

Introduction of a Licensing regime for sex entertainment establishments

Licensing Committee

Date: 4 February 2016

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Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider the draft sex establishment policy for Swindon Borough Council. The draft Policy for consultation is attached at Appendix 1.
- 1.2 Recommendations
- 1.3 That Committee:
- 1.4 Consider the responses to the Consultation exercise undertaken in pursuance of the resolution of the Licensing Committee of 2nd July 2014, and to recommend adopt a licensing regime to regulate these establishments; and
- 1.5 Approves the draft Sex Establishment Policy at Appendix 1 as the basis for the consultation with interested bodies including at licence holders, businesses, statutory bodies and community representatives.

2. Recommendations

That Committee:

- 2.1 Approves the draft policy as attached as Appendix 1 and commends to Council that in pursuance of this objective, the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, by Section 27 of the Policing and Crimes Act 2009, be adopted with an implementation date of 1st May 2016.

3. Details

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act, 2009) gives local authorities the power to make a resolution to regulate sex entertainment venues and establishments through the licensing regime. Although the Council had previously resolved to introduce such a regime (Council Meeting, 20th September 2012, Minute 11), no date was specified as to when the provisions would become effective. Swindon now hosts 4 sex entertainment establishments, all in the Town Centre, but does not have a licensing regime to provide the full range of up to date protection mechanisms that would be expected for existing, or new, establishments of this kind.

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- 3.2 Prior to considering whether to make a resolution to introduce a licensing regime for these establishments there was a need to undertake a consultation exercise to seek the views of local people and other key stakeholders. The Licensing Committee authorised officers to undertake this exercise, which took place over a 6 week period concluding on 24th November 2014.
- 3.3 During the consultation period, 6 individuals, local Councils and businesses responded. The points made are summarised in Appendix 2, along with a response to them. There was general support for the introduction of a licensing regime for sex entertainment establishments, which supports officer's views that an up to date licensing regime needs to be introduced to provide appropriate control over all aspects of these establishments offering protection to those who work in these establishments, those who visit them and those who live near them.
- 3.4 One existing operator, however, raised concern over additional unnecessary regulation and monitoring that might mean that they would be unable to operate in the same way, and which would be of no benefit to their staff. In response, it should be noted that the regime that is proposed to be introduced does not penalise or place additional unnecessary burden on any well operated and compliant licenced premises.
- 3.4 A draft policy for licensing sex entertainment establishments is enshrined in our Draft Statement of Licensing Policy. The Statement of Licensing Policy covers the full range of licensing considerations, and applies Boroughwide. It covers all types of sex establishments, including sex entertainment venues, sex cinemas and sex shops. Whilst the regime cannot control aspects covered by Planning law, it does ensure that the venues are appropriately licenced and that conditions can be imposed that are both reasonable and enforceable.
- 3.5 If endorsed by the Licensing Committee, the adoption of a means of regulating sex entertainment establishments will be commended to Council for confirmation. If approved, the regime will then be introduced on 1st May 2016, meaning that establishments falling within it will be required to apply for an appropriate licence. Those who contributed to the consultation exercise will be informed and notification will be posted on the Council's web site. Policy will then be enshrined in the Council's 'Statement of Licensing Policy' and taken into account in the consideration of licence applications for the types of establishments listed at paragraph 3.4.

4. Alternative Options

- 4.1 The Licensing Committee could choose not to adopt the policy for licensing sex entertainment establishments. However, the evidence is that a strong and consistent set of licensing principles will provide the certainty required to ensure appropriate protection to health, welfare and amenity.

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5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention Rights as they fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy \ regime will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 3.1 A Diversity Impact Assessment has not been completed for this report. The Statement of Licensing Policy, which has been completed under the legislation adopted by this report has been subject to a DIA, which is available on request.

4. Consultees

- 4.1 The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

5. Background Papers

- 5.1 None

6. Appendices

- 6.1 Appendix 1: Draft Policy in respect Sex Establishments (To follow)
6.2 Appendix 2 Responses to the consultation exercise

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Appendix 2

Summary of Consultation replies received and officer responses

Respondent	Summary Comment	Response
Wilts Fire & Rescue Service	<p>Broad support for the proposal.</p> <p>Note that for premises falling within the scope of the Regulatory Reform (Fire safety) Order 2005, the Fire Authority will enforce this primary legislation to ensure the safety of persons in the event of fire.</p>	<p>Support Noted.</p> <p>Reference added to documentation for adoption.</p>
Dream Lounge	<p>Further regulation and monitoring of our industry is unnecessary and, whilst we do not know the detail of any possible changes, we are concerned that they will change our business to the extent that we are not able to operate in the same way. We may even have to close, and we believe that this will be of no benefit to ours staff and the town.</p> <p><i>A summary of the current operation and measures in place to control possible concerns was provided as part of the response.</i></p>	<p>It is not the Council's intention to introduce a licensing regime which would burden existing businesses. Nor is it our intention to force compliant businesses to close down. The regime to be introduced is a widely accepted means of ensuring the welfare of those working in, and visiting sexual entertainment establishments, and each case will be considered on its own merits.</p>
Wiltshire Police	Support for the introduction of a regulatory regime	Support Noted.
Paul Sunners	Support.	Support Noted.
Haydon Wick Parish Council	Support.	Support Noted.
Wroughton Parish Council	Support.	Support Noted.