

## BABERGH DISTRICT COUNCIL

<b>TO:</b> Licensing & Regulatory Committee	<b>REPORT NUMBER:</b> <b>BLR/23/3</b>
<b>FROM:</b> Licensing Team	<b>DATE OF MEETING:</b> 15 December 2023
<b>OFFICER:</b> Kate Pearsall, Licensing Team Leader Tracy Howard, Corporate Manager for Public Protection	<b>KEY DECISION REF NO.</b> N/A

### REVISION OF LICENSING OF SEX ESTABLISHMENTS POLICY 2024-2029

#### 1. PURPOSE OF REPORT

- 1.1 To provide members with information and guidance on a revised version of a single policy for the Licensing of Sex Establishments, attached at Appendix (a). This policy will be applicable to both Babergh and Mid Suffolk.
- 1.2 To seek member approval of the draft policy for public consultation.

#### 2. OPTIONS CONSIDERED

- 2.1 To make no changes to the current policy.
- 2.2 This option is not recommended as to ensure the policy is effective and reflects best practices and procedures across both Babergh and Mid Suffolk, it is important to review and amend as appropriate.

<b>3. RECOMMENDATIONS</b>
3.1 That the Licensing and Regulatory Committee agree the draft policy for the purposes of consultation.
3.2 That the Licensing and Regulatory Committee agree a consultation period of 6 weeks with licence holders and key stakeholders.
3.3 That the Licensing and Regulatory Committee deem the policy approved to proceed to Cabinet if there are no representations, or objections made against the draft policy.
<b>REASON FOR DECISION</b>
To ensure that the Licensing Authority has a single up-to-date policy to deal with applications and licences for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 (As amended by Section 27 of the Policing and Crime Act 2009).

#### **4. KEY INFORMATION**

- 4.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues.
- 4.2 This brought a new licensing regime into force for lap dancing, pole dancing and other 'relevant entertainment' and allows the council to improve the regulation of sexual entertainment venue as there are increased powers to control numbers and the location of venues in the area.
- 4.3 Babergh Council adopted the existing policy on 14<sup>th</sup> June 2012, attached at Appendix (b).
- 4.4 The policy has not been reviewed since this date and it is now considered appropriate to produce a single policy for both Babergh District Council and Mid Suffolk District Council. Minor amendments have also been made to ensure the policy reflects legislative changes.

#### **5. LINKS TO CORPORATE PLAN**

- 5.1 Economy – Supporting the needs of new businesses by providing clarity on the council's approach to the licensing of sex establishments.
- 5.2 Environment – the policy is a key component in ensuring that any potential sex establishments are positioned in suitable locations to ensure there are no negative impacts on the environment.
- 5.3 Community – the policy is a key component in ensuring that any potential sex establishments do not have a negative impact on the community and that safeguarding measures are in place to protect overall community safety.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 The fees are set on a cost recovery basis with the approval of the Licensing & Regulatory Committee. The council is committed to reviewing fees including those for sexual entertainment licensing on an annual basis as part of the budget-setting process.

#### **7. LEGAL IMPLICATIONS**

- 7.1 This policy ensures consistency and proportionality of approach and should be treated as a live document. The proposed changes ensure that the policy remains up to date and reflects current legislation and best practices, thereby ensuring that the council would be far less likely to be open to legal challenge.

## 8. RISK MANAGEMENT

8.1 Key risks are set out below:

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Legal Challenge Reputation	2	2	Reviewing and ensuring policies are up to date and reflect correct legislation.	Public Protection Operational Risk Register for Service Planning 2023/24 Reference 016

## 9. CONSULTATIONS

9.1 Should the Committee approve the draft policy for consultation, a period of six weeks is proposed for consultation. Appendix (c) lists the consultees. The draft policy will also be available for all on the Council's website.

## 10. EQUALITY ANALYSIS

10.1 An Equality Impact Assessment (EIA) was completed when the policy was first adopted in 2012. There have been no major amendments to the content of the policy other than to produce one single policy and update the wording to reflect this. An Equality Impact Assessment Initial Screening Form was completed which concluded that there was no need to produce a full EIA.

## 11. ENVIRONMENTAL IMPLICATIONS

11.1 Amenity: The legislation and policy allow for a licence to be refused if the grant or renewal would be inappropriate having regard to:

- the character of the relevant locality; or
- the use to which any premises in the vicinity are put; or
- the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Appropriate, responsible and proportionate conditions can be added to a licence which can address any potential environmental implications.

## 12. APPENDICES

Title	Location
(a) Draft Policy	Attached
(b) Current Policy	Attached
(c) List of Consultees	Attached

### **13. BACKGROUND DOCUMENTS**

- 13.1 Local Government (Miscellaneous Provisions) Act 1982 [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)
- 13.2 Police and Crime Act 2009 [Policing and Crime Act 2009 \(legislation.gov.uk\)](#)

### **14. REPORT AUTHORS**

Kate Pearsall – Licensing Team Leader

Tracy Howard – Corporate Manager for Public Protection