

Licensing Committee Report

Ward(s) affected: All

Report of the Director of Service Delivery

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Licensing of Sex Establishments: Statement of Licensing Policy 2022-25

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 lap dancing, pole dancing and other “relevant entertainment” under a 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. The Policy is reviewed every 3 years and an updated policy is presented to Licensing Committee at Appendix 1.

The Council has a duty to consult on the proposed policy and officers are seeking approval to conduct the consultation.

Following consultation, a further report will be presented to the Licensing Committee on 24 November 2021 with the results of the consultation and seeking the Committee's recommendation that the Executive approve to the draft Policy for adoption.

Recommendation to Licensing Committee

That the Committee approves the draft Licensing of Sex Establishments Policy 2022-2025 for public consultation and instructs officers to carry out the

consultation over a 6-week period.

Reason 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 Sex Establishment Licensing Policy.
- 1.2 It asks the Committee to approve a public consultation exercise on the proposed policy in Appendix 1.

2. Strategic Priorities

- 2.1 Reviewing the Licensing of Sex Establishments Policy will contribute to our fundamental themes and priorities as follows:
 - **Place making** – ensuring safe gambling activities in the Borough through a well-regulated provision.
 - **Innovation** – using new ways of working to improve efficiency.
- 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 have been no applications under the Policy since its last review and there has not been any update in legislation or guidance which would change 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. As such, there are no changes proposed to the current Policy.
- 4.2 In addition, due to the demands on the Council in transitioning under the Future Guildford review, responding to the Covid-19 pandemic and other current pressures on the licensing service any significant changes to the Policy would be difficult to implement under the current circumstances.

5. Consultation

- 5.1 Whilst there are no changes proposed to the Policy, the Council still has a duty to consult and it is important that consultation takes place to ensure the Policy is clear and transparent for businesses, responsible authorities and the public and so that consultees can suggest any appropriate amendments.
- 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 24 November 2021.

6. Equality and Diversity Implications

- 6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and

sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

- 6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4 There are no equality and diversity implications arising from the review of the SEV Licensing Policy, which will be subject to public consultation with all stake holders.

7. Financial Implications

- 7.1 Under the Act, 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.
- 7.2 The financial implications associated with the revision of the Policy can be financed from the Licensing budget.

8. Legal Implications

- 8.1 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 lap dancing, pole dancing and other “relevant entertainment” under the licensing regime.
- 8.2 The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.
- 8.3 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.
- 8.4 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.
- 8.5 The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Establishments Policy.

9. Human Resource Implications

- 9.1 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources yet to be realised in the Case Services or Compliance Team to potentially assist with Licensing work although it

remains to be seen what effect this will have on the effective operation of the service, which remains busy in transitioning to the new structure. In addition, this work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.

- 9.2 Provided the draft is approved for consultation, there will not be any additional human resource implications associated with the revision of the SEV Licensing Policy.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications.

11. Summary of Options

- 11.1 After considering the report and the consultation responses, the Committee may either:
1. approve the draft Policy at Appendix 1 for public consultation, or
 2. approve the draft with amendments for consultation.

12. Conclusion

12. 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.
- 12.2 There are no amendments to the current policy and following consultation, a further report will be presented to the Licensing Committee requesting Committee recommend adoption of the Policy by the Executive.

13. Background Papers

[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](#)

14. Appendices

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

Service	Sign off date
Finance / 151 Officer	<i>19 April 2021</i>
Legal / Governance	<i>20 April 2021</i>
HR	<i>20 April 2021</i>
Equalities	<i>20 April 2021</i>
Lead Councillor	<i>25 April 2021</i>
CMT	<i>27 April 2021</i>
Committee Services	<i>17 May 2021</i>