

UPDATED POLICY ON LICENSING OF SEX ESTABLISHMENTS

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Wards Affected: All
Key Decision Yes/No
Report To: Scrutiny Committee for Community, Customer Services and Service Delivery
10th July 2019

Purpose Of Report

1. To seek the Committee's views on the content of the Draft Policy for Licensing of Sex Establishments (Appendix 1) before it goes out to public consultation in July 2019. It is proposed that following consultation, if there are significant amendments required, it would be reviewed by this Committee on the 18th September 2019 before it is formally adopted by Council on the 6th November 2019.

Summary

2. On the 6th April 2010, Section 27 of the Policing and Crime Act 2009 reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Mid Sussex District Council adopted the new powers on the 21st April 2010. Good practice suggest the Policy is regularly reviewed.

3. **The Committee are recommended to:**

endorse the Policy on Licensing of Sex Establishments at Appendix 1 before it is issued for public consultation

Background

4. The Council's existing policy on the licensing of sex establishments came into effect on 1 September 2010. It was subsequently reviewed in 2013 and 2016. It is now time to review the policy again.
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. Our existing 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.
8. Since the policy was approved there have been no legislative changes that affect our policy position. Officers have reviewed the current policy with a view to ensuring it provides clear guidance to future applicants and consider it is still 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 three years and it is proposed to increase this to five years. This period is in line with similar policies such as the Licensing Act 2003
10. In the event of there being legislative changes that could materially impact the policy it can be brought back for review and updating as required.

Policy Context

11. 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

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

Financial Implications

13. None.

Risk implications

14. None.

Equality and Customer Service implications

14. 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.

Background Papers

15. Appendix 1 –Draft Policy for Licensing of Sex Establishments