

PART A

Report to: Licensing (Licensing Act 2003) Committee
Date of meeting: 26 June 2017
Report of: Head of Community and Environmental Services
Title: Review of sex establishment licence policy

1.0 SUMMARY

- 1.1 The Council has powers in relation to sexual establishments (“sex shops”) and sexual entertainment venues (such as lap-dancing clubs). The Committee has adopted a non-statutory policy about these licences, which is due for review.

2.0 RECOMMENDATIONS

- 2.1 The policy at appendix 1 be re-adopted for a further three years.

Contact Officer:

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Report approved by: Alan Gough, Head of Community and Environmental Services.

3.0 DETAILED PROPOSAL

- 3.1 The Council has powers under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to licence “sex shops” and lap-dancing clubs. There are currently one of each type in the Borough, located on The Parade and Market Street, respectively.
- 3.2 In October 2010, the Licensing Committee adopted a non-statutory policy, setting out its approach to dealing with applications for these types of licences. The policy particularly sets out the number of sex establishment premises that the Committee thought appropriate within defined localities; and in many cases that number was nil. It is open to applicants to argue that they should be considered an exception to the policy.

- 3.3 On 15 June 2011, the Committee agreed to reduce the number of sexual entertainment venues from one to nil on The Parade. This followed the closure of one of the two sexual entertainment venues that were then trading.
- 3.4 On 14 July 2014, the Committee agreed to renew the policy for a further three years.
- 3.5 Officers are of the opinion that the policy only needs minor amendments rather than significant change. During the duration of this policy there have been no representations made, or evidence gained, that further venues are needed, nor that the existing venues are impacting adversely on the area. For this reason no public consultation exercise has been conducted or proposed.
- 3.6 The 2014 report specifically recommended that Sex Establishment Licence Policy be reviewed again in 2017 - after the works to expand the INTU Shopping Centre had been completed. As this work is now scheduled for completion in Autumn 2018, which is after the expiry of this policy, officers confirm they will review the impact of this policy once the works are complete and bring it back to Members ahead of the scheduled review date if necessary and if relevant representations are received.
- 3.7 For ease of reference, the following amendments have been made:

Paras 1.4 to 1.7	Detailed breakdown on the history of the policy and review dates.
Para 1.9	Confirmation that there has been no public consultation for this or the last review, due to the minor nature of the changes.
Para 2.1	Update the current mid-year estimated population figure
Para 2.5	Updated information about the Purple Flag status of the town and the INTU Shopping Centre Expansion.
Para 2.7	Clarifying the current position that there are only two licensed venues under this legislation within the Borough.
Para 2,8	An updated Corporate Plan reference.
Para 3.7	Removing a requirement that objections need to be in black ink and on single sides of paper.
Section 5	More information about the enforcement approach the council will take.
Para 6.5	Clarifying that the existing sex shop has been in situ for a number of years.
Para 7.6	Clarifying that there the proposed number of sexual entertainment venues on The Parade is nil.

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance advises that there are no financial implications to comment on.

4.2 **Legal Issues** (Monitoring Officer)

4.2.1 The Head of Democracy and Governance comments that the legal implications are covered in the policy.

4.3 Equalities

4.3.1 No additional equalities assessment has been conducted due to the very minor changes to the policy, and the fact that it only directly affects two businesses in the Borough.

4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Legal challenge through not adopting a policy	1	1	2
More licence applications arising from lack of any policy	1	2	2
Legal challenge due to wrong application of policy	1	4	4

Background Papers

No papers were used in the preparation of this report.

File Reference

Sex establishments