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**Meeting:** Regulation Committee  
**Date:** 13 April 2011  
**Subject:** Adoption of Statement of Licensing Policy for Sex Establishments  
**Report of:** Jane Moakes, Assistant Director Public Protection  
**Summary:** Adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sex Establishments has been passed by the Council on 25 November 2010. This policy is adopted to provide guidance and support to the provisions

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Contact Officer: David McBain (Licensing Enforcement Officer)  
Public/Exempt: Public  
Wards Affected: ALL  
Function of: Regulation Committee

**RECOMMENDATIONS:**

**That the Regulation Committee adopts the policy so as to provide guidance and support to the relevant provisions enabling the regulation of Sex Establishments**

**Introduction**

1. Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009, enables the Council to control the licensing of sex establishments.

*Note: There is no option to adopt Section 27 and not Schedule 3, as section 27 only amends this schedule. The Council agreed adoption of Schedule 3 on 25 November 2010.*

2. The legislation empowers local authorities to licence “sex establishments” which means a sex cinema or sex shop. However, following the introduction of the amendment under the Policing and Crime Act, this now includes a “Sexual Entertainment Venue”. This new category covers venues that provide ‘relevant entertainment’. Relevant entertainment is defined as “*any live performance or display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience*”.
3. Under the legislation, local authorities are allowed to set a limit on the number of such establishments that they consider are appropriate for a particular locality.

4. Premises which previously provided these facilities as “Regulated entertainment” under the Licensing Act 2003 licences are no longer able to do so and will need a Sex Establishment Licence.
5. Within Central Bedfordshire there are venues that will need to be considered under this legislation

### **Adoption**

6. The local authority passed a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 and specify the day the provisions are to come into effect (*for Central Bedfordshire Council this will be 1 April 2011*). This is greater than 1 month after the date of the resolution.
7. The local authority has published a notice in a local newspaper for two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice has appeared 28 days before the provisions are due to come into force.
8. From 1 April 2011 the operator of a proposed or existing “sex establishment” will have to apply for a licence under the Act. There is no presumption that the licence will be granted.
9. The Council can refuse a licence because there is already an appropriate number of sex establishments in an area and/or that a sex establishment would ‘conflict’ with the character of the area or other premises nearby e.g. schools, places of worship etc.
10. Central Bedfordshire Council’s policy on Sex Establishments was put out for consultation. This consultation ran from 18 October 2010 to 9 January 2011. The Policy is now brought to regulation committee for approval.

### **Conclusion**

13. Adoption of this Policy will :
  - Inform local people of how to oppose an application for a sex establishment licence if they have legitimate concerns that a sex establishment would be inappropriate, given the character of the area, for example if the area is primarily residential or next to a school etc.
  - Give guidance on application, renewal, transfer and variation of Sex Establishment licences. (Licences will be required to be renewed at least yearly, at which point local people will have the opportunity to raise objections with the local authority).
  - Provide a statement of how the Council will set limits on the number of sex establishments as they think appropriate for a locality.
  - Allow the Council to state its own conditions required on the licences of Sexual Entertainment Venues that they are currently unable to introduce under the Licensing Act 2003.
  - Allow the Council to advise others on how it sets reasonable fees to cover administration and enforcement costs. (Levels of fees and a fee structure have been agreed and are set out in the application guidance)

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Increased community safety.

Compliance with Central Bedfordshire's Licensing objectives.

### **Financial:**

Advertising costs attached to the public notices required by the procedure to be published in the local press. A fee is payable by applicants which will offset these costs over time.

The process of adopting the legislation, and the licensing process will be administered by the licensing team.

### **Legal:**

There is no legal requirement to provide a Policy. However it is recommended in order to support the Council's stated aim to be proportionate, accountable, consistent, and transparent. It will allow regulatory action to be targeted. It will inform local residents and businesses of the policies that the Council will generally apply to decisions about applications, the application process and what is expected of applicants and those who wish to object to applications

### **Risk Management:**

None

### **Staffing (including Trades Unions):**

None

### **Equalities/Human Rights:**

None

### **Community Safety:**

None

### **Sustainability:**

None

### **Appendices:**

**Statement of Licensing Policy for Sex Establishments**

**Application pack**