

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee

3 March 2011

AUTHOR/S: Executive Director, Operational Services / Environment Services Manager

SEX ESTABLISHMENT & SEX ENTERTAINMENT VENUE LICENSING POLICY

Purpose

1. To seek approval of the draft Sex Establishment Policy Licensing Policy, as attached at **APPENDIX A** for adoption as South Cambridgeshire's formal Statement of Licensing Policy for Sex Establishments and Sexual Entertainment Venues 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 because it raises new issues of policy and it was first published in the December 2010 Forward Plan.

Recommendation

3. That the Licensing Committee recommends to the Environmental Services Portfolio Holder, the approval of the draft Licensing Policy as attached at **APPENDIX A** as the recognised Policy of South Cambridgeshire District Council in relation to Sex Establishments and Sexual Entertainment Venues within the district.

Reasons for Recommendations

4. The policy has been created to allow for both applicants and residents to better understand the processes when dealing with applications and enforcement matters. It gives clear and transparent guidelines on the Council's stance in respect of such applications.

Background

5. On 28 September 2006 South Cambridgeshire District Council adopted the provisions of Schedule 3 and in doing so introduced a number of mandatory conditions but no formal policy detailing how it 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 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 the draft policy agreed by the Licensing Committee on 21 October 2010 in relation to the licensing of sex establishments and sexual entertainment venues which has undergone a 12 week public consultation period ending on 4 February 2011. The policy was circulated to a number of bodies representing the interests of the public or people who may be involved or affected by involvement in the sex industry.

8. There were no representations received in respect of this consultation.
9. The policy aims to provide clear guidance to prospective applicants and members of the public and aims to assist with consistency of decision-making where previously there was little guidance.
10. Officers made minor grammatical changes for the purposes of clarity, and these are indicated as ***bold italic*** within **APPENDIX A**.

Considerations

11. Consideration would have been given to any written and electronic responses made in connection with the draft policy submitted for consultation by bodies representing the interests of the public or people who may be involved or affected by involvement in the sex industry either directly or indirectly.
12. The Policy will remain a document that is subject to change at any time either by legislative processes or locally related matters, therefore, the policy will be open for review at any time in the future should it prove necessary to do so.

Options

13. The report requests the Licensing Committee to recommend to the Environmental Services Portfolio Holder to adopt the policy. The alternative option would be not to progress such a policy or to make amendments to the draft policy prior to recommendation.

Implications

14. 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	All applications will be treated on their individual merits
Equality Impact Assessment completed	Yes Partial assessment
Climate Change	None arising from this report

Consultations

15. As part of the consultation process officers consulted 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
- Womens Aid (Cambridge)
- Mens groups

16. The consultation document was also available for general comment via the Council's website and at reception.

Effect on Strategic Aims

17. The Policy will be subject to review allowing any persons to raise issues regarding the policy for consideration by the authority.

18. The Policy clearly states the objectives of the Council within the policy and the Licensing Committee will in particular provide a voice for rural life by being the body that determines applications where relevant representations are made against applications.

Conclusions / Summary

19. The adoption of Licensing policy in respect of Schedule 3 to the 1982 Act will, in particular

- allow businesses and the public to better understand the processes involved when an application has been submitted 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

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