

Tuesday 12th December 2023**Report of the Portfolio Holder for Environmental Health and Community Partnerships****Sexual Establishment Policy 2024 - 2028****Exempt Information**

None

Purpose

To bring before Full Council the Licensing Committee recommendation that they consider the draft Sexual Establishment Policy set out at Appendix 1 and, subject to any recommended amendments, approve the draft policy for adoption

Recommendations

It is recommended that Full Council consider the draft Sexual Establishment Policy 2024 – 2028 as suitable for adoption, subject to any amendments made following the comments received by Staffordshire Police.

Executive Summary

The Council, in its capacity as Licensing Authority, is required to consider applications and issue licences for Sexual Establishment Venues. There is currently no policy in force covering the Council area for these activities and it is considered necessary and appropriate for such a policy to be prepared, consulted upon and published in order to ensure that applications for this type of authorisation are considered and determined in a fair, consistent and transparent manner.

The draft policy sets out the legal requirements and application process, along with the Licensing Authority's approach to preventing nuisance to residents and businesses located within the Council area and the enforcement of unlicensed activities.

At the meeting of the Licensing Committee held on 22nd June 2023, the committee recommended that the draft Sexual Establishment Policy 2024 – 2028 be approved for consultation and that the draft policy be brought back to the Licensing Committee for consideration together with any comments received.

The public consultation exercise was held between the 3rd July 2023 and 24th September 2023. A list of those that were consulted is attached at Appendix 3. A response to the consultation was received and is attached at Appendix 4 for members consideration.

Members are asked to consider the insertion of the additional standard conditions as specified in the response and the addition of wording to pages 6, 9 & 11.

At the meeting of the Licensing Committee held on the 12th October 2023 the Committee resolved that the Committee recommend to Full Council that they consider the draft Statement of Licensing Policy 2023 – 2025 as suitable for adoption subject to the amendments suggested by Staffordshire Police.

Options Considered

Although there is no statutory requirement for a policy covering sexual entertainment venues, it is considered desirable and necessary to implement one so that the Licensing Authority is seen to be transparent, consistent, fair and open when considering and determining applications for this activity.

Resource Implications

There are limited financial implications from this report. Any additional cost will be recovered through the licence fee. The policy will be reviewed on a 5-yearly cycle. The current fee in relation to a new/renewal of a Sexual Establishment licence is £1011

Legal/Risk Implications Background

If a policy is not agreed then this could result in a lack of transparency, accountability, certainty and consistency in respect of decision making.

Equalities Implications

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

Environment and Sustainability Implications (including climate change)

The Council is committed to tackling climate change and the proposed Policy will assist in ensuring that it contributes appropriately to this ambition.

Background Information

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 allows the Council to control by way of its licensing regime, sex establishments in the form of sex cinemas and sex shops.

Section 27 of the Policing Crime Act 2009 defined a new category of sex establishment namely 'sexual entertainment venue' which provides the means for local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 and gives local authorities more powers to control the number and location of these type of premises.

Tamworth Borough Council currently do not have a Policy. The draft Sexual Establishment Policy can be found at Appendix 1.

The Local Government (Miscellaneous Provisions) Act 1982 also permits Local Authorities to prescribe Standard Conditions applicable to Sexual Entertainment Venue Licences. A draft list of Standard Conditions can be found at Appendix A to the draft Policy. If these conditions are approved, every licence granted, renewed or transferred will be subject to these conditions. An applicant who does not wish to have one of more of these conditions, must communicate this to the Authority at the time of making the application.

Local Authorities are also entitled to attach individual conditions where concerns have been identified.

Tamworth Borough Council have been undertaking this activity in line with legislation for many years. By bringing forward this policy we will be providing a framework and be transparent about how we operate.

Report Author

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List of Background Papers

Local Government (Miscellaneous Provisions) Act 1982

Appendices

Appendix 1 – Draft Sexual Establishment Venue Policy 2024 – 2028

Appendix 2 – Community Impact Assessment Form

Appendix 3 – List of Consultees

Appendix 4 – Response to Consultation

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