

DRAFT SEX ESTABLISHMENT LICENSING POLICY

Relevant Portfolio Holder	Councillor Peter Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Bromsgrove District Council does not currently have an adopted Policy on the licensing of Sex Establishments and the Licensing Committee is asked to consider a draft Policy and approve it for the purposes of consultation with relevant stakeholders and the general public.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To approve the draft Sex Establishment Licensing Policy (attached at Appendix 1) for the purpose of consultation with relevant stakeholders and the general public.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation will be met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended allows local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there is no legal requirement for the Council to adopt a policy on how it proposes to license sex establishments under the Act. However, it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions are carried out.

Service / Operational Implications

- 3.3 The Council does not currently have an adopted Policy on the licensing of Sex Establishments and the Licensing Committee is asked to consider a draft Policy and approve it for the purposes of consultation with relevant stakeholders and the general public.
- 3.4 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Bromsgrove District Council, that adopted Schedule 3 of the Act.
- 3.5 The Council resolved to adopt the original provisions at a meeting on 3rd July 1984.
- 3.6 On 15th September 2010 the Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by virtue of Section 27 of the Policing and Crime Act 2009.
- 3.7 The adoption of the provisions as amended by the Policing and Crime Act 2009 meant that “sexual entertainment venues” in the District are subject to the same licensing requirements as sex shops and sex cinemas.
- 3.8 The new controls strengthened the role that local communities can play in deciding whether, for example, a lap dancing premises is appropriate for the locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people have legitimate concerns about where such premises are located.
- 3.9 Despite having adopted controls over sex establishments, the Council does not currently have an adopted Policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.
- 3.10 Members of the Licensing Committee are asked to consider a draft Policy and approve it for the purposes of consultation with relevant stakeholders and the general public.
- 3.11 A draft Sex Establishment Licensing Policy is attached at Appendix A. The draft Policy sets out how Bromsgrove District Council would approach its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

- 3.12 It will provide guidance to Members and Officers when considering applications and will inform potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing functions.
- 3.13 The draft Sex Establishment Licensing Policy would be subject to consultation with relevant stakeholders and the general public.
- 3.14 Following consultation the Licensing Committee would consider the responses received and approve a finalised Policy

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders will minimise the risk of challenge.

5. APPENDICES

Appendix 1 – Draft Sex Establishment Licensing Policy

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