

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting	19 January 2021

REVIEW OF SEX ESTABLISHMENT POLICY

1.0 Purpose of the report:

1.1 To consider the revised Sex Establishment Policy.

2.0 Recommendation(s):

2.1 Subject to any amendments the Committee may wish to make, to authorise an eight-week consultation on the draft policy.

3.0 Reasons for recommendation(s):

3.1 Council policies should be kept under regular review to ensure that they are up to date and fit for purpose. The existing Sex Establishment Policy was approved in 2016 and is therefore due for review.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

The Committee could decline to review this policy, leaving the current policy in place. This risks the policy becoming outdated.

4.0 Council Priority:

4.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

5.0 Background Information

- 5.1 The licensing of sex establishments is governed by Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Whilst no statutory duty exists, it is seen as good practice to publish a policy setting out how the Council will determine applications for sex establishments in its area. Where a Council seeks to restrict the number and/or location of such venues a policy is advised to inform decision making by potential applicants and to strengthen the chances of successfully defending appeals as the Magistrates dealing with an appeal must, if there is a published policy, adopt that policy as if they were “standing in the shoes” of the decision making committee.
- 5.2 The first proposed amendment to the policy is paragraph 3.3 which deals with the number of sex establishments the Council feels is appropriate for the locality. Previously the number of sex shops had been set at two however for some time only one business has been licensed, accordingly it is proposed that the number of sex shops be reduced to one.
- 5.3 As a White Ribbon accredited authority, Blackpool Council is working towards setting a zero limit on the number of sexual entertainment venues (lap dancing clubs). Previously the number of sexual entertainment venues (SEVs) was set as four. Working towards the White Ribbon aims, it is proposed that the number of SEVs be reduced to zero with an exception being made for those four premises currently licensed. This means that these businesses will be able to continue to operate (once permitted to re-open under COVID regulations) and be re-licensed as long as they continue to comply with the legislation and licence conditions. Once that licence lapses, is revoked, surrendered, or otherwise not renewed, the grandfather rights will be lost and any new application will be considered against the limit of zero.
- 5.4 The only other proposed changes to the policy concern additions and amendments to the standard conditions for SEVs. These changes are proposed following consultation with the Police Licensing team.
- 5.5 The draft policy can be found at Appendix 4a. Proposed changes are highlighted in red.
- 5.6 Once the draft policy has been approved by the Licensing Committee with or without amendments, an eight week period of consultation is proposed. Following the consultation process, the policy will be brought back to the Licensing Committee for further consideration.
- 5.10 Does the information submitted include any exempt information? No

6.0 List of Appendices:

Appendix 4a – draft sex establishment policy

7.0 Legal considerations:

7.1 Before any changes are made to the policy, there must be a period of consultation.

8.0 Human Resources considerations:

8.1 There are no human resource considerations

9.0 Equalities considerations:

9.1 No equalities considerations have been identified.

10.0 Financial considerations:

10.1 There are no financial considerations.

11.0 Risk management considerations:

11.1 There are no risk management considerations

12.0 Ethical considerations:

12.1 There are no ethical considerations associated to this policy review.

13.0 Internal/ External Consultation undertaken:

13.1 Consultation has taken place with the Police Licensing Team to inform the content of the policy. The Council's Chief Executive and senior Directors have also been consulted through the Corporate Leadership team meeting as part of the review process.

14.0 Background papers:

14.1 None