

Report to Licensing committee
11 December 2014
Report of Head of citywide services
Subject Sexual entertainment venue / sex establishment policy

Item

5

Purpose

That members determine a policy against which to consider applications made in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (sex establishment / sexual entertainment venue licences).

Recommendation

That members adopt a sex establishment policy following consideration of the responses received in the public consultation.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

Financial implications

Implementation of policy to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Harris – Environment, development and transport

Contact officers

Ian Streeter, licensing manager

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Background documents

None

Background

1. At the meeting of the committee on 13 March 2014, members considered whether to consult on a draft policy in respect of sexual entertainment venues and sex establishments. It was resolved to authorise the head of citywide services to consult on the draft policy.

Consultation

2. A copy of the draft policy which was the subject of the consultation is attached at appendix A. An online survey was placed on the council's website between 18 August and 26 September and a list of the consultation questions cross referenced to the draft policy is attached at appendix B.
3. Fourteen responses were received and an overview of the consultation is attached at appendix C. The more detailed responses received in respect of questions 4 and 6 are contained in the tables below.

Q4. (See section 7.6 of the draft policy)
Are there any other matters that could be included in the house rules?
Please, no lap dancing clubs and other SEVs at all - they promote a culture of violence against women, and encourage misogyny.
I don't know enough to comment but these are a VERY serious concern with regard to impact they have on our society and so any applications should undergo rigorous & lengthy scrutiny.
Safety of 'performers' Consumption of alcohol by performers Evidence of robust HR and Health and Safety Policies Design of private booths Strength of lighting
Many eg public health and safety protection of minors, women and vulnerable people both within and around such establishments
Please refer to the concerns expressed by Lesley Graham. I endorse all her concerns.
The council may inspect premises without notice.
The council has the right to inspect premises without giving any notice.
Training for All Staff, including temp and self-employed should include negotiating and recording consent, training in conflict management, breakaway techniques, recording and reporting incidents. Staff should have a separate exit, and be escorted on request

Q6. (See section 9.8 of the draft policy)

Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.

Open-Ended Response

Many

I support all the concerns raised by Lesley Graham

Appraisal of consultation responses

4. Attached at appendix D to the report is a table detailing the responses received to the public consultation, an appraisal of those comments and a proposed policy response.
5. Written comments have also been received from operators of premises that currently provide sexual entertainment and from Norfolk Constabulary and these are attached at appendix E.

Policy or No Policy

6. It is not mandatory to adopt a policy relating to sexual entertainment venues. There has been the ability to set a policy for sex cinemas and sex shops since the Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, but the Council has not, to date, adopted a policy.
7. Even if the Council adopts a policy, every application must be determined on its own merits so that the discretion of the council is unfettered and it is within the rights of the Council to determine a licence in spite of its policy.
8. It is also not a requirement that the council adopts a policy which has a strict locality and numbers policy, as it can refuse any licence application it deems as unsuitable having regard to:
 - Character of relevant locality
 - The use of other premises in the vicinity (i.e. schools, churches etc)
 - Layout, character, condition or location of the premises.

Conclusions

9. The Government has provided local authorities with a way of controlling the number and location of lap dancing clubs in their area. It has also given the Council a wide discretion in deciding the policy relating to sex establishments.
10. Having decided to adopt the provisions of the Act, the Council can adopt a policy relating to the application and determination of applications for lap dancing clubs, sex shops and sex cinemas.

11. Consultation on the attached draft policy has taken place and members should:

- consider the responses received;
- make any revisions to the draft policy based upon the appraisal of the comments;
and
- adopt a finalised policy.