

SEX ESTABLISHMENT POLICY: 2020 - 2023

Licensing Committee - 19 September 2019

Report of	Chief Officer Planning & Regulatory Services
Status	For approval
Key Decision	No

Executive Summary: This report presents and seeks approval from the Committee to consult on the Council's existing 'Policy in respects of the Licensing of Sex Shops, Sec Cinemas and Sexual Entertainment Venues' which will be enforced to cover a three-year period 1 April 2020 to 31 March 2023 (Exhibited as Appendix A)

The public consultation period will run for 8 consecutive weeks until December 2019. Representations received during the consultation period will be reported to the Committee in January 2020.

This report supports the Key Aim of sustainable economy.

Portfolio Holder	Cllr. Margot McArthur
Contact Officer	Michael Moss, Ext.7364

Recommendation to Licensing Committee:

That the Committee approves the draft Policy set out in Appendix A for an 8 week public consultation.

Reason for recommendation: To obtain the views of interested parties on the proposed Policy and use these views to formulate any changes to the existing Policy which will be brought before the Committee in January 2020.

Introduction

- 1 The Policy enables local authorities to regulate and set standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.
- 2 A sexual entertainment venue is described as 'any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser or the entertainer'.

Strategic Framework

- 3 The Licensing of Sex Establishments Policy will contribute to our fundamental themes and priorities as follows:
 - Economy: We will support businesses and offer tailored support for businesses with focus on our towns and rural economies and any new opportunities for training.
 - Safer Communities: We will continue to work with our communities and partners to make the District a safe place to live.
- 4 It is best practice to publish a policy setting out our general approach to the licensing of sex establishments. The Policy will assist a business making an application as it provides a background and rationale around granting a licence.
- 5 The Council will use the Policy in making a decision whether to grant a licence.

Background

- 6 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues.
- 7 This brought a new licensing regime into force for lap dancing, pole dancing and other 'relevant entertainment' and allows the Council to improve the regulation of sexual entertainment venues as there are increased powers to control numbers and location of venues in the area.
- 8 The Council adopted the existing 'Policy in respects of the Licensing of Sex Shops, Sec Cinemas and Sexual Entertainment Venues' in December 2012.
- 9 The Policy is due for review every 3 years, to ensure that the policy reflects best practice and to ensure it contributes to the strategic direction of the Council.
- 10 There are currently no licensed sexual entertainment venues within the District; however one venue has been identified and the Licensing Department is in discussion with the operators and an application for a licence is expected soon.

Proposed changes

- 11 There are no changes to the intent or direction of the policy, which sets out how the Council seeks to regulate sexual entertainment venues under its control and provides a framework for consistent decision making.

Consultation

- 12 Consultation is critical to ensure any changes to the Policy are clear and transparent for businesses, responsible authorities and the public.
- 13 If the committee approves the proposed policy, the Licensing Department shall commence with an 8 week consultation.
- 14 Consultation standards shall be delivered by:
 - Writing to the chief office of police and other responsible authorities
 - Writing to interested parties and trade representatives
 - Publicising the consultation on the Council's website
 - Using any social media available to inform the public of the consultation and direct them to the website.
- 15 Following consultation the Licensing Department shall analyse the comments, prepare any changes considered appropriate to the Policy for final approval and present a further report to the Licensing Committee in January 2020.

Key Implications

Financial

Under the adopted licensing regime, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.

The final implications associated with the revision of the SEV Policy can be financed from the Licensing budget.

Legal Implications and Risk Assessment Statement.

The Council's Statement of Licensing Policy is an important factor when determining certain applications under the Licensing Act 2003. If the Policy is silent on a matter then the Council will have less opportunity to

guide and control applications.

Ensuring that the Policy is up to date and covers relevant areas assist the Council is ensuring a consistency of approach.

Equality Assessment

Section 149(1) of the Equality Act 2010 requires that, in exercising its functions public sector bodies to have 'due regard' to the need to -

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act;
- Foster good relations between people who share a relevant 'protected characteristic' and those who do not;
- Advance equality of opportunity between people who share a relevant 'protected characteristic' and those who do not.

Assessing the potential impact on equality of proposed decision, changes to policies, procedures and practices is one of the key ways in which the Council can demonstrate that they have had 'due regard'. Assessing impact on equality should be tailored to, and be proportionate to, the decision(s) being made.

Officers have considered the impact of the proposals contained in this report and consider that there would be no, or very limited adverse or disproportionate impact on those who share a protected characteristic. This will be kept under review as part of the Council's ongoing duty.

Conclusion

It is considered good practice to review a Sex Establishments Policy Licensing Policy every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.

Following consultation, a further report will be presented to the Licensing Committee requesting adoption of the Policy.

Appendix

Licensing of Sex Establishments - Draft Statement of Licensing Policy (for consultation) with the changes from the 2016 Policy highlighted.

Background Papers:

Local Government (Miscellaneous Provision) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues, Guidance for

England & Wales (Home Office)
Open for Business, LGA guidance on local set
fees, Local Government Association.

Mr. Richard Morris
Chief Officer Planning & Regulatory Services