

Licensing and Regulatory Committee



Forest Heath
District Council

Title of Report:	Proposed Joint West Suffolk Sex Establishment Policy
Report No:	LIC/FH/16/001
Report to and date/s:	Licensing and Regulatory Committee – 1 February 2016
Portfolio holder:	Councillor James Waters Portfolio Holder for Planning and Growth Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk
Lead officer:	Tom Wright Business Regulation and Licensing Manager Tel: 01638 719223 Email: tom.wright@westsuffolk.gov.uk
Purpose of report:	To present and seek adoption for purposes of an informative consultation a joint West Suffolk councils Sex Establishment Licensing Policy
Recommendation:	It is recommended that the proposed West Suffolk Sex Establishment Licensing Policy be approved for informative consultation
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>
Consultation:	<ul style="list-style-type: none"> To be carried out
Alternative option(s):	<ul style="list-style-type: none"> None applicable
Implications:	
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Within budget
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Planned work with current resources
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> Minimal impact with an online survey being setup

Are there any legal and/or policy implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> A Sex Establishment Licensing Policy provide for clear controls on the issue of licences and maintenance of sex establishments and includes a set of standard conditions to be applied to each licence, unless they are expressly excluded or varied. 	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> No impact identified 	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to consult on a revised statement of principles – resulting in weak and challengeable policy	High	Planned consultation and further review of feedback prior to finalising and process of adoption	
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		1. Policing and Crime Act 2009 http://www.legislation.gov.uk/ukpga/2009/26/contents 2. Local Government (Miscellaneous Provisions) Act 1982 http://www.legislation.gov.uk/ukpga/1982/30	
Documents attached:		Appendix 1 – Proposed West Suffolk Sex Establishment Policy	

1. Key issues and reasons for recommendation(s)

1.0 Background

- 1.1 Section 27 of the Policing and Crime Act 2009 provided adoptive provisions to allow local authorities to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act reclassified lap dancing clubs and other similar venues as "sexual entertainment venues", as a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Forest Heath passed a resolution to adopt these powers on the 9 March 2011 with effect from the 1 October 2011.
- 1.2 Sexual entertainment venues are defined as "any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or performer". The meaning of relevant entertainment is "any live performance or live display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)".
- 1.3 In summary Schedule 3 (as amended) to the 1982 Act:
- Allowed local authorities to adopt the legislation.
 - Allows local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because, for example, the area was primarily a residential area (There is an exemption for premises that provide such entertainment on an infrequent basis).
 - Requires licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with the local authority.
 - Allows a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
 - Allows a local authority to set a limit on the number of sexual entertainment venues that they think appropriate for a particular area.
 - Allows a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the Licensing Act 2003.
- 1.4 In order to operate under this legislation best practice advised that the council adopt a policy for issue of licences and maintenance of sex establishments and approve a set of standard conditions to be applied to each licence, unless they are expressly excluded or varied.
- 1.5 The council has a Sex Establishment Licensing Policy which forms the basis of decisions when dispensing the Licensing Authority's functions in respect of sex shops, cinemas and sex entertainment venues (lap dancing clubs). The current policy has been referred to and empowered members to consider and determine applications for sex establishments, specifically a sex entertainment venue on a number of occasions.

- 1.6 A revised version of the policy was adopted at a meeting of Council on the 8 May 2013 following wide public consultation and full consideration of the feedback received.
- 1.7 Although Forest Heath DC and St. Edmundsbury are two separate licensing authorities, Officers are proposing a joint West Suffolk Councils Sex Establishment Licensing Policy, incorporating guidance and standard conditions. The proposed statement at **Appendix 1** is the first joint one and will require adoption, after consultation by both Councils.
- 1.8 For Forest Heath District Council, no significant changes are being made to the proposed policy at Appendix 1. It is largely 'as is' with only minor changes to enable it to become a joint document. Therefore the consultation will be on the basis of providing information on the proposed changes rather than inviting comment upon the actual policy wording which is not being altered. For St. Edmundsbury BC, the joint policy will completely replace that already in place and therefore consultation will be more in depth.