

EXETER CITY COUNCIL

**LICENSING COMMITTEE
16 FEBRUARY 2012**

**CONSULTATION ON THE FORMULATION OF POLICY FOR SEX ENTERTAINMENT
VENUES & OTHER SEX ESTABLISHMENTS**

1. PURPOSE OF REPORT

- 1.1 To resolve to proceed with a public consultation exercise in order to inform any revision of the current interim policy on sex establishments previously adopted by this Committee in July 2012.
- 1.2 To consider the proposed consultation questionnaire, and amend as appropriate.
- 1.3 To confirm the timetable for considering responses from the consultation, and reviewing the existing policy as appropriate.

2. BACKGROUND

- 2.1 The powers for local authorities to control sex establishments (sex shops and sex cinemas), were first introduced by the Local Government (Miscellaneous Provisions) Act 1982, but these powers did not extend to premises where live entertainment of a sexual nature took place.
- 2.2 Section 27 of the Policing and Crime Act 2009 allowed for "sexual entertainment venues", i.e. venues for activities such as pole-dancing, table dancing and striptease to be regulated as sex establishments under Schedule 3 of the 1982 Act alongside sex cinemas and sex shops. This Committee resolved adoption of these provisions in July 2012.
- 2.3 At the same time an interim policy for sex establishments was adopted by this Committee; it sought to limit the number and type of sex establishments in Exeter, and introduce discretionary grounds for refusing or renewing a licence application.
- 2.4 Due to a wish to seek the public's view on the appropriateness of the Council policy on sex establishments, and in order to ensure that any policy would be robust to any future challenge, it was considered prudent to embark upon a consultation exercise in order to inform any refinement or alteration of the interim policy.

3. CONSULTATION PROCESS

- 3.1 A questionnaire has been prepared, together with an accompanying explanatory note (Appendix 1), which seeks the views of the general public, alongside statutory bodies, other agencies, businesses and representative groups. The questionnaire is self-explanatory, but broadly it seeks opinion on:
 - whether the Council should have a policy in place;
 - whether there should be grounds to deal with the suitability of the applicant or his/her manager, or any beneficiary of the business;
 - whether there should be restrictions on the numbers within certain localities;

- whether the granting of a licence would be inappropriate having regard to the character of a locality;
 - whether the grant would be inappropriate having regard to the use of premises in the vicinity;
 - whether that grant would be inappropriate having regard to the layout, character or condition of the premises.
- 3.2 The consultation period will open on 1 March and end on 30 May 2013 in order to give ample time for representations to be made. The questionnaire will be made available on the Council's web-site, and contact will be made with statutory bodies, other agencies, businesses and representative groups in order to encourage their participation; this will include seeking the views of the licence holders of current sex establishment premises.
- 3.3 At the end of the consultation process the representations received will be analysed and reported upon; the conclusions drawn from the consultation will inform any refinement or alteration of the existing interim policy.
- 3.4 A report will be brought back to this Committee in July 2013 in order for it to consider any alterations to the interim policy and to approve a revised policy as appropriate.

4 RESOLUTION

4.1 The Licensing Committee resolve to:

- 1) seek views on a Sex Establishment Policy and undertake a public consultation commencing 1 March 2013 as outlined in this report;
- 2) request officers to report the outcome and conclusions of the consultation to this Committee in July 2013; and
- 3) bring any revision to the Sex Establishment Policy for approval by the Committee.

ASSISTANT DIRECTOR ENVIRONMENT

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

Home Office Guidance on Sexual Entertainment Venues March 2010