

**CONSIDERATION OF RESPONSES TO CONSULTATION ON
REVISED 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

- 1.1 Bromsgrove District Council has previously adopted a Sex Establishment Licensing Policy which took effect on 1st April 2016.
- 1.2 On 11th July 2022, Members resolved to direct officers to carry out consultation with relevant stakeholders and the general public on the draft revised Sex Establishment Licensing Policy.
- 1.3 This consultation exercise has now been completed and the response to this now needs to be considered and a revised version of the Policy approved, to take effect on 1st April 2023.

2. RECOMMENDATIONS

- 2.1 **That the Licensing Committee considers the response received during the consultation exercise and RESOLVES to approve the revised Sex Establishment Licensing Policy shown at Appendix 2 to take effect on 1st April 2023.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs of carrying out the consultation exercise were 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- 3.4 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Bromsgrove District Council, that adopted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.

- 3.10 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).
- 3.11 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.
- 3.12 As the existing policy has been in place for nearly seven years, officers considered that it was an appropriate time for the policy to be reviewed and for a revised version of the policy to be adopted.
- 3.13 Officers therefore reviewed the existing policy and presented a draft revised version to Members at the Licensing Committee meeting that took place on 11th July 2022.
- 3.14 The majority of the revisions that had been made were minor in nature and had been made to ensure the document is up to date and is as clear and easy to understand as is possible.
- 3.15 The draft revised policy was amended to update the foreword at the beginning of the document so that it reflected the current vision as set out in the Council Plan.
- 3.16 The draft revised policy was also updated to reflect the renaming of the Local Safeguarding Children Board as Worcestershire Safeguarding Children Partnership.
- 3.17 The level of fines applicable in respect of various offences set out in the relevant legislation were amended to reflect changes made to these since the current policy was approved.
- 3.18 Having considered the draft revised Policy, Members requested some further small alterations be made to the draft revised Policy and resolved to direct officers, subject to those changes being made, to carry out consultation with relevant stakeholders and the public on it.
- 3.19 The consultation exercise was undertaken between 7th October 2022 and 7th December 2022.
- 3.20 The consultation exercise was hosted on the Council's website and also publicised via social media channels.

3.21 Details of the consultation exercise and a copy of the draft revised policy was also forwarded to a number of relevant stakeholders, which included:

- West Mercia Police
- West Mercia Police and Crime Commissioner
- Hereford and Worcester Fire and Rescue Service
- Worcestershire Trading Standards
- UK Hospitality
- Night-Time Industries Association
- Worcestershire Local Enterprise Partnership
- Hereford and Worcester Chamber of Commerce
- Federation of Small Business
- Bromsgrove Centres Manager
- Bromsgrove Pubwatch
- Safer Bromsgrove (Community Safety Partnership)
- Director of Public Health for Worcestershire
- Bromsgrove District Council Planning Department
- Worcestershire Safeguarding Children Partnership
- Parish Councils
- Bromsgrove District Councillors
- Sajid Javid MP
- The Fawcett Society
- Object

3.22 The only response received during the consultation exercise was sent on behalf of the Director of Public Health for Worcestershire. The response received can be seen at **Appendix 1**.

3.23 Officers agree that this would be an appropriate amendment to make to the consultation arrangements for applications received for sex establishment licences and have therefore updated paragraph 2.4.1 of the draft revised policy to include the Director of Public Health in the list of bodies that will be notified of applications received. The updated version of the draft revised policy is shown at **Appendix 2**.

3.24 Members are now asked to consider the response to the consultation exercise and to resolve to approve the draft revised policy shown at **Appendix 2** to take effect on 1st April 2023.

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 - Response from Director of Public Health

Appendix 2 - Draft Revised Sex Establishment Licensing Policy
(Amended Following Consultation Exercise)

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