

COMMITTEE: REGULATION

DATE: 6TH SEPTEMBER 2010

SUBJECT: PROPOSED SEX ESTABLISHMENT POLICY

REPORT BY: HEAD OF ENVIRONMENTAL & CONSUMER SERVICES

CONTACT OFFICER: TONY IRELAND 546416

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY
EQUALITIES		ENVIRONMENT
FINANCIAL	✓	CONSULTATIONS
STAFFING		OTHER

WARDS AFFECTED: ALL

PURPOSE

1. This report provides Members of the committee the opportunity to formally comment on the policy statement for sex establishments.

RECOMMENDATION(S)

2. **The Committee is recommended to consider the Statement of Policy appended to this report and is invited to make comments or representations.**

REPORT

3. The Council has already adopted provisions to licence sex shops and sex cinemas in the Borough, however regulations in the Policing and Crime

- Act 2009 enable local authorities to adopt additional powers under the Local Government (Miscellaneous Provisions) Act 1982 to control lap/table dancing type activities under a new classification of 'sexual entertainment venue'.
4. Lap or table dancing premises in some local authority areas proliferated under the Licensing Act 2003 (LA03). Pressure groups campaigned for greater involvement in the licensing process for such premises. The Government response was to amend existing legislation that controlled sex establishments (sex shops or sex cinemas) through the Policing and Crime Act 2009, so as to create a new category of 'sexual entertainment venue' (SEV) licence that would include activities such as lap, table, and pole dancing.
 5. The new legislation is adoptive, but if not adopted by early April 2011 local authorities must consult on whether or not they should adopt. If adopted there are transitional arrangements to deal with applications from existing operators that have to be re-licensed as a SEV and for new operator applications. It should be noted that the authority cannot adopt provisions to deal with only one type of premises and not another.
 6. The Council has consulted on its Policy with the police, interested parties, businesses and existing licence holders and those persons who are likely to be affected by the exercise of the Council's functions under the Act. The consultation period commenced on 3rd June 2010 and lasted the recommended 12 weeks. The draft policy is attached at appendix A and the advert signposting the consultation is at appendix B.
 7. This authority already has two licensed sex shops under the 82 Act and it has seen that a number of alcohol licensed premises start to offer lap dancing type activities that would be covered by this amendment.
 8. Whilst the authority already has standard conditions for sex shops and sex cinemas, it is proposed that a wider policy is established to cover all sex establishment premises. This policy has been drafted and accordingly the Licensing Service is currently consulting on a draft policy along side that of the Licensing Act policy given the overlap in licensing provisions. The draft policy for sex establishments is attached at appendix A.
 9. The function of setting policy for this type of premises currently sits with this Committee. Given the overlap with other forms of premises licensing, consideration needs to be given to whether this licensing function could be better served by being delegated to the Licensing Committee.

PROPOSAL/OPTION

10. The Committee is asked to formally consider the draft statement of Licensing Policy, and are invited to make any comments or recommendations for amendment, which will be included in the review process.

Options available to the Committee are:

Option 1: To make no comments or recommendations on the draft policy statement and delegation.

Option 2: To make comments or recommendations on the Statement of policy and delegation to be incorporated in reports for consideration by Full Council in November 2010.

LEGAL IMPLICATIONS

11. There are no legal implications other than those set out in the body of this report and this has been agreed with Clive Tobin in Legal Services on 11th August 2010

FINANCIAL IMPLICATIONS

12. There are no financial implications in this report. Agreed by the departmental Finance Manager on 6th August 2010.

APPENDIX

Appendix A – Proposed new draft policy for Sex Establishments

Appendix B – Copy of Advert/ Notices signposting the consultation

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D

None