

LICENSING AND SAFETY COMMITTEE
14 October 2010

POLICY IN RELATION TO LICENSING OF SEX ESTABLISHMENTS
(Chief Officer : Environment and Public Protection)

1 PURPOSE OF DECISION

- 1.1 At its meeting on 29 April 2010 the Licensing and Safety Committee adopted a recommendation that the Council adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009. This recommendation was taken forward to Full Council on 21 July 2010 and approved.
- 1.2 As a Licensing Authority, unlike with the Licensing Act 2003, there is no legal requirement to publish a policy on the licensing of sex establishments; however the Council may, if they feel it appropriate to assist decision making, do so.
- 1.3 The purpose of this report is to put forward a draft Sex Establishment Policy together with guidance notes for applicants for consideration of this Committee prior to wider consultation with the residential and business community of Bracknell Forest, other local agencies such as Thames Valley Police and those responsible for the protection of children and vulnerable adults.

2 RECOMMENDATIONS

That the Committee

- i) comments on the attached draft policy and notes for guidance and**
- ii) approves it for consultation and**
- iii) receives a final copy for consideration at its meeting on 14 January 2011**

3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

4 SUPPORTING INFORMATION

- 4.1 Bracknell Forest has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and is now able to grant, refuse and apply licence conditions to premises that wish to operate as either a sexual entertainments venue, a sex shop or a sex cinema, commonly known collectively as sex establishments.
- 4.2 A Local Authority is not required to have and publish a licensing policy relating to sex establishments and Bracknell Forest presently does not have one.
- 4.3 A licensing policy for sex establishments could include statements about where the Local Authority is likely to consider appropriate or inappropriate locations for such venues. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically by reference to a defined locality.
- 4.4 A licensing policy could also be used to indicate how many sex establishments, or sex establishments of a particular kind that the Council consider appropriate for a particular locality.
- 4.5 The Council may also consider it appropriate to produce different policies or a separate set of criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different sex establishments or the fact that the location considered appropriate for a sex shop may not be considered appropriate for a sexual entertainment venue and vice versa.
- 4.6 Whilst a policy may be in place a Council should not follow that policy inflexibly but should take all relevant factors into consideration and determine each application upon its merits.
- 4.7 When considering applications for the grant of new licences or the variation of existing licences, it is suggested the Council should assess the likelihood of a grant causing adverse impacts upon the community, particularly on local residents. The Council should consider including within its policy the following matters:
- i) type of activity
 - ii) duration of licence
 - iii) proposed hours of operation
 - iv) layout and condition of the premises
 - v) the use to which premises in the vicinity are put
 - vi) the character of the locality in which the premises are situated

Background Papers

Sexual Entertainment Venues – Guidance for England and Wales. Home Office March 2010

Contact for further information

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