

Sexual Entertainment Venues

Portfolio:	Community
Wards Affected:	All

Purpose

To consider the draft Sex Establishments Licensing Policy and Procedure and approve it for consultation.

Background

1. As from the 1st April 2011 the Council will adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which has been amended by virtue of Section 27 of the Policing and Crime Act 2009. The aim is to bring the licensing of “sexual entertainment venues” in line with other “sex establishments” such as “sex shops” and “sex cinemas”.
2. The Licensing Committee agreed that a Sex Establishments Policy and Procedure be adopted and approved the timetable for production and implementation of a Policy on the 1st December 2010.
3. The Licensing Committee were briefed on the 15th September 2010 and 1st December 2010 on the amendments to the legislation and the need for a policy and procedure.

Key Issues

4. Following the Licensing Committee on the 1st December 2010 a draft Sex Establishments Licensing Policy and Procedure was produced. The policy and procedure includes: the application process, how to comment on applications, determination, revocation and duration of a licence, policy considerations, location of premises and consultation on applications.
5. The policy and procedure was circulated amongst the working group and an initial meeting was held on the 16th February 2011 to discuss the general principles of the policy and procedure. The areas discussed included: location of premises, relevant locality, saturation areas, fitness of the applicant, duration of licence, conditions to be attached to licence.
6. The comments from the working group were noted and the Policy and Procedure was substantially revised following the above meeting. The working group reconvened on the 25th February 2011 to discuss the second draft of the Sex Establishments Policy and Procedure. The meeting discussed the revised second version of the document and further discussions were held on: conditions to be attached the licence, delegated authority and fitness of the applicant.
7. The working group consisted of the Licensing Committee Chair and Vice-Chair, Portfolio Holder, representatives from all the Political Parties, Legal, Policy and Licensing Department.
8. A further third revised draft Sex Establishments Policy and Procedure has been produced with attached appendices for consultation and is attached to the report.

Proposal

9. The Council consults on the draft Sex Establishments Licensing Policy and Procedure which is attached between the 1st April 2011 and 1st July 2011. Following consultation responses the draft Policy will be brought to the Licensing Committee in September 2011 seeking approval that the Committee make a recommendation to Full Council to adopt the Sex Establishments Licensing Policy and Procedure.

Resource Implications

10. The process of consulting on the new policy and procedure will be conducted within existing resources with Environmental Health.

Recommendation

11. That the Licensing Committee approves the draft for consultation.

Background Papers:

1. Draft Sex Establishments Licensing Policy and Procedure
2. Section 27 of the Policing and Crime Act 2009
3. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
4. Guidance issued by the Home Office – Sexual Entertainment Venues

Author:

Justine Fuller 01276 707358
e-mail: Justine.Fuller@surreyheath.gov.uk

Head of Service:

Tim Pashen – Head of Environmental Services