

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Proposed Joint West Suffolk Sex Establishment Policy	
Report No:	LIC/SE/17/002 003	
Report to and date/s:	Licensing and Regulatory Committee	24 January 2017
	Cabinet	7 February 2017
	Council	21 February 2017
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Lead officer:	Amanda Garnham Licensing Team Leader Tel: 01284 758050 Email: Amanda.garnham@westsuffolk.gov.uk	
Purpose of report:	This report seeks the Licensing and Regulatory Committee's approval to recommend the adoption of the proposed Joint West Suffolk Sex Establishment Licensing Policy	
Recommendation:	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 LIC/SE/17/002 003.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	

<p>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</p>			
Consultation:		<ul style="list-style-type: none"> See Paragraph 2 of the report 	
Alternative option(s):		<ul style="list-style-type: none"> None applicable 	
Implications:			
<p>Are there any financial implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within budget 	
<p>Are there any staffing implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Are there any ICT implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Within current budget 	
<p>Are there any legal and/or policy implications? If yes, please give details</p>		<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> A Sex Establishment Licensing Policy provides 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. 	
<p>Are there any equality implications? If yes, please give details</p>		<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <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 adopt the joint policy will leave the Authority with an outdated SEBC policy	High	Consultation has been completed and no objections made	Low
Ward(s) affected:		All	
<p>Background papers: <i>(all background papers are to be published on the website and a link included)</i></p>		<ol style="list-style-type: none"> Policing and Crime Act 2009 http://www.legislation.gov.uk/ukpga/2009/26/contents Local Government (Miscellaneous Provisions) Act 1982 http://www.legislation.gov.uk/ukpga/1982/30 Closed Consultation http://www.westsuffolk.gov.uk/Council/Consultations/proposedjointsexestablishmentpolicyconsultation.cfm Licensing and Regulatory Committee 2 February 2016 Report 	

Documents attached:

(Please list any appendices.)
Appendix 1 – Proposed West Suffolk
Sex Establishment Policy

1. Key issues and reasons for recommendation(s)**1. 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. St. Edmundsbury Borough Council (the Council) passed a resolution to adopt these powers on 1 March 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 was adopted on 5

April 2011. This 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.

- 1.6 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.
- 1.7 The proposed joint policy will replace the existing St Edmundsbury Borough Council policy, the main difference is the introduction of a wider range of standard conditions. The proposed policy is based upon one used nationally and which formed the basis of the policy in place at Forest Heath District Council. The Forest Heath policy has been referred to for the last four years where a lap dancing club application and subsequent annual renewals have required member determination as the result of objections.

2 Consultation

- 2.1 The consultation for this Joint Policy and conditions took place between 24 October 2016 and 5 December 2016 by way of advertising on our Website and writing to all stakeholders. Link to the closed consultation is attached in background documents.
- 2.2 The only comment received for this Policy was from an existing Sex Shop in St John's Street. The licensee has requested an explanation as to why we would require a passport photograph as well as a current passport on application annually. The request for both was to ensure that we had an up to date photograph on our database which is directly linked to the licensee who is required to undertake a DBS disclosure. This also assists Officers identifying the licensee when conducting official inspections.