

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

The policy was revised and approved for public consultation by Licensing Committee on 30 May 2018. This report seeks to inform Licensing Committee of the results of the consultation and seeks that the Committee recommend the Executive approve the draft Policy.

### **Recommendation to Licensing Committee**

**That the Committee notes the results of the public consultation on the draft Licensing of Sex Establishments Policy 2018-2021 and recommends the policy for approval by the Executive at its meeting on 23 October 2018.**

### Reasons for Recommendation:

Adopting an updated Licensing of Sex Establishments Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for sex establishments.

## **1. Purpose of Report**

- 1.1 The report informs the Committee of the consultation results received to the review of the Sexual Entertainment Venues Licensing Policy.
- 1.2 It asks the Committee to recommend that the Executive on 23 October approve the Policy as consulted upon 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 Following the approval of the Licensing Committee, consultation was carried out over a 6 week period between 8 June and 23 July. Officers consulted with interested parties by:
- Writing to the chief officer of police and other responsible authorities
  - Writing to other persons considered to be interested groups
  - 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 During the consultation period four consultation responses were received, which are shown in Appendix 2. The consultation responses did not indicate any changes were required to the draft policy consulted upon.

#### **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 £1,541.
- 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 the draft policy consulted upon. There are no changes to the consultation draft, which is presented to Licensing Committee for approval.

## **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 approved for consultation on 30 May 2018.

Appendix 2: Consultation Responses Received

## 12. Consultation

<b>Service</b>	<b>Sign off date</b>
Regulatory Service Manager	<i>7 August 2018</i>
Finance / 151 Officer	<i>13 August 2018</i>
Legal / Governance	<i>16 August 2018</i>
HR	<b>2 August 2018</b>
Equalities	<b>2 August 2018</b>
Lead Councillor	<i>28 August 2018</i>
CMT	<i>28 August 2018</i>
Committee Services	<i>7 September 2018</i>