

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 21 October 2010
AUTHOR/S: Executive Director, Operational Services / Environment Services
Manager

DRAFT SEX ESTABLISHMENT LICENSING POLICY

Purpose

1. To seek approval of the draft Sex Establishment Licensing Policy, as attached at **APPENDIX A** for consultation purposes, as South Cambridgeshire's formal Statement of Licensing Policy for Sex Establishments licensed under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 incorporating amendments made under Section 27 of the Policing and Crime Act 2009.
2. This is a key decision as it raises new issues of policy.

Recommendation

3. That the Licensing Committee approves the draft Licensing Policy as attached at **Appendix A** in order to commence a consultation process.

Reason for Recommendation

4. To enable the Council to be transparent in its decision making process.

Background

5. South Cambridgeshire District Council adopted the provisions of Schedule 3 on 28 September 2006 and in doing so introduced a number of mandatory conditions but no formal policy detailing how we would deal with applications and enforcement.
6. There is no statutory requirement for a local authority to adopt a policy on the licensing of sex establishments, however, it is the view of the licensing officer that in light of the impending adoption of Schedule 27 of the Policing and Crime Act 2009 it would be best practice to consider such a policy.
7. Attached as **APPENDIX A** is a draft policy in relation to the licensing of sex establishments and sexual entertainment venues. It is the officer's view that such a policy would provide guidance to prospective applicants and members of the public and would assist with consistency of decision-making. The report requests, without prejudice to any decision in relation to adoption, that the authority should consult in relation to a draft policy.
8. The policy will remain a document that continually develops to reflect the changing nature of the sex industry, Government initiatives and the needs of local businesses and residents alike.

Considerations

9. In order to proceed with the final policy it will be forwarded in the following manner:

- a. A Licensing Committee will be held in late February 2011 to consider and recommend to the Leader at his Portfolio Holder meeting on 31 March 2011 any amendments to the draft policy as a result of the consultation process.
- b. The Leader will make a recommendation to Council at its meeting on 14 April 2011 to approve and adopt the policy. The policy will then form the basis of any decision taken in respect of applications or enforcement under Schedule 3 of the Local Government Miscellaneous provisions Act 1982 by officers or any Committee or Sub-committee involved in licensing decisions.
- c. The statement of Licensing Policy will be open to review at any time in the future should it prove necessary to do so.

Options

10. The report requests the authority to consult in relation to a draft policy. The alternative option would be not to progress such a policy or to make amendments to the draft policy prior to consultation.

Implications

11. Financial	None arising from this report
Legal	The adoption of a policy contributes to a transparency and consistency of decision making
Staffing	None arising from this report
Risk Management	The introduction of a policy reduces the risk of future legal challenge against decisions made under the Act
Equality and diversity	The consultation process will comply with the Council's Equal Opportunities Policy
Equality Impact Assessment completed	Awaiting completion
Climate Change	N/A

Consultations

12. As part of the consultation process Officers will consult with a broad range of people including but not exclusively:
 - Police
 - Fire Authority
 - Trading Standards
 - Social Services
 - Environmental Health
 - Planning
 - Health & Safety
 - Parish Councils
 - Faith Groups
 - Women's Aid (Cambridge)
13. The consultation document will also available for general comment via the Council's website and at reception.

Effect on Strategic Aims

14. Commitment to being a listening council, providing first class services accessible to all.
Consultation will take place for a twelve-week period allowing relevant parties to raise any issues regarding the revised policy for consideration by the authority
Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.
The policy clearly states the objectives of the Council.
Commitment to making South Cambridgeshire a place in which residents can feel proud to live.
The policy clearly states the objectives of the Council.
Commitment to assisting provision for local jobs for all.
The policy clearly states the objectives of the Council.
Commitment to providing a voice for rural life.
The Licensing Committee (or a sub Committee appointed by the Committee) will determine applications where any relevant representations have been made against applications

Conclusions/Summary

15. The adoption of Licensing policy in respect of Schedule 3 to the 1982 Act will, in particular
- Allow local people to understand the processes involved in making an application for a sex establishment licence and how to make representations either for or against such applications.
 - Give clear and transparent guidelines to prospective applicants, enabling them to understand the stance of the Council in respect of such applications.
 - Give a clear framework to both officers and the Licensing Committee when determining representations or applications referred to a licensing committee (or sub-committee) for decision.

Background Papers: the following background papers were used in the preparation of this report:

Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982
Licensing Act 2003
Home Office Guidance – Sexual Entertainment Venues

Contact Officer: Myles Bebbington – Licensing Officer
Telephone: (01954) 713132