

PART A

Report to: Licensing (Licensing Act 2003) Committee
Date of meeting: 14 July 2014
Report of: Head of Community and Customer 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 Customer 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 in 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 is 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 in The Parade. This followed the closure of one of the two sexual entertainment venues that were then trading.
- 3.4 Officers are of the opinion that the policy only needs minor amendments rather than significant change. For this reason no public consultation exercise has been conducted or proposed. No representations have been received during the current edition of the policy that it ought to be amended.
- 3.5 Although the sole sexual entertainment venue is within the vicinity of the proposed redevelopments to the Intu Watford centre, historically it does not generally generate crime or anti-social behaviour and does not usually open until mid-evening. There has been a sexual entertainment venue from those premises for some years. It is recommended that this policy be reviewed again in 2017 after the works to the Intu have been completed.
- 3.6 For ease of reference, the following amendments have been made:

Para 1.4	Include the dates of this revision
Para 1.6	Insert new paragraph to confirm that no further consultation has been conducted on this version of the policy
Para 1.7(b)	Amend the reference from the Regulators' Compliance Code to the Regulators' Code which has replaced it
Para 2.1	Update the current mid-year estimated population figure
Paras 2.2 – 2.3	Updated references to catchment areas and transport links
Para 2.5	Include a reference to the Purple Flag status of the town
Para 2.7	Update the number of premises licensed under this policy
Para 2,8	Amend the reference to the Community Plan to the Corporate Plan
Para 5.1	Amend the reference to the Local Better Regulation Office to the Better Regulation Delivery Office which replaces it
Para 7.6	Update the reason for limiting the number of SEVs in The Parade from one to nil on 11 August 2011 in accordance with the decision of the Committee on 15 June 2011

4.0 **IMPLICATIONS**

4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that there are no additional legal implications arising from this report.

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