

Meeting:	Meeting of Licensing Committee
Date:	6 June 2013
Subject:	Consultation on New Sex Establishments Policy
Report of:	Head of Public Protection
Summary:	The report provides information to the Licensing Committee to allow them to take a decision relating to consultation on a new Sex Establishments Policy

Advising Officer:	Director of Community Services
Contact Officer:	Susan Childerhouse Head of Public Protection
Public/Exempt:	Public
Wards Affected:	All
Function of:	Licensing Committee

CORPORATE IMPLICATIONS

Council Priorities:

- Promote health and wellbeing and protecting the vulnerable - the draft Statement of Policy for Sex Establishments incorporating a strict locality criteria clearly sets out the need to protect the vulnerable

Financial:

1. The Council is responsible for licensing these types of establishments ; there may be a reduction in potential income from any applications that do not meet the locality criteria

Legal:

2. Any decision of the licensing committee to grant or refuse a licence for a sex establishment can be challenged through the Magistrates Court, but by agreeing/adopting a policy that clearly sets out the criteria applicants must meet, the risk of challenge is reduced.

Risk Management:

3. All members are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty to the Council.
4. The report details the options available to the committee in setting the Councils Statement of Policy for Sex Establishments

Staffing (including Trades Unions):

5. Not Applicable.

Equalities/Human Rights:

6. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

Public Health

7. The health and wellbeing of residents and protection from harm underpins this policy

Community Safety:

8. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.
It is important that the late night economy is managed to ensure that the effects of alcohol and anti social behaviour do not have a detrimental impact on the amenity of an area.

Sustainability:

9. Not applicable.

Procurement:

10. Not applicable.

RECOMMENDATION(S):

1. To undertake a public consultation on the draft Statement of Policy for Sex Establishments
2. To use the draft Statement of Policy attached at Appendix A as the basis for the public consultation.

Summary

11. In order to assist applicants and in response to public consultation relating to the location of these types of premises the policy sets out a strict criteria on the location of the premises in relation to other specified premises or land usage, and that conditions will be attached to any licence granted.

Background

12. Central Bedfordshire Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) with regard to Sex Cinemas, Sex Shops and for Sexual Entertainment Venues. It is, therefore, a requirement that each of these types of premises be licensed within Central Bedfordshire Council's area. The Council publishes a statement of policy in relation to sex establishments this sets out the Council's approach to the licensing of Sex Establishments and is regularly reviewed

13. There are currently three licensed sex establishments in Central Bedfordshire:
- One (1) Sexual Entertainment Venue situated in the Ampthill area;
 - One (1) licensed Sex Shop in the Dunstable area; and
 - One (1) licensed Sex Shop in the Sandy/Biggleswade area.
- There was a fourth venue located in Leighton Buzzard its licence is due for renewal but we haven't yet received the application
14. Adoption of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) with regard to Sex Cinemas, Sex Shops and for Sexual Entertainment Venues. also allows the Council to set terms, conditions and fee for the grant, renewal, transfer and variation of such licences, and set the number of licences that may be issued in the area.
15. Aside from stating that an applicant for a licence is not a fit and proper person to hold a licence, the inappropriate location of an establishment is the only other reason on which an application for this type of licence can be refused.
In considering its statement of licensing policy it is appropriate that the Council takes into account views of local residents and to this effect, initial consultation by phone survey has been undertaken to inform the Licensing Committee and to set the parameters for consultation.
16. By clearly setting out in its statement of licensing policy the strict criteria to be applied to locality the Council is representing the views of its residents and being transparent in its dealings with those wishing to apply for a licence for a sex establishment

Consultation

17. In order to inform the review of the policy residents' opinions regarding the licensing of sex establishments in Central Bedfordshire were sought by a telephone survey of 1123 residents undertaken in March 2013.

18. The key findings from the survey are in the table below :

	Opposed %	In favour %	Not Sure %
Granting of Sex Establishment Licences in local area	63	27	10
Granting of Sex Establishment Licences in Central Bedfordshire	47	42	11
Should there be a nil policy in Central Bedfordshire	39	55	6
Sex Establishments should not be located specific areas and land use types	8	86	6
Should conditions be attached to any licences issued	3	85	12

19. It is proposed that consultation on this draft statement, subject to agreement by Licensing Committee is undertaken over the statutory twelve weeks period, from 10th June 2013 to 31st August 2013 and that this includes: internal stakeholders; Executive, Licensing Committee, Ward Members, CMT and Licensing staff and external stakeholders, Town and Parish Councils, MP's, Equality Forum, licence holders, residents, Responsible Authorities, neighbouring local authorities, local businesses and schools.

It is proposed that a range of methods will be used these will include: face to face briefings, briefing notes, online, social media, press releases and use of other Council publications all requesting feedback for consideration.

Other Relevant Information

20. As indicated in paragraph 13, there are currently three licensed premises in Central Bedfordshire and there have not been any new applications for a Sex Establishment Licence in Central Bedfordshire since July 2012. The current licensed premises are:

- A sexual entertainment venue located in Ampthill had its licence issued in July 2012. The venue does not currently open as a Sexual Entertainment Venue, it is only operating as a bar /nightclub.
- A Sex shop located by the A1 at Tempsford has been operating since 2005 and its licence is due for renewal in April 2014.
- A sex shop located in Dunstable has been operating since September 2002 its licence is due for renewal in October 2013.

A sexual entertainment venue has been in operation in Leighton Buzzard since June 2009 but we haven't yet received a renewal application and the renewal date is passed

Analysis of Consultation

- .21. Consultation to date, which has helped inform the draft policy, has been by way of a telephone survey of 1123 residents undertaken in March 2013. Analysis of the responses has shown:
- Although the majority support a nil policy this is not an overwhelming figure
 - The support for not granting these types of licences is particularly less representative when the 'not sure' figures are taken into account. The majority only arises when the question of locality of the establishment is discussed.
 - There is overwhelming support for sex establishments not to be located near certain types of premises and land usages.
 - There is overwhelming support for strict conditions to be attached to any licence granted.

22. In order to respond to the overwhelming majority of responses/wishes from residents, an approach is that licences could be granted where strict locality criteria are met and conditions are attached to the licence.

23. It is therefore proposed that the Licensing Committee consults on the policy as set out at Appendix A, by the means set out at paragraph 19 for the statutory twelve week period commencing on Monday 10th June.

Conclusion

24. The draft policy has been drawn up to reflect the responses to the location of Sex Establishments in Central Bedfordshire. Although there is support for a nil policy this is not outweighed by those who believe that we should licence these establishments if they are located in the right areas and subject to conditions relating to their operation etc.

25. The draft statement at appendix A sets out the location criteria and conditions to be attached and should be used as the draft for the public consultation. The responses to the consultation will be analysed and reported to the Committee to allow the Committee to make an informed decision when adopting a new Statement of Licensing Policy in relation to Sex Establishments.

26. The Committee could consider changes to the draft policy but in doing so should take into account the feedback to date and the rationale for the proposed policy as set out.

27. The sub committee must also have regard to

- The Local Government (Miscellaneous Provisions) Act 1982
- Any supporting regulations - i.e. s27 of the Policing and Crime Act 2009
- Guidance issued pursuant to section 182 of the Licensing Act 2003

Appendices:

Appendix A – Draft Statement of Policy for Sex Establishments

Background Papers: (open to public inspection)

Local Government (Miscellaneous Provisions) Act 1982 as amended by S27 of the Policing and Crime Act 2009.

Current Central Bedfordshire Council Statement of Licensing Policy for Sex Establishments.

Papers are available on line or via the Licensing Team Public Protection Watling House, High Street North, Dunstable Bedfordshire, LU6 1LF.