

Executive Report

Ward(s) affected: All Wards

Report of the Director of Service Delivery

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## **Licensing of Sex Establishments: Statement of Licensing Policy 2022-2025**

### **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 (SEVs). 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, and subsequently the Executive agreed a revised policy on 30 October 2018

The current policy is due to expire and a revised policy, albeit with no changes, has been subject of public consultation. The Licensing Committee considered this matter at its meeting on 29 September 2021 and has recommended that the Executive approves the updated policy.

### **Recommendation to Executive**

That the draft Licensing of Sex Establishments Statement of Licensing Policy 2022-2025, as set out in Appendix 1 to this report, be approved.

### **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.

Is the report (or part of it) exempt from publication? No

## 1. Purpose of Report

- 1.1 The report informs the Executive of the consultation results received to the review of the Sexual Entertainment Venues Licensing Policy following public consultation as approved by Licensing Committee.
- 1.2 It asks Executive approve the Policy as consulted upon in Appendix 1 following the consideration and recommendation of the Licensing Committee on 29 September 2021.

## 2. Strategic Framework

- 2.1 The Licensing of Sex Establishments Policy will contribute to our fundamental themes as follows:
  - **Place making** – regenerating and improving Guildford town centre and other areas across the Borough through well-regulated licensed establishments.
  - **Community** – enhancing sporting, cultural, community and recreational facilities.
  - **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.
- 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 three 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. A 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 no changes to the previous version. The policy was updated in 2018 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 5 July and 20 August 2021. Officers consulted with interested parties by:
- Writing/emailing the chief officer of police and other responsible authorities
  - Writing/emailing 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 one consultation response was received, which are shown in Appendix 2. The consultation response 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 2021-22 in respect of an application for a sexual entertainment venue is £1,677.

## **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 a licensing regime for lap dancing, pole dancing and other “relevant entertainment”.
- 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.

## **8. Human Resource Implications**

- 8.1 The revision of the Licensing of Sex Establishments Policy is being managed from within the current licensing resource.

## **9. Equality and Diversity Implications**

- 9.1 Under the public sector 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.
- 9.2 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.
- 9.3 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 equality duty.
- 9.4 Adopting a Policy will assist in this decision making as it ensures that the implications for any protected group are considered when deciding whether to grant an application.

## **10. Climate Change/Sustainability Implications**

10.1 There are no climate change/sustainability implications arising from the SEV Licensing Policy.

## **11. Summary of Options**

11.1 After considering the report, the Executive may either:

- Approve an extension of the current Policy at Appendix 1, or
- Approve an extension of the current Policy at Appendix 1 with amendments.

## **12. Conclusion**

12.1 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 the Licensing Committee on 29 September recommended for approval by the Executive.

## **13. 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](#)

[Minutes of Licensing Committee 29 September 2021](#)

## **14. Appendices**

Appendix 1: Licensing of Sex Establishments – Draft Statement of Licensing Policy.

Appendix 2: Consultation Response Received