

## **AGENDA ITEM**

### **REPORT TO COUNCIL**

**1 DECEMBER 2011**

### **REPORT OF CORPORATE MANAGEMENT TEAM**

## **SEX ESTABLISHMENT LICENSING POLICY**

### **SUMMARY**

The purpose of this report is to seek Council agreement to the adoption of Sex Establishment Licensing policy.

### **RECOMMENDATIONS**

That the draft Sex Establishment Licensing Policy, as detailed in the report to Cabinet on 3 November 2011, in relation to applications made under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 be adopted.

### **DETAIL**

1. On 22<sup>nd</sup> December 2010 Cabinet determined that a draft Sexual Establishments Policy by officers should be prepared for consultation with relevant parties (minute CAB 134/10 refers).

On 26<sup>th</sup> July 2010 the Licensing Committee determined that the Corporate Director of Development and Neighbourhood Services carry out consultation on the draft policy document with all relevant stakeholders and that the draft Sex Establishment Policy together with the results of the consultation exercise be referred to Cabinet for approval (minute L 17/11 refers).

2. Consultation on the draft policy was undertaken with:

- Cleveland Police Force;
- Cleveland Fire Brigade;
- Existing Premise Licence holders;
- Existing Club Premise Certificate holders;
- Existing Personal License holders;
- Representatives of businesses and residents in the Stockton Borough Council area;
- The Local Safeguarding Children's Board;
- Trade bodies and Associations; and
- A number of Solicitors Practices who undertake licensing work in this area.

Additionally a notice was placed in the local press and copies of the consultation document placed on the Trading Standards and Licensing website.

3. Comments received supported the introduction of the draft policy.
4. Cabinet, at its meeting held on 3 November 2011, was reminded of the results of the consultation and was provided with the draft Sex Establishment Licensing Policy. The consultation results and draft policy can be viewed, via e genda, on the Council's web site.  
link

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmte=CAB&meet=88&arc=71>

5. Following consideration Cabinet agreed the draft Sex Establishment Licensing Policy and recommended that Council adopt it. A copy of the relevant Cabinet minute is attached at an **appendix** to this report.

### **FINANCIAL IMPLICATIONS**

6. The cost of licensing sexual establishments will be met from the fees paid by applicants. The fee structure, in terms of the application/renewal fees to be charged, will be determined with a view to full cost recovery.

### **LEGAL IMPLICATIONS**

7. The adoption of this policy will assist members and officers when considering applications. Each application will be considered on its merits but Members and officers will give due regard to the policy.

### **RISK ASSESSMENT**

8. The implementation of the Sexual Establishment Policy is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

### **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

9. **Environment and Housing** The adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act has an impact on the communities' environment. Through the maintenance of the proposed strategic Sex Establishment Licensing Policy there will be opportunities to further improve the environment, to the benefit of all

10. **Safer Communities** Community Safety is one of the main reasons for adopting the revised Schedule 3 of the Act. The administration and enforcement of the Act in accordance with the proposed policy should assist in reducing crime and disorder

### **EQUALITIES IMPACT ASSESSMENT**

11. This report has been subject to an Equality Impact Assessment and has been judged to have a positive impact. No remedial actions are required. The Impact Assessment may be viewed on the Council's web site.

<http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab12.pl?cmte=CAB&meet=88&arc=71>

### **CONSULTATION INCLUDING WARD/COUNCILLORS**

12. Consultation was undertaken with Members and those individuals/groups outlined in paragraph 2 of the report.

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Education related? No

Background Papers None

Ward(s) and Ward Councillors: N/A

Property N/A

**Cabinet Minute Number:- CAB 80/11**

**Title:- Sex Establishment Licensing Policy**

**Minute Details:-**

Members considered a report relating to the adoption of a Sex Establishment Licensing policy following consultation with relevant stakeholders.

It was explained that on 22nd December 2010 Cabinet determined that a draft Sexual Establishments Policy by officers should be prepared for consultation with relevant parties.

On 26th July 2010 the Licensing Committee determined that the Corporate Director of Development and Neighbourhood Services carry out consultation on the draft policy document with all relevant stakeholders and that the draft Sex Establishment Policy together with the results of the consultation exercise be referred to Cabinet for approval.

Consultation on the draft policy was undertaken with:

- Cleveland Police Force;
- Cleveland Fire Brigade;
- Existing Premise Licence holders;
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- Representatives of businesses and residents in the Stockton Borough Council area;
- The Local Safeguarding Children's Board;
- Trade bodies and Associations; and
- A number of Solicitors Practices who undertake licensing work in this area.

Additionally a notice was placed in the local press and copies of the consultation document placed on the Trading Standards and Licensing website.

Comments received supported the introduction of the draft policy.

Members were provided with the draft Sex Establishment Licensing Policy

**Recommendation to Council:-**

That the adoption of the draft Sex Establishment Licensing Policy in relation to applications made under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 be adopted.