

Report to: **Licensing and Enforcement Committee**



Date of Meeting: 3 July 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 8

Subject: **Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 – Sex Establishment Licensing Policy and Standard Conditions. To seek approval to make minor amendments to update existing policy.**

Purpose of report: This report updates the Licensing & Enforcement Committee on revisions to the existing policy.

Recommendation: **That the Committee:**
1. Approve minor revisions to the Council's Sex Establishment Licensing Policy and
2. Recommend to Council at its meeting on the 9 July 2019 that the revised Policy be adopted

Reason for recommendation: The legislation does not require the Council to have a policy relating to the licensing of Sex Establishments however it is regarded as good practice to have a policy to indicate the authority's approach to licensing premises of this type within its area.

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Financial implications: The revisions maintain the Council's policy in line with current legislation. Councils that operate without properly adopted Policy may be liable to legal challenge which if successful could entail costs being awarded against the Council.

Legal implications: These are incorporated within the report.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices:**

Appendix A - Draft of Revised Sex Establishment Licensing Policy

Background Papers:

- ❑ Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009
- ❑ Sexual Entertainment Venues – Home Office Guidance for England and Wales (March 2010)
- ❑ Statement of Licensing Policy for Sex Establishments 2011

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Background and Proposed Draft Amendments to the Existing Policy

- 1.1 With effect from the 1 January 1983 East Devon District Council resolved to apply Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982, providing that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the council. At that time the term 'establishment' related to shops and cinemas used for that purpose.
- 1.2 Following the reclassification of lap dancing style premises as sexual entertainment venues (Section 27 of the Policing and Crime Act 2009) the Council resolved that with effect from the 1 February 2011 the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 would apply. All sex establishment venues including lap dancing style premises within the East Devon District are required to be licensed by this Council.
- 1.3 The legislation does not require the Council to have a policy relating to the licensing of sex establishments however it is regarded as good practice in order to indicate the authority's approach to licensing premises of this type. In July 2011 the Council introduced a Statement of Licensing Policy for Sex Establishments setting out the requirements for premises to be licensed including applications, standard conditions and fees which followed full consultation with parish and town Councils, local residents, the statutory responsible authorities and holders of premises licences under the Licensing Act 2003.

2. Amendments to Policy

- 2.1. The policy explains the application process, provides information on what is expected of applicants and sets out the policies the Council will generally apply when making decisions on applications.
- 2.2 All policies should be reviewed and revised where appropriate and with regard to this policy, significant amendments should only be implemented after further consultation with those who are likely to be affected to include existing licence holders and statutory responsible authorities. Specific examples of a significant amendment are provided as significant financial change, procedural changes or those effecting the community.
- 2.3 Following a review of the Sex Establishment Licensing policy minor amendments have been identified only to general information relating to updating the profile of East Devon and changing contact details for some of the responsible authorities.
- 2.4 The amendments are shown in red font of the revised policy.
- 2.5 There are no amendments at all to legislation, to existing fees, procedures or conditions. The changes are minor in nature and will not impact upon individuals, organisations or the community. Accordingly there is no requirement to undertake a further consultation.
- 2.6 Currently there are no licensed premises having relevance to this policy in East Devon.
- 2.7 A copy of the revised policy is attached at **Appendix A**.

3 Conclusions

- 3.1 The licensing authority will review the policy when it identifies a need or as required by legislation or procedural change. Following this review, it has not been necessary to make significant amendments to the Sex Establishment Licensing Policy that would prompt further consultation, the revisions being of a minor nature.
- 3.2 Changes to the Sex Establishment Licensing policy that are approved by the Licensing and Enforcement Committee must be recommended to full Council, being the procedure to formally adopt that policy.
- 3.3 Once adopted the revised policy it will be available through the Council's website.