

REVIEW OF THE COUNCIL'S POLICY FOR THE LICENSING OF SEX ESTABLISHMENTS

Submitted by: **Head of Business Improvement and Partnerships**

Portfolio: **Leisure, Culture and Localism**

Wards: **All**

Purpose of the Report

To inform the Committee of the outcome of the Consultation exercise regarding the licensing of Sex Establishments within the Borough and to request that the Committee recommend the policy to Full Council for adoption at its meeting on 17th September 2014.

Recommendations

1. That the Committee consider the current policy and the responses to the consultation
2. That the Committee recommend the current policy or an amended version of it to Full Council for adoption at the meeting due to be held on 17th September 2014.

Background

On the 31st March 2010 the Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

By adopting Schedule 3 the Council has the ability to control and regulate the operation of certain kinds of Sex Establishments within its area.

The Council's current policy for the licensing of sex establishments has been in place since February 2011. It is recommended that this type of policy be reviewed every three years.

At the meeting of this Committee held on 10th April 2014 it was resolved that consultation be undertaken, this involved circulating the policy to 44 relevant organisations and individuals seeking their views. These organisations included parish councils, elected members, the Police, Newcastle LSP, North Staffordshire PCT, local solicitors, various licensees, other Local Authorities, Licensing Organisations, the Civic Society, the Newcastle Chamber of Trade, Environmental Health and Community Safety,

It was also resolved that the results of the consultation exercise be brought back to this committee for comments prior to it being recommended to Full Council for adoption. The next meeting of Full Council is 17th September 2014.

Officers dealing with the policy are of the opinion that the current policy is still robust and continues to meet all the needs of the Council and should remain unchanged.

Of the 44 various organisations and individuals consulted only 3 responded. Two of the responses came from Madeley Parish Council and Audley Parish, neither had observations to make on the current policy.

The third response was from Staffordshire County Council Trading Standards and the following observations were made:

- That under section 10 (d) - leisure centres, public parks and youth centres/clubs be removed.
- That section 11 relating to the duration of licences is a repetition of section 7.1.
- That under Section 15 (4) – the age policy of 21 be increased to 25.
- That Section 15 (17) be enhanced to specify a time limit for making CCTV images available (immediately, within 24 hours or within 7 days).

None of the responses suggested any dissatisfaction with the policy.

A copy of the current Policy is attached.

2. Issues

The Act provides that no person shall in any area in which the Schedule is in force may use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under the Schedule by the authority.

The Council may waive the requirement for a licence for such period as the Council deems fit in any case where they consider that to require a licence would be unreasonable or inappropriate. The time scale for the review has passed.

3. Legal and Statutory Implications

By adopting Schedule 3 the Council has the ability to control and regulate the operation of certain kinds of Sex Establishments within its area. The Council must adopt a Policy in relation to the licensing of Sexual Entertainment Venues.

In exercising its duties and responsibilities under the terms of the Act the Council will have regard to this Statement of Licensing Policy and to guidance issued by the Home Office.

The Council will not follow this policy inflexibly but shall take all relevant factors into consideration in determining an application. Each case will be decided on its merits.

4. Proposal

That having considered the contents of the Policy and the results of the consultation the Committee recommend to a full meeting of the Council that the policy for the licensing of Sex establishment be adopted.

4. Options

- To recommend the current Policy to Full Council for adoption.
- To amend the current Policy taking on board the suggestions from Trading Standards and to recommend this version to full Council for adoption.

6. Reason for the Preferred Solution

To comply with current Best Practice which recommends that the policy be review every three years.