

REVIEW OF SEX ESTABLISHMENT LICENSING POLICY

Relevant Portfolio Holder	Councillor P Thomas
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Bromsgrove District Council has previously adopted a Sex Establishment Licensing Policy which took effect on 1st April 2016. Officers believe that the policy should now be reviewed, and a revised version of the policy adopted. Member are therefore asked to direct officers to carry out consultation on a draft revised Sex Establishment Licensing Policy.

2. RECOMMENDATIONS

That the Licensing Committee RESOLVES to direct officers to carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy shown at Appendix 2.

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out any consultation exercise would be met from 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.

- 3.3 Where a Council has adopted such a policy, it is best practice for that policy to be reviewed periodically to ensure it remains up to date and fit for purpose.

Service / Operational Implications

- 3.4 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Bromsgrove District Council, that adopted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 On 14th March 2016, the Licensing Committee resolved to adopt a Sex Establishment Licensing Policy with effect from 1st April 2016. This decision followed consultation on a draft policy that took place between October 2015 and January 2016.
- 3.10 A copy of the Council’s current Sex Establishment Licensing Policy is attached at **Appendix 1**.
- 3.11 The policy sets out how Bromsgrove District Council approaches its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

- 3.12 It also provides guidance to Members and Officers when considering applications and informs 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 As the existing policy has been in place for more than six years, officers consider that now would be an appropriate time for the policy to be reviewed and for a revised version of the policy to be adopted.
- 3.14 Officers have therefore reviewed the existing policy and a draft revised version is attached at Appendix 2. This version has been highlighted to show where the document has been revised from the current policy.
- 3.15 The majority of the revisions are minor in nature and have been made to ensure the document is up to date and is as clear and easy to understand as is possible.
- 3.16 The draft revised policy has been amended to update the foreword at the beginning of the document so that it reflects the current vision as set out in the Council Plan.
- 3.17 The draft revised policy has also been updated to reflect the renaming of of the Local Safeguarding Children Board as Worcestershire Safeguarding Children Partnership.
- 3.18 The level of fines applicable in respect of various offences set out in the relevant legislation have been amended to reflect changes made to these since the current policy was approved.
- 3.19 Officers are now asking Members to direct them to carry out consultation with relevant stakeholders and the general public on the draft revised policy shown at **Appendix 2**.
- 3.20 Following consultation the Licensing Committee would consider the responses received and adopt a revised policy.

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Carrying out consultation with relevant stakeholders when reviewing the policy minimises the risk of legal challenge.

5. APPENDICES

- Appendix 1 - Existing Sex Establishment Licensing Policy
- Appendix 2 - Draft Revised Sex Establishment Licensing Policy

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