

RENEWAL OF POLICY ON LICENSING OF SEX ESTABLISHMENTS

REPORT OF: DEPUTY CHIEF EXECUTIVE
Contact Officer: Lucy Corrie, Assistant Director, Communities
lucy.corrie@midsussex.gov.uk
Jon Bryant, Senior Licensing Officer
jon.bryant@midsussex.gov.uk
Wards Affected: All
Key Decision: No
Report To: Licensing Committee
20 February 2024

Purpose of Report

1. To seek the Committee's views on the Draft Policy for Licensing of Sex Establishments (Appendix 1) before it is considered by the Scrutiny Committee for People and Communities. Following consideration by the Scrutiny Committee for People and Communities the Council will carry out public consultation on the draft Policy. Subject to the outcome of the consultation the Policy will be considered by the Council.

Summary

2. The Council's existing policy on the licensing of sex establishments came into effect on 1 September 2010. It was subsequently reviewed in 2013, 2016 and 2019. Good practice suggests that the Policy is regularly reviewed.

Recommendation

3. **The Committee are recommended to endorse the Policy on Licensing of Sex Establishments at Appendix 1 for consideration by the Scrutiny Committee for People and Communities.**
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Background

4. The Council's policy on the licensing of sex establishments came into effect on 1 September 2010. It was subsequently reviewed in 2013, 2016 and 2019. Good practice suggests that the policy is regularly reviewed.
5. The policy enables the Council to regulate and control applications for:
 - sexual entertainment venues
 - sex cinemas
 - sex shopsas defined in the Local Government (Miscellaneous Provisions) Act 1982.
6. There are currently no such establishments in Mid Sussex.
7. The Act allows local authorities to place a limit on the number of the Sex Establishment Venues it will licence. The Council's current Policy states the number of sex establishment venues it will licence is zero. The zero policy on sex entertainment venues does not prevent applications being made to the Council for such licences. Any applications must be considered by the Licensing Committee in accordance with the principles and guidelines contained in the Policy. To date, the Council has never received an application for a sex establishment.

8. Since the Policy was approved there has been no legislative changes that affect the policy. Officers have reviewed the current policy to ensure it provides clear guidance to future applicants and consider it remains fit for purpose.
9. Whilst there is no statutory requirement for a Policy, it is considered good practice to implement a policy as it informs applicants and the Council regarding decision making. The current review period in the existing Policy is five years. This period is in line with similar policy review periods, such as those under the Licensing Act 2003.
10. In the event of there being legislative changes, or developments in case law, that could materially impact the policy it will be reviewed and updated as required.

Next Steps

11. If the Licensing Committee approve the recommended Policy, this will be scrutinised by the People and Communities Scrutiny Committee. After this, public consultation on the policy will take place for 6 to 8 weeks. If there are any significant suggested changes, the policy will go back to scrutiny for further examination. Finally, the policy is agreed and adopted by Full Council.

Policy Context

12. Having appropriate controls around licensed sex establishments contributes to the Council's aim 'To be an effective council delivering value for money services and helping to create a strong economy, environment and community'.

Other Options Considered

13. The Council could consider having a less restrictive policy if such establishments were thought to be beneficial to the District.

Financial Implications

14. None.

Risk implications

15. None.

Equality and Customer Service implications

16. No equality implications have been identified. The policy aims to give customers, i.e., those seeking a licence for a sex establishment, clear guidance on what is required, whilst protecting the public.

Sustainability Implications

17. None for the purposes of this report.

Background Papers

None