

Introduction of a Licensing Regime for Sex Establishment Venues

Licensing Committee

Date: 7 June 2016

Author:	Licensing Manager
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider the draft Sex Establishment Venue policy for Swindon Borough Council, which is attached at Appendix 1.

2. Recommendations

That Committee:

- 2.1 Approves the draft Sex Establishment Venue policy as attached as Appendix 1, and agrees for the Policy to be subject to a six week consultation exercise with a view to its adoption in accord with the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3, by Section 27 of the Policing and Crimes Act 2009;and
- 2.2 Agrees for the results of the consultation, along with any amendment to the draft policy to be brought back to the Committee for adoption.

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.
- 3.2 Prior to adoption of the Sex Establishment Policy there is a legislative requirement to undertake a consultation exercise to seek the views and comments of local people and other key stakeholders.
- 3.3 The Licensing Committee authorised officers to undertake a consultation on the principle of introducing a policy to control such establishments and this took place over a 6 week period concluding on 24th November 2014.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: kashton@swindon.gov.uk

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- 3.3 The responses received during the consultation period are summarised in Appendix 2. 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 policy needs to be introduced to provide appropriate control over all aspects of these establishments offering protection to those who work in and visit them and also those who live near them.
- 3.4 Through the consultation exercise, one existing operator, , raised concern over additional unnecessary regulation and monitoring that might mean that they would be unable to operate in the same way that they currently do, 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 Once adopted, the draft policy for licensing sex establishment Venues will be incorporated into our adopted Statement of Licensing Policy. The Statement of Licensing Policy covers the full range of licensing considerations, and applies Boroughwide. The draft policy covers all types of sex establishments, including sex establishment 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

It is recommended that the policy covering the licensing of sex establishment venues be subject to a six week period of consultation commencing as soon as practicable. This consultation should be focussed particularly on those in the industry, key stakeholders and strategic partners and should follow a similar format to the consultation last year on the wider Statement of Licensing Policy.

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4. Alternative Options

- 4.1 An earlier consultation exercise has indicated the desire for greater control over the licensing of sex establishment venues. The draft policy is a response to that. The Licensing Committee could choose not to consult on the policy and continue to allow sex establishment venues to operate without regulation. However, the evidence exists that a strong and consistent set of licensing principles will provide the certainty required to ensure appropriate protection to health, welfare and amenity. All other licensed activities are covered by policies in the Statement of Licensing Policy. This policy brings sex establishment venues in line with all other licensable activities.

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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 5.3A Diversity Impact Assessment has not been completed for this report. The Statement of Licensing Policy, which has been completed under the legislation has been subject to a DIA, which is available on request. This Policy will form part of the Statement of Licensing Policy and the principles within that DIA apply.

4. Consultees

- 4.1 The Director of Law and Democratic Services (Monitoring Officer), and the Section 151 Officer are 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 as to whether the Council should have a policy for regulating sex entertainment establishments.