

Cabinet



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Recommendation of the Licensing and Regulatory Committee: 24 January 2017: Joint West Suffolk Sex Establishment Licensing Policy	
Report No:	CAB/SE/17/012	
Report to and date:	Cabinet	7 February 2017
	Council	21 February 2017
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Purpose of report:	On 24 January 2017 the Licensing and Regulatory Committee considered a substantive item of business Relating to the proposed Joint West Suffolk Sex Establishment Licensing Policy.	
Recommendations:	It is <u>RECOMMENDED</u> that, subject to the approval of full Council, the proposed Joint West Suffolk Sex Establishment Licensing Policy, as set out in Appendix 1 of Report No: LIC/SE/17/003, be adopted.	
Key Decision: (Check the appropriate box and delete all those that do not apply.)	Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> As it is a full Council decision	

Consultation:	<ul style="list-style-type: none"> See paragraph 2 of Report No: LIC/SE/17/003 		
Alternative option(s):	<ul style="list-style-type: none"> None applicable 		
Implications:			
Are there any financial implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Within budget	
Are there any staffing implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Within current budget	
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"> See Report No: LIC/SE/17/003 	
Are there any equality implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
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)
See Report No: LIC/SE/17/002			
Wards affected:		All Wards	
Background papers:		See Report No: LIC/SE/17/003 Appendix 1 to Report No: LIC/SE/17/003	
Documents attached:		None	

1. Key issues and reasons for recommendation

1.1 Key Issues

1.1.1 On 1 March 2011 the Borough Council adopted Section 27 of the Policing and Crime Act 2009 which allowed it to regulate lap dancing clubs and similar venues under the same regime as sex shops and sex cinemas. Specifically the 2009 Act re-classified lap dancing clubs and similar venues as 'Sexual Entertainment Venues' and as a Sex Establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Sexual Entertainment Venues were defined by the legislation.

1.1.2 In summary Schedule 3, as amended, allows :

- (a) local authorities to adopt the legislation;
- (b) 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 e.g. residential;
- (c) for licences to be required to be renewed at least yearly at which point local people would have the opportunity to object;
- (d) a local authority to reject an application if it is inappropriate given the character of a particular area;
- (e) a local authority to set a limit on the number of Sexual Entertainment Venues it thinks is appropriate for a particular area; and
- (f) a local authority to impose a wider range of conditions on a licence than it was able to under the Licensing Act 2003.

1.1.3 In order to operate under the legislation, 'Best Practice' advises that Councils adopt a policy for the issue of licences and the maintenance of Sex Establishments and approve a set of conditions to be applied to each licence. The Borough Council has a Sex Establishment Licensing Policy adopted on 5 April 2011. Forest Heath District Council has a separate policy. It is proposed that the Joint Policy, contained as **Appendix 1** to Report No: LIC/SE/17/003, replaces both documents.

2. Consultation

2.1 Consultation on the proposed Joint Policy and conditions took place between 24 October 2016 and 5 December 2016. A link to the closed consultation is referred to in the background documents relating to Report No: LIC/SE/17/003. The only comment received in response was a query as to why a current photograph was required to be submitted with an annual application. This was to ensure that up to date information about a licensee was included on the Councils' database.