

Chichester District Council

GENERAL LICENSING COMMITTEE

23 March 2016

COUNCIL

17 May 2016

Adoption of the Council's Sexual Entertainment Venues Policy for the period 2016 to 2021

1. Contacts

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2. Executive Summary

To introduce the Council's revised draft Sexual Entertainment Venues Policy for the period 2016 to 2021 and seek its approval by Council on 17 May 2016

3. Recommendation to General Licensing Committee

- 3.1 That the draft revised Sexual Entertainment Venues Policy (the Policy) is approved for public consultation.**
- 3.2 That authority be delegated to the Head of Housing and Environment Services to consider any representations arising from the consultation exercise and, provided the representations do not require significant amendments to the draft Policy, to recommend adoption to Council on 17 May 2016 (with minor amendments if considered appropriate) following consultation with the Cabinet Member for Environment.**
- 3.3 In circumstances where significant amendments to the Policy are required that these are reported back to the General Licensing committee for further consideration.**

Recommendations to Council

- 3.4 That the Policy (as amended in accordance with 3.2 and/or 3.3 above) be approved and published.**

4. Background

- 4.1 Communities and local Councils were given greater opportunities to influence whether licensed sex establishments should be allowed to operate in their area following amendments to the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.
- 4.2 During 2011 the re-adoption of the amended legislation and the development, for the first time, of a documented Sexual Entertainment Venues Policy for Chichester took place.
- 4.3 At Licensing and Enforcement Committee on 10 February 2011 Members were informed that adoption of the amended legislation and formulation of a policy was not compulsory. The Council could have chosen not to pursue adoption however it was emphasised at the time that such a choice would not have given the necessary powers to regularise the provision of striptease and lap-dancing premises.
- 4.4 During the development of the policy Members decided to adopt the amended legislation and that 'nil' was the appropriate number of sex establishments for the Council's area. Careful consideration was given to 'relevant locations' to be included in the policy. Officers were given authority to make the necessary changes to the draft policy prior to consultation and approval by Council.
- 4.5 The current Sexual Entertainment Venues Policy (the 'Policy') received approval by Council on 2 April 2011 along with the re-adoption of the amended legislation for the Chichester area.
- 4.6 Since adoption of the amended legislation and approval of the policy there has been minimal work in this subject area. No applications have been received from potential operators of licensed premises and there has been a single enquiry (2013) regarding a potential 'sex shop' which did not result in an authorisation being necessary based on the business model. The Council's Licensing Team is not in receipt of any intelligence to suggest relevant entertainment is being provided in the district which is reinforced by the absence of complaint.

5. Outcomes to be achieved.

- 5.1 Whilst noting the comments in paragraph 4.6 above, officers believe it is appropriate for this Council to retain a Sexual Entertainment Venues Policy for our area.
- 5.2 No significant amendments are proposed to the existing policy other than basic facts and figures when referring to the characteristics of the district and any changes to the relevant localities since the last draft was prepared. In essence the policy remains unaltered. Unless officers are guided otherwise there is also no intention to amend the previously agreed 'nil' criteria.
- 5.3 In view of the current policy expiring on 2 April 2016 it is necessary to seek approval for appropriate consultation on the proposed policy and obtain approval by Council at its meeting on 17 May 2016.

6. Proposal.

- 6.1 In view of the limited activity associated with this area of work it is proposed to undertake a four week electronic/web-based consultation. Once completed, responses will be considered in accordance with recommendations of this report. Any resulting minor changes to the policy will be discussed with the Head of Housing and Environment Services and Cabinet Member for Environment. It is then requested that Council approve the final policy. After this date the Policy will be used by Officers and Members, alongside national guidance issued by the Home Office when making decisions on any potential individual applications.

7. Alternatives that have been considered.

- 7.1 No alternatives have been considered as it is felt appropriate for the Council to have in place and publish a Sexual Entertainment Venues Policy.

8. Resource and Legal Implications

- 8.1 There are no resource or legal implications associated with this report.

9. Consultation

- 9.1 A four (4) week public consultation exercise will be undertaken starting on 24 March 2016 which will engage a range of statutory partners as well as various interested parties. These will include;

- Responsible Authorities under the Licensing Act 2003 (e.g. Sussex Police, Fire Service, Environmental Health etc.),
- Representatives of the licensing trade (ChiBAC, BID etc.)

- 9.2 All will be advised of the consultation period and provided with a link to the draft Policy which will be displayed on the Council's website.

10. Community impact and corporate risks

- 10.1 There are no community impact and or corporate risks raised by this report.

11. Other Implications

Crime and Disorder	None
Climate Change	None
Human Rights and Equality Impact It is not proposed to significantly amend the existing Policy. However the application of the Human Rights Act 1998 and its relevant Articles in particular, Article 6 (Right to a fair trial), Article 8 (Right to respect for private and family life) and Article 1 of the first protocol (Protection of property) will be considered by the Licensing Authority in the determination of applications and other matters governed by the Policy. Equality issues and their impact will also be duly considered in respect of each application considered	Yes.

by the Licensing Authority.	
Safeguarding	None

12. Conclusion

- 12.1 That Members agree the draft Policy in accordance with the recommendations, support a four week consultation exercise and ultimately approve the document at Council on 17 May 2016 as the Sexual Entertainment Venues Policy for Chichester District Council covering the period 2016 – 2021.

13. Background Papers

Chichester District Council’s Sexual Entertainment Venues Policy
Home Office Guidance ‘Sexual Entertainment Venues’ (March 2010)

14. Appendices

Appendix A Revised copy of draft Policy 2016 - 2021 (not printed but available on CDC’s website)