10) John Beckett (**Chairman**); Peter O'Donovan (**Vice Chairman**); Richard Baker, Steve Bridger, Lucie Dallen, Rob Geleit, Keith Partridge, Jane Race, Mike Teasdale and Tella Wormington

Licensing and Planning Policy Committee (10) Graham Dudley (**Chairman**); David Wood (**Vice Chairman**); Michael Arthur, Steve Bridger, Chris Frost, Rob Geleit, Tina Mountain, Martin Olney, David Reeve and Alan Sursham

Strategy and Resources Committee (10) Eber Kington (**Chairman**); Clive Smitheram (**Vice Chairman**); Tony Axelrod, Kate Chinn, Neil Dallen, Hannah Dalton, Omer Kokou-Tchri, Humphrey Reynolds, Mike Teasdale and Clive Woodbridge

Audit, Crime & Disorder and Scrutiny Committee (10) David Reeve (**Chairman**); Steve Bridger (**Vice Chairman**); Alex Clarke, George Crawford, Rob Geleit, Jan Mason, Humphrey Reynolds, Jean Steer, Peter Webb and Clive Woodbridge

Standards Committee (9) Mike Teasdale (**Chairman**); Michael Arthur, John Beckett, Alex Clarke, Hannah Dalton, Robert Foote, Eber Kington, David Reeve and Guy Robbins

Financial Policy Panel (8) Eber Kington (**Chairman**); Richard Baker, John Beckett, Neil Dallen, Graham Dudley, Omer Kokou-Tchri, Barry Nash and Vince Romagnuolo

Health Liaison Panel (7) Richard Baker (**Chairman**); Steve Bridger, George Crawford, Jane Race, Humphrey Reynolds, Jean Steer and Peter Webb

Human Resources Panel (6) Hannah Dalton (**Chairman**); Rekha Bansil, Alex Clarke, Robert Foote, Guy Robbins and Peter Webb

Licensing Hearings Panel (13) Tony Axelrod, John Beckett, Steve Bridger, Alex Clarke, Lucie Dallen, Neil Dallen, Rob Geleit, Peter O'Donovan, David Reeve, Humphrey Reynolds, Clive Smitheram, Jean Steer and Tella Wormington

Note: Pool of Chairmen to Chair Panel meetings to be confirmed by the Licensing & Planning Policy Committee at its meeting in July. Until that time, existing Chairmen could be called upon if necessary.

Nonsuch Park Joint Management Committee (3) Alex Clarke, Graham Dudley and Mike Teasdale

Surrey First Joint Committee (1) Clive Smitheram

Surrey Police and Crime Panel (1) David Reeve

12 REPRESENTATION ON EXTERNAL BODIES AND NOMINATION TO EXTERNAL BODIES AS A REPRESENTATIVE OF THE SURREY LEADERS' GROUP

The Council received and considered a report which sought appointments as representatives on external bodies and nominations to external bodies as a representative of Surrey Leaders' Group.

The report highlighted that no substitutes were permitted for Borough/District Council cop-opted members of Local Committees unless a Local Committee agreed otherwise at its first meeting following the Annual Meeting (and in relation to all Local Committee meetings to be held until May 2018) that substitutes could be appointed.

The report further highlighted that the Borough Council was requested annually to make nominations to a variety of external bodies as Surrey Leaders' Group (SLG) representatives. Nominations, which were made by all constituent authorities, were subsequently determined by SLG at its annual meeting. It did not necessarily follow, therefore, that a nominee of this Council would be appointed to the body concerned.

Appointments were usually for three years. There were two positions to be filled this year which were one of the three joint positions on the Surrey County Council Wellbeing and Health and Scrutiny Board (either for a two or three year term of office) and a position on the Countryside Access Forum (a three year term of office).

The Surrey County Council Wellbeing and Health Scrutiny Board (formerly Health Scrutiny Select Committee) performed a statutory function looking at the work of the Clinical Commissioning Groups (CCGs) and National Health Service (NHS) provider trusts. It acted as a 'critical friend' by suggesting ways that health related services might be improved. It also looked at the way the health service interacted with social care services, the voluntary sector, independent providers and other council services to jointly provide better health services to meet the diverse needs of Surrey residents and improve their well-being. It was a scrutiny committee of the County Council.

The Countryside Access Forum advised the Countryside Agency on arrangements for countryside access including rights of way and open access to land. It consisted of 22 members, including two County Councillors and the Borough/District representative appointed by the SLG.

The deadline for receipt of nominations by the SLG was Friday 26 May 2017 and it was therefore proposed that, should more than one candidate, if any, be put forward, authority be delegated to the Chief Executive, in consultation with the Chairman of the Strategy and Resources Committee, to nominate a councillor to the vacancies advised by the Surrey Leaders' Group.

Should any nominations be forthcoming, the successful nominee would also need to complete the appropriate nomination form and return it to the Democratic Services Manager by Friday 26 May 2017 at the very latest. Accordingly, it was

RESOLVED

- (1) That the persons referred to below be appointed as representatives of the Council upon the respective bodies against which their names appear, such persons to hold office until the Annual Meeting of the Council in May 2018 unless otherwise stated:**

(-) indicates Responsible Policy Committee to which the External Body is linked, e.g. E-Environment, CW-Community & Wellbeing, SR -Strategy and Resources

No.	Body on which Represented	(-)	No of Reps	Representative (s) Appointed
1.	Age Concern (Epsom and Ewell) – General Committee	CW	2	Councillor Humphrey Reynolds Councillor Jean Steer

No.	Body on which Represented	(-)	No of Reps	Representative (s) Appointed
2.	Carers of Epsom Support Services – Management Committee	CW	1	Funding ceased. Services being wound up.
3.	Committee of Management of Local Citizens Advice Bureau	CW	2	Councillor Rob Geleit Councillor Liz Frost
4.	Epsom & Ewell Local Committee NOTE: Returning co-opted Members will have 28 days to confirm that their register of pecuniary interests previously submitted to County Council remains current. Newly appointed members will have 28 days to complete a registration form (to be provided later in May)	S & R	5 + 5 subs	Councillor Michael Arthur Councillor Rekha Bansil Councillor Kate Chinn Councillor Neil Dallen Councillor Mike Teasdale Councillor Steve Bridger Councillor Hannah Dalton Councillor Humphrey Reynolds Councillor Vince Romagnuolo Councillor Tella Wormington
6.	Epsom and Ewell Town Twinning Association – Management Committee	S & R	2	Councillor Keith Partridge Councillor Clive Woodbridge
7.	Epsom Common Association	CW	1	Councillor Steve Bridger

No.	Body on which Represented	(-)	No of Reps	Representative (s) Appointed
8.	Epsom and Walton Downs Conservators	CW	6	(4 year appointment to 2019) Councillor Rekha Bansil Councillor Lucie Dallen Councillor Liz Frost Councillor Robert Foote Councillor Jan Mason Councillor Clive Woodbridge
9.	Epsom and Walton Downs Consultative Committee	CW	2	Chairman of Epsom and Walton Downs Conservators Councillor Jean Steer
10.	Epsom and Walton Downs Training Grounds Management Board	CW	3	Chairman of Epsom and Walton Downs Conservators and Councillor Jean Steer Councillor Robert Foote
11.	Equalities Forum	S & R	1	No longer meets – objectives met via different means
12.	Ewell Parochial Trusts	CW	3	Councillor Michael Arthur Councillor Humphrey Reynolds Councillor Clive Woodbridge
13.	Friends of Epsom and Ewell Parks	CW	1	Chairman of Community & Wellbeing Committee

No.	Body on which Represented	(-)	No of Reps	Representative (s) Appointed
14.	Local Government Association	S & R	1	Councillor Clive Smitheram
15.	Relate Mid- Surrey	CW	1	Councillor Rekha Bansil
16.	Reserve Forces and Cadets Association for Greater London	-	1	Councillor Martin Olney
17.	South East Employers	S & R	1	Council membership ceased
18.	South East England Councils (SEEC)	S & R	1	Councillor Clive Woodbridge
19.	Surrey Climate Change Partnership (Appointment invited by Surrey Leaders' Group)	E	1	Chairman of Environment Committee
20.	Surrey Countryside Partnerships Board (formerly Surrey Countryside Management Board)	CW	1	Councillor Jan Mason and Chairman of Community & Wellbeing Committee (Deputy)
21.	Surrey Leaders' Group	S & R	1	Councillor Clive Smitheram
22.	Surrey Waste Partnership (Appointment invited by Surrey Leaders' Group)	E	1	Chairman of Environment Committee
23.	Voluntary Action Mid-Surrey	CW	1	Councillor Peter Webb

(2) To note that the appointment of Borough members who are nominated as substitutes on Surrey County Council's Local

Committee will be subject to a decision by the Local Committee in June as to whether it wished to have substitute members;

- (3) To delegate to the Chief Executive, in consultation with the Chairman of the Strategy and Resources Committee, the nomination of a councillor to the vacancies advised by the Surrey Leaders' Group should more than one candidate be put forward in relation to a particular vacancy.**

The meeting began at 7.00pm and ended at 8.30pm

LIZ FROST
MAYOR



EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH of EPSOM AND EWELL held at the Town Hall, Epsom on 19 September 2017

PRESENT -

The Mayor (Councillor Liz Frost); Councillors Michael Arthur, Tony Axelrod, Richard Baker, John Beckett, Kate Chinn, George Crawford, Hannah Dalton, Graham Dudley, Chris Frost, Rob Geleit, Eber Kington, Jan Mason, Barry Nash, Peter O'Donovan, Keith Partridge, David Reeve, Humphrey Reynolds, Guy Robbins, Clive Smitheram, Jean Steer, Alan Sursham, Peter Webb and Clive Woodbridge

Absent: The Deputy Mayor (Councillor Neil Dallen), Councillors Rekha Bansil, Steve Bridger, Alex Clarke, Lucie Dallen, Robert Foote, Omer Kokou-Tchri, Tina Mountain, Martin Olney, Jane Race, Vince Romagnuolo, Mike Teasdale, David Wood and Tella Wormington

13 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding the items on the Agenda.

14 EXCLUSION OF PRESS AND PUBLIC

The Committee resolved to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Note: Councillors were reminded of the need for confidentiality in respect of those items not considered in public

15 ESTABLISHMENT OF A LOCAL AUTHORITY PROPERTY INVESTMENT TRADING COMPANY

The Council received and considered a detailed and comprehensive report (exempt from publication at the date of the meeting) of the Chief Executive regarding the Establishment of a Local Authority Investment Trading Company.

It was **MOVED** by Councillor Eber Kington, **SECONDED** by Councillor Clive Smitheram and **RESOLVED** (without a division) that:

- (1) the Business Case for proceeding to establish a property investment company, as set out in this report be noted and accepted;**
- (2) the creation of Epsom & Ewell Property Investment Company Limited (“the Company”), to be limited by shares and wholly owned by the Council, in accordance with the arrangements described in this report be approved;**
- (3) the creation by the Strategy & Resources Committee of a Shareholder Sub-Committee, to which will be delegated the Council’s functions as sole shareholder of the Company be approved;**
- (4) the following Company documentation be approved:**
 - The Articles of Association for the Company;**
 - Shareholder Agreement between the Company and the Council including the first Annual Business Plan;**
 - Loan and draw down facilities to the Company;**
- (5) the following Company appointments be approved:**
 - Chief Executive as Chair of the Board of Directors;**
 - Head of Property as Managing Director;**
 - Head of Legal & Democratic Services, Head of Housing & Community Services and the Section 151 Officer as Directors;**
 - A solicitor, identified within the Legal Team, to undertake the Company Secretary function.**

- (6) the revised Property Investment Strategy 2017-20, governing the acquisition of all commercial property investment acquisitions made either by the Council directly or through a wholly owned property trading company of the Council, (attached at Annexe 1 to the report), be endorsed;
- (7) the extended remit of the Investment Property Group (IPG) to include any property investment acquisitions made through a wholly owned trading company of the Council (in compliance with the Property Investment Strategy 2017-20) be endorsed;
- (8) supplementary capital expenditure for property acquisitions of up to £300m based upon £100m of borrowing commencing in 2017/18 and £100m in 2018/19 and £100m in 2019/20 be approved;
- (9) the revised set of prudential indicators, set out in Annexe 3 which include the operational boundary and authorised limit for external borrowing be approved to supersede those in the Council's existing Treasury Management Strategy approved by full Council on 25 April 2017.

16 COMMERCIAL PROPERTY ACQUISITION

The Council received and considered the report (exempt from publication at the date of the meeting) of the Head of Property regarding the acquisition of a commercial property.

It was **MOVED** by Councillor Eber Kington and **SECONDED** by Councillor Clive Smitheram that:

"The Council:

- (1) *Note the Acquisition Business Case attached as an Annexe to the report and authorise the necessary loan to, and investment in, the Company to enable the Company to purchase the property referred to therein to enable sale contracts to be exchanged forthwith;*
- (2) *Agree for the Company to opt to tax the property for the purposes of VAT;*
- (3) *Delegate authority to the Acting Director of Finance and Resources to conclude any final Council loan arrangement details to enable purchase of the property by the Company"*

Upon being put, it was **RESOLVED**, there being 21 members in favour and 2 against, that:

- (1) the Acquisition Business Case attached as an Annexe to the report be noted and the necessary loan to, and investment in, the Company be authorised to enable the Company to purchase the property referred to therein to enable sale contracts to be exchanged forthwith;

- (2) the Company should opt to tax the property for the purposes of VAT;**
- (3) authority be delegated to the Acting Director of Finance and Resources to conclude any final Council loan arrangement details to enable purchase of the property by the Company**

The meeting began at 8.17pm and ended at 8.41pm

LIZ FROST
MAYOR

SEXUAL ENTERTAINMENT VENUE AND SEX ESTABLISHMENT POLICY

<u>Report of the:</u>	Head of Housing & Community
<u>Contact:</u>	Angela Slaughter
<u>Annexes/Appendices</u> (attached):	Annexe 1: Draft Revised Sexual Entertainment Venue and Sex Establishment Policy
<u>Other available papers</u> (not attached):	Code of Conduct and Practice in Licensing Hearings for Sexual Entertainment Venue and Sex Establishment Premises Local Government (Miscellaneous Provisions) Act 1982

REPORT SUMMARY

The Council has adopted provisions that allow local authorities to regulate venues that offer sexual entertainment facilities. The Licensing and Planning Policy Committee has recommended that Council adopt a revised Sexual Entertainment Venue and Sex Establishment Policy.

RECOMMENDATION (S)

That Council adopt the revised Sexual Entertainment Venue and Sex Establishment Policy attached as Annexe 1 to this report.

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

- 1.1 Adoption of the revised policy will ensure that the Council continues to exercise its licensing function in this area in accordance with requirements.

2 Background

- 2.1 At its meeting on 14 September 2017, the Licensing and Planning Policy Committee received and considered a report setting out a revised policy on the regulation of venues that offer sexual entertainment facilities.
- 2.2 It was noted that the definition of relevant entertainment did not include massage parlours and the Committee was informed that, whilst it was incorporated in other boroughs' policies, in Epsom & Ewell, massages and special treatments were licensable under the London Local Authorities Act 1991 (as amended).

2.3 Having considered the revised policy, a minor amendment was requested and agreed, as follows: page 46, paragraph 1.2, to read: ‘...Making Epsom and Ewell **an** excellent place to live and work...’.

2.4 Accordingly, subject to the correction of the minor amendment set out above, the Committee agreed to recommend to Council the adoption of the revised Sexual Entertainment Venue Policy.

3 Proposals

3.1 Council is asked to adopt the revised Sexual Entertainment Venue and Sex Establishment Policy attached as **Annexe 1** to this report.

4 Financial and Manpower Implications

4.1 **Chief Finance Officer’s comments:** *There are no direct financial implications arising from this report. Any costs of administering this policy or income are contained within existing budgets.*

5 Legal Implications (including implications for matters relating to equality)

5.1 **Monitoring Officer’s comments:** *It is important that the Council has an up to date policy, to guide the discharge of its licensing authority functions in relation to Sexual Entertainment Venues and Sex Establishments.*

6 Sustainability Policy and Community Safety Implications

6.1 The adoption of the revised policy will ensure that this Council, as the Licensing Authority, continues to carry out its functions effectively, using all legislative powers it has been afforded with.

7 Partnerships; Risk Assessment

7.1 There are no implications for the purposes of this report.

8 Conclusion and Recommendations

8.1 The importance of revisiting and revising as necessary adopted policy has been highlighted in the body of the report. The policy approved at this meeting will be effective from January 2018.

WARD(S) AFFECTED: (All Wards);



Epsom & Ewell Borough Council

Sexual entertainment venue
and sex establishment
policy

1. Introduction

- 1.1 Epsom and Ewell is a small and modern borough with a population of around 79,000. The borough's historical roots are noteworthy and its future solid. Surrounded by award winning green spaces but with easy access to the city life of London, the area has been recognised as one of the best places to live and work in the UK.
- 1.2 Epsom & Ewell Borough Council's vision is ' Making Epsom and Ewell an excellent place to live and work' and we have four key priorities that support our vision:

Supporting our community

Supporting businesses and our local economy

Keeping our borough clean and green

Managing our resources

2. Definition of sex establishments

- 2.1 The policy applies to sex shops, sex cinemas and sexual entertainment venues.

- 2.2 Sex shops are premises whose business consists of, to a significant degree, the selling, hiring, exchanging, lending, displaying or demonstrating of sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

- 2.3 Sex cinemas are premises (except dwelling houses) which, to a significant degree, are used for the exhibition of moving pictures concerned primarily with:

- a) the portrayal of/primarily deal with/relate to/intend to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity or
- b) the portrayal of/primarily deal with/relate to genital organs or urinary or excretory functions.

A premises shall not be treated as a sex cinema if the premises are used for the exhibition of films under the use and authorization of the Licensing Act 2003.

- 2.4 A Sexual Entertainment Venue (SEV) is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."

2.5 Relevant entertainment is “any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

2.6 Epsom & Ewell Borough Council considers that the definition of relevant entertainment applies, although not exclusively, to the following forms of entertainment:

- lap dancing
- pole dancing
- table dancing
- strip shows
- peep shows
- live sex shows.

3. Premises that are not sexual entertainment venues

3.1 Paragraph 2A(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4. Waiver of the need for a sexual entertainment licence

4.1 The authority can grant a waiver for the requirement to hold a sexual entertainment licence if it considers that to require a licence would be unreasonable or inappropriate.

4.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum.

4.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

An application for waiver shall be made in writing and shall contain the full name of the applicant; address of the applicant, the age of the applicant. If an application is made by a corporate body it shall contain the full name of the body, the address of its registered or principal office and the full names and private addresses of the directors or other persons responsible for its management.

The application shall also contain the full address of the premises and if the application is relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

4.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

4.5 A waiver may be for such period as the Licensing Authority thinks fit. Where a waiver is granted, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

5. New Applications

5.1. An application must be made by completing the prescribed form, giving the full address of the premises, the name, permanent address and age of the applicant or, where the applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company. The fee must be submitted with the application.

5.2. In addition to completing the prescribed form, applicants for a licence must also give public notice of the application by publishing an advertisement in a

local newspaper that is circulated within the borough of Epsom and Ewell no later than seven days after the application is made, together with displaying a notice on the premises where it can be conveniently read by members of the public. The notice shall be displayed for a period of 21 days, beginning with the date the application was made. The authority will prescribe the notice, which will be size A3.

- 5.3. Where an application is submitted electronically, the Licensing Authority will serve the Chief Officer of Police a copy of the application within seven days of the application being submitted, where the application is not submitted electronically, the applicant must serve notice on the police no later than seven days after the date of application.
- 5.4. If a New application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Variation of Licence

- 5.5. The application form, with relevant plans and fee follow the same criteria as set out in paragraph 5.1, 5.2 and 5.3. The fee must be submitted with the application.

Variation applications relate to proposed changes to the licensing hours and the floor area of premises covered by the existing licence. Any changes to the licensee require a Transfer of the licence.

- 5.6. If a Variation application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Renewal Applications

- 5.7. When considering a renewal application the authority may take into account the criteria set out at paragraph 8.2 a) to d). The fee must be submitted with the application.
- 5.8. If a renewal application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Transfer of Licence

- 5.9. When determining an application for the transfer of a licence the authority will have regard to paragraphs 8.1 a) to e). The fee must be submitted with the application.

5.10 If a transfer application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

6. Objections

6.1 Objections can be made, in writing, within 28 days from the date of the application. Anyone is entitled to object. The objection should be relevant to the grounds set out in paragraph 8.2 below for refusing a licence. Moral grounds or values will not be considered relevant.

6.2 The Licensing Authority shall notify the applicant in writing of the general terms of the objections received within 28 days, though shall not, without the express consent of the objector, make public the personal details of the objector.

7. Hearings

7.1 Where objections are received, the application shall be referred to the Licensing Hearings Panel for determination, except where the objections received are frivolous or vexatious. Each application will be determined on its individual merit.

7.2 Where the Licensing Hearings Panel decides to refuse an application, the applicant will be provided with reasons for the decision in writing.

7.3 The Licensing Hearings Panel has the power to attach conditions to any grant which it deems necessary, non-discriminatory and proportionate.

8. Refusal of licence

8.1 A licence **must not** be granted:

- a) to a person under the age of 18
- b) to a person who is for the time being disqualified due to having had a previous licence revoked in the area of the appropriate authority within the last 12 months
- c) to a person, other than a body corporate, who is not resident in an EU state or was not so resident throughout the period of six months immediately preceding the date when the application was made
- d) to a body corporate which is not incorporated in an EU state
- e) to a person who has, within a period of 12 months immediately preceding the date when 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.

8.2 A licence **may be** refused on one or more of the following grounds:

- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed 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 himself
- c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of application is determined is equal to, or exceeds the number which the authority consider is appropriate for that locality
- d) that the grant or renewal of the licence would be inappropriate, having regard:
 - i. to the character of the relevant locality
 - ii. to the use to which any premises in the vicinity are put
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

9. Revocation of a licence

9.1 A licence can be revoked by the Licensing Hearings Panel at any time on any one of the grounds set out in 8.1 a to e, 8.2 a to d.

9.2 The Licensing Authority will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing Hearings Panel.

9.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of the reasons for its decision.

9.4 When the Licensing Authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired.

10. Cancellation of a Sexual Entertainment Venue Licence

10.1 The Licensing Authority may at the written request of the licence holder cancel the licence.

10.2 If a licence holder dies then the licence will have been deemed to have been granted to the licence holder's personal representatives and will remain in

force for three months from the date of the licence holder's death and will then expire.

10.3 The Licensing Authority can, however, on the application of the licence holder's personal representatives extend the three month period if the Authority is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Authority will only do so where there are no circumstances that make such an extension undesirable.

11. Relevant locality

11.1 When determining an application, the authority will have regard to the character of the relevant locality, the use of the premises in the vicinity and the layout, character, condition or location of the premises.

11.2 The authority shall have a general policy presumption against the granting of licences which are:

- a) adjacent to, or in the vicinity of places of worship
- b) adjacent to, or in the vicinity of schools or other educational establishment
- c) adjacent to, or in the vicinity of public buildings or community facilities
- d) adjacent to, or in the vicinity of family residential areas
- e) adjacent to, or in the vicinity of a family leisure area
- f) in an area earmarked for regeneration of a particular kind.

11.3 Each application will be considered on its own merit taking into consideration the above, as the Licensing Authority consider there may be some suitable locations for sex establishment licences within the Borough.

12. Pre-application discussions

12.1 The authority recognises that a partnership approach is more likely to ensure the licensing objectives are achieved and maintained. Pre-application discussions between the applicants, the authority and the other relevant agencies will be encouraged so that the licensing process itself can be as trouble free as possible.

13. Licence conditions relating to a sexual entertainment venue

13.1 Should the authority decide to grant a licence, conditions will be imposed on the licence, such conditions may seek to restrict:

- the hours of opening and closing
- displays and advertisements on or in sex establishments

- the visibility of the interior of a sex establishment to passers-by
- any change of use from one kind of sex establishment to another.

14. Duration of licences

- 14.1 Licences for sex establishments will usually be granted for one year. It may be possible to issue a licence for a shorter period in exceptional circumstances

15. Appeals

- 15.1 In the event that the Authority refuses an application for the grant, renewal, variation, transfer or revocation of a sex establishment licence, the applicant may appeal the decision to the Magistrates' Court, unless the application was refused under either of the reasons stated in paragraph 8.1 a) to d) (unless the applicant seeks to show that the criteria do not apply to him) or 8.2 c) or d) above, in which case the applicant can only challenge the refusal by way of judicial review. An appeal can also be made against the imposition of conditions.
- 15.2 Appeals must be made within 21 days from the date of written notification of the decision.

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