

Licensing Committee Report
Report of the Licensing Team Leader
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Licensing of Sex Establishments: Statement of Licensing Policy 2018-2021

Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought into force for lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

Guildford Borough Council adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.

This report presents a revised policy to the Licensing Committee and seeks approval for public consultation.

Recommendation to Licensing Committee

That the Committee approves the draft Licensing of Sex Establishments Policy 2018-2021 for public consultation, and instructs officers to carry out the consultation over a 6 week period.

Reasons for Recommendation:

To obtain the views of interested parties on the proposed policy and use these views to formulate any changes to the policy.

1. Purpose of Report

- 1.1 The report informs the Committee of the review of the current Sexual Entertainment Venues Licensing Policy.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed policy in Appendix 1.

2. Strategic Framework

- 2.1 The Licensing of Sex Establishments Policy will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 2.2 It is best practice to publish a policy setting out our general approach to the licensing of sex establishments. The policy will assist a business making an application as it provides a background and rationale around granting a licence. The Council will use the policy in making a decision whether to grant a licence.

3. Background

- 3.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime into force for lap dancing, pole dancing and other “relevant entertainment”.
- 3.2 The provisions allow the Council to improve the regulation of sexual entertainment venues, as there are increased powers to control numbers and location of venues in the area.
- 3.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.
- 3.4 Guildford Borough Council adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.
- 3.5 The policy is due for review every 3 years, to ensure that the policy reflects best practice and to ensure it contributes to the strategic direction of the Council.
- 3.6 There are currently no licensed sexual entertainment venues in the Borough. An SEV licence was held between August 2015 to August 2016 for a premises within a proposed development at the Quadrant, Bridge Street. This licence was however never used and subsequently expired without being renewed.

4. Proposed Changes

- 4.1 There are no changes to the intent or direction of the policy, which sets out how the Council seeks to regulate sexual entertainment venues under its control and provides a framework for consistent decision making.
- 4.2 The draft policy contains a minimum of changes to the previous version. The policy has been updated to reflect the new corporate strategy, and corporate aims to maintain a safe, diverse night-time economy and the Purple Flag award.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 If the Committee approves the proposed policy, we will follow our consultation standards over a 6 week period by:
- Writing to the chief officer of police and other responsible authorities
 - Publicising the consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 We will then analyse the comments, prepare any changes considered appropriate to the policy for final approval and present a further report to the Licensing Committee on 26 September 2018.

6. Financial Implications

- 6.1 Under the adopted licensing regime, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council. The fee set and approved by Council for 2018-19 is £1,540.73.
- 6.2 The financial implications associated with the revision of the SEV Policy can be financed from the Licensing budget.

7. Legal Implications

- 7.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other "relevant entertainment" a new licensing regime.
- 7.2 The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.
- 7.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

7.4 The Home Office Guidance confirms that Local Authorities are not required to publish a licensing policy relating to sex establishments, and if they do so it must not prevent any individual application from being considered on its merits at the time the application is made.

7.5 The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Establishments Policy.

8. Human Resource Implications

8.1 The revision of the Licensing of Sex Establishments Policy can be managed from within the current licensing resource.

9. Conclusion

9.1 It is considered good practice to review an SEV Licensing Policy every 3 years. A review of the Policy has been completed and is presented to Licensing Committee to approve public consultation.

9.2 There are only a minor number of amendments to the current policy, reflecting the Council's updated Corporate Strategy.

9.3 Following consultation, a further report will be presented to the Licensing Committee requesting adoption of the Policy.

10. Background Papers

[Minutes of Licensing Committee 18 March 2015](#)

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

[Policing and Crime Act 2009](#)

[Sexual Entertainment Venues, Guidance for England and Wales, Home Office](#)

[Open for business, LGA guidance on local set fees, Local Government Association](#)

11. Appendices

Appendix 1: Licensing of Sex Establishments – Draft Statement of Licensing Policy (for consultation).

Appendix 2: Licensing of Sex Establishments – Draft Statement of Licensing Policy (for consultation) with changes from 2015 Policy highlighted.

12. Consultation

Service	Sign off date
Finance / 151 Officer	<i>30 April 2018</i>
Legal / Governance	<i>24 April 2018</i>
HR	<i>27 April 2018</i>
Equalities	<i>27 April 2018</i>
Lead Councillor	<i>4 May 2018</i>
CMT	<i>24 April 2018</i>
Committee Services	<i>10 May 2018</i>