

**Proposed Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005**

**1. Contacts**

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**2. Executive Summary**

To provide the Council with an overview of the consultation responses in relation to the proposed Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005 and seek approval for publication.

**3. Recommendation**

**3.1 That the Council approves the Sexual Entertainment Venues Policy and Statement of Licensing Policy under the Gambling Act 2005**

**4. Background**

- 4.1 At its meeting on 23 March 2016 the Council's General Licensing Committee considered and agreed the draft Sexual Entertainment Venues Policy (Appendix A) for public consultation with a recommendation seeking subsequent approval from Council.
- 4.2 No significant amendments were proposed to the existing Sexual Entertainment Venues Policy.
- 4.3 On 23 March 2016 the Council's Alcohol and Entertainment Licensing Committee also considered and agreed the draft Statement of Licensing Policy under the Gambling Act 2005 (Appendix B). The draft Statement was approved for public consultation with a similar recommendation seeking approval from Council.
- 4.4 Since the last Statement of Licensing Policy was published three years ago it has only been considered necessary to undertake general housekeeping amendments along with expanding references to the South Downs National Park Authority.

## **5. Outcomes to be achieved.**

- 5.1 Both Policies must be approved and published before the Council can carry out its licensing functions under either the Local Government (Miscellaneous Provisions) Act 1982 (as amended) or the Gambling Act 2005.
- 5.2 The Council's current Sexual Entertainment Venues Policy expired on 2 April 2016 and it is for this reason approval is necessary. Existence of the Policy gives the Council the necessary powers to regularise the provision of striptease and lap-dancing premises and control the provision of sex shops.
- 5.3 The Gambling Act 2005 Statement of Licensing Policy expires on 20 June 2016 and it is again therefore necessary to seek its approval. The intention of the policy is to clearly set out the framework the Authority will generally apply to promote the three statutory licensing objectives when making decisions on applications made under the Act. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

## **6. Proposal.**

- 6.1 Approval of the draft Policies is requested in order to be in place when making decisions on potential applications and notices under the relevant legislation.

## **7. Alternatives that have been considered.**

- 7.1 No alternatives have been considered as the Council is under a statutory obligation to have in place and publish a Statement of Licensing Policy in relation to the Gambling Act 2005.
- 7.2 Whilst there is no statutory requirement for the Council to have in place a Policy associated with the licensing of Sexual Entertainment Venues it is considered appropriate to have in place a published document.

## **8. Resource and Legal Implications**

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

## **9. Consultation**

- 9.1 A four week public consultation exercise was undertaken in relation to the Sexual Entertainment Venues Policy. This ran between 23 March and 20 April 2016. The consultation period associated with the Gambling Act 2005 Statement of Licensing Policy ran for six weeks concluding on 4 May 2016. An oral update will be given if further representations are received in relation to the latter.
- 9.2 Both consultations engaged a wide range of statutory consultees as well as various interested parties. These included;

- Responsible Authorities under the Gambling Act 2005 and Licensing Act 2003 (e.g. Sussex Police, Fire Service, Local Safeguarding Children Board, Environmental Health etc.),
- Interested parties (trade organisations, residential groups, schools, charitable organisations etc.),
- Holders of current Premises Licences under the Licensing Act 2003,
- Holders of current permissions granted under the Gambling Act 2005, and
- Representatives of the licensing trade (ChiBAC, BID, persons representing the interests of persons carrying on gambling activities etc.)

9.3 All were advised of the consultation periods and provided with a link to the draft Policies which were displayed on the Council’s website.

9.4 At the time of compiling this report the Licensing Team had received a single positive response in relation to both draft Policies stating “.....*having had some knowledge and experience of the business of this committee and department, I am much in favour of these policies, which in my view are sensible and well thought out.*”

## 10. Community impact and corporate risks

10.1 Corporate risks and community impacts will be minimised by the adoption of transparent and clear licensing policies relating to gambling activities and sexual entertainment venues. Also see section 5.2 and 5.3 above which set out the outcomes of the policies.

## 11. Other Implications

<b>Crime and Disorder</b>	None
<b>Climate Change</b>	None
<b>Human Rights and Equality Impact</b> It is not proposed to significantly amend the existing Policies. 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 Policies.  Equality issues and their impact will also be duly considered in respect of each application considered by the Licensing Authority.	Yes.
<b>Safeguarding</b>	None

## 12. Background Papers

None

## 13. Appendices

- Appendix A Proposed Sexual Entertainment Venues Policy 2016 – 2021(not printed but available on CDC’s website and copy in Members Room or on request)
- Appendix B Proposed Statement of Licensing Policy under the Gambling Act 2005 (not printed but available on CDC’s website and copy in Members Room or on request)