

# Licensing and Regulatory Committee



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Proposed Joint West Suffolk Sex Establishment Policy</b>	
<b>Report No:</b>	<b>LIC/FH/17/002</b>	
<b>Report to and dates:</b>	<b>Licensing and Regulatory Committee</b>	23 January 2017
	<b>Cabinet</b>	14 February 2017
	<b>Council</b>	22 February 2017
<b>Portfolio holder:</b>	Councillor Lance Stanbury Portfolio Holder for Planning and Growth <b>Tel:</b> : 07970 947704 <b>Email:</b> <a href="mailto:lance.stanbury@forest-heath.gov.uk">lance.stanbury@forest-heath.gov.uk</a>	
<b>Lead officer:</b>	Amanda Garnham Licensing Team Leader <b>Tel:</b> 01284 758050 <b>Email:</b> <a href="mailto:Amanda.garnham@westsuffolk.gov.uk">Amanda.garnham@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	This report seeks the Licensing and Regulatory Committee's approval to recommend the adoption of the proposed Joint West Suffolk Sex Establishment Licensing Policy.	
<b>Recommendation:</b>	<b>It is recommended to Cabinet and Council that the proposed West Suffolk Sex Establishment Licensing Policy be adopted, as set out in Appendix 1 to Report No: LIC/FH/17/002.</b>	
<b>Key Decision:</b>	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>See Paragraph 2 of the report</li> </ul>	
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>None applicable as the existing Sex Establishment Policy is due for review.</li> </ul>	
<b>Implications:</b>		
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>Within budget</li> </ul>	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

<i>Are there any <b>ICT</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>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.</li> </ul>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> <li>No impact identified</li> </ul>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
	Low/Medium/ High*		Low/Medium/ High*
Failure to adopt a revised joint policy may lead to a weak and challengeable policy	High	Consultation complete with no objections	Low
<b>Ward(s) affected:</b>		All	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		<ol style="list-style-type: none"> <li>Policing and Crime Act 2009 <a href="http://www.legislation.gov.uk/ukpga/2009/26/contents">http://www.legislation.gov.uk/ukpga/2009/26/contents</a></li> <li>Local Government (Miscellaneous Provisions) Act 1982 <a href="http://www.legislation.gov.uk/ukpga/1982/30">http://www.legislation.gov.uk/ukpga/1982/30</a></li> <li><a href="http://www.westsuffolk.gov.uk/Council/Consultations/proposedjointsexestablishmentpolicyconsultation.cfm">Sex Establishment policy consultation</a> <a href="http://www.westsuffolk.gov.uk/Council/Consultations/proposedjointsexestablishmentpolicyconsultation.cfm">http://www.westsuffolk.gov.uk/Council/Consultations/proposedjointsexestablishmentpolicyconsultation.cfm</a></li> <li>Licensing and Regulatory Committee: 1 February 2016: <a href="#">Report No: LIC/FH/16/001</a> &amp; <a href="#">Appendix 1</a></li> </ol>	
<b>Documents attached:</b>		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 District Council (the Council) passed a resolution to adopt these powers on the 9 March 2011 with effect from the 1 October 2011.

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 Full Council on 8

May 2013 following wide public consultation and full consideration of the feedback received.

- 1.7 Although Forest Heath District Council and St Edmundsbury Borough Council are two separate licensing authorities, the Sex Establishment Licensing Policy is proposed as a joint policy for the West Suffolk councils. The draft policy at Appendix 1 requires adoption by Full Council, following consultation by both councils.
- 1.8 The proposed policy is based on the Forest Heath Sex Establishment Licensing Policy as adopted by the Council in May 2013 and there are no significant changes are being made to the proposed policy other than to include updated guidance and standard conditions. It is largely 'as is' with only minor changes to enable it to become a joint document for West Suffolk.

## **2.0 Consultation**

- 2.1 The consultation was completed between October 2016 and December 2016 and invited comments from Sex Establishment Licensed Premises, Police, Parish and Town Councils, Ward and Division members and the Newmarket Business Improvement District. A link to the consultation is included as part of the background documents listed above.
- 2.2 The consultation was set up on our West Suffolk council website whereby key stakeholders were able to view the new Joint Policy and make comments to Officers via email.
- 2.3 There were no objections or comments received from this consultation.