
DRAFT SEX ESTABLISHMENT LICENSING POLICY

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Redditch Borough Council does not currently have an adopted Policy on the licensing of Sex Establishments. The Licensing Committee has considered a draft Policy and approved it for the purposes of consultation with relevant stakeholders and the general public in March. This consultation has now taken place and the responses received are reported to the Licensing Committee.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

To adopt the draft Sex Establishment Licensing Policy (attached at Appendix 1) with effect from 1st August 2015.

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in carrying out the consultation were met by existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended, allows local authorities to adopt provisions concerning the regulation of sex establishments. Under the Act there is no legal requirement for the Council to adopt a policy on how it proposes to license sex establishments under the Act. However, it is considered best practice for a Council to adopt such a policy to encourage consistency and transparency in the way that its licensing functions are carried out.

Service / Operational Implications

- 3.3 The Local Government (Miscellaneous Provisions) Act 1982, when originally enacted, allowed for the licensing of Sex Establishments (i.e. sex shops and sex cinemas) by those local authorities, like Redditch Borough Council, that adopted Schedule 3 of the Act.
- 3.4 The Council resolved to adopt the original provisions at a meeting on 25th October 1982.
- 3.5 On 9th August 2010 the Council resolved to adopt the amended provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, which were amended by virtue of Section 27 of the Policing and Crime Act 2009.
- 3.6 The adoption of the provisions as amended by the Policing and Crime Act 2009 meant that “sexual entertainment venues” in the Borough are subject to the same licensing requirements as sex shops and sex cinemas.
- 3.7 The new controls strengthened the role that local communities can play in deciding whether, for example, a lap dancing premises is appropriate for the locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people have legitimate concerns about where such premises are located.
- 3.8 Despite having adopted controls over sex establishments, the Council does not currently have an adopted Policy on the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982.
- 3.9 Members of the Licensing Committee have considered a draft Policy and approved it for the purposes of consultation with relevant stakeholders and the general public.
- 3.10 A draft Sex Establishment Licensing Policy is attached at Appendix A. The draft Policy sets out how Redditch Borough Council would approach its licensing functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.11 It will provide guidance to Members and Officers when considering applications and will inform potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing functions.

- 3.12 The draft Sex Establishment Licensing Policy has been subject to consultation with relevant stakeholders and the general public. Those contacted regarding the consultation included the Police, the local MP, Redditch Borough Councillors, Feckenham Parish Council, Trading Standards, Environmental Health, Fire Safety, Public Health, the Worcestershire Safeguarding Children Service, Safer Redditch, the Local Enterprise Partnership and other groups and bodies representing local businesses.
- 3.13 The consultation documents were also hosted on the Council's website and advertised via social media channels.
- 3.14 A response was received during the consultation from Trading Standards who confirmed that they were happy to be consulted on applications received and provide any relevant information that they are in possession of about the applicant or premises concerned.
- 3.15 A further response was received from a member of the public who expressed the view that the Council should not grant any licences for sex establishments in Redditch as it would lower the tone of the town and encourage "doubtful characters" interested in "deviant sex activities" to visit the town turning it into a "seedy dive."
- 3.16 This response appears to be based on a fundamental moral objection to the concept of sex establishments rather than making any points pertinent to the draft policy. Members should be aware that the Council should disregard moral arguments regarding the operation of sex establishments, which are a lawful enterprise.
- 3.17 The Licensing Committee are now asked to note the consultation responses received and resolve to adopt the draft policy with effect from 1st August 2015.

4. RISK MANAGEMENT

- 4.1 Application of the policy will provide clarity when determining applications and reduces the risk of challenge and appeal. Consultation with relevant stakeholders will minimise the risk of challenge.

5. APPENDICES

Appendix 1 – Draft Sex Establishment Licensing Policy

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