

AGENDA ITEM

REPORT TO COUNCIL

25 NOVEMBER 2015

REPORT OF CORPORATE MANAGEMENT TEAM

SEX ESTABLISHMENT LICENSING POLICY

SUMMARY

The purpose of this report is to seek Members approval of the Sex Establishment Licensing Policy following its review and consultation with relevant stakeholders.

RECOMMENDATIONS

1. That the revised Sex Establishment Licensing Policy attached at **Appendix 1** be approved for commencement on 1 January 2016. (Appendix available on agenda <http://www.egenda.stockton.gov.uk/aksstockton/users/public/admin/kab14.pl?operation=SUBMIT&meet=141&cmte=CAB&grpId=public&arc=71>)

DETAIL

1. Council previously agreed to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1976, which enabled the licensing of sexual entertainment venues (Cabinet Decision 20th December 2010 refers). Council also agreed to the introduction of a Sex Establishments Policy (Cabinet Decision 3rd November 2011 refers). The original policy was adopted following extensive consultation with interested parties including Cleveland Police, representatives of businesses and residents in the Borough, Premise Licence and Club Premise Certificate holders (alcohol licensed premises) and the Local Safeguarding Children's Board.
2. Since the adoption of the policy in November 2011, no applications for a sexual entertainment licence have been received by the Authority and no issues or concerns have been raised. The Policy sets out in detail the Authority's views in relation to suitability of applicants, number of establishments and where they can be located.
3. As a result it is proposed that the policy remains relatively unchanged and that the policy is reviewed, in future, every 5 years.
4. The policy was considered by the Authority's Licensing Committee on 4th November 2014. Members agreed to a proposal to carry out a consultation exercise with stakeholders.
5. A consultation exercise was carried out between 20th November 2014 and the 16th January 2015. The review was advertised in the Herald & Post on the 20th November 2014, with a copy of the policy available on the Trading Standards & Licensing website. No comments were received.

6. A copy of the Policy was also circulated to Responsible Authorities designated under the Licensing Act including Public Health, Planning, Environmental Health, Local Safeguarding Children's Board and Cleveland Police.
7. Cabinet considered this matter at its meeting held on 12th November 2015 and a copy of the relevant minute extract is attached to this report at **Appendix 2**.

FINANCIAL IMPLICATIONS

8. 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. Costs were reviewed in December 2014 and were calculated in accordance with the Local Government Association guidance on locally set fees which was published in January 2014. Fee levels have been set as follows:

New application:	£ 1214
Renewal application:	£ 729
Transfer application:	£ 1069

LEGAL IMPLICATIONS

9. 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

10. 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

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| 11. 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 |
| 12. 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

13. This report is not subject to an Equality Impact Assessment because at the time of the previous review the report was judged to have a positive impact. No remedial actions are therefore required.

CONSULTATION INCLUDING WARD/COUNCILLORS

14. Consultation has been undertaken with Licensing Committee Members, Responsible Authorities and the proposal to revise the policy was advertised in the local press and on the Council's website.

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Education related No

Background Papers None

Ward(s) and Ward Councillors: N/A

Property N/A