

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting:	21 September 2021

REVIEW OF SEX ESTABLISHMENT POLICY

1.0 Purpose of the report:

1.1 The Licensing Committee is asked to consider the revised Sex Establishment Policy.

2.0 Recommendation(s):

2.1 The Committee will be requested to determine whether it wishes to consider the late responses received in respect of the consultation attached at Appendix 3b.

2.2 To consider the comments received within the timeframe of the consultation attached at Appendix 3a.

2.3 Subject to any amendments the Committee may wish to make, to recommend the revised Sex Establishment Policy to the Executive.

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.

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

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

4.0 Other alternative options to be considered:

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 This risks the policy becoming outdated.

5.0 Council priority:

5.1 The relevant Council priority is

- "The economy: Maximising growth and opportunity across Blackpool"

6.0 Background information

- 6.1 The licensing of sex establishments is governed by Schedule 3 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.
- 6.2 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 was set as four. Working towards the White Ribbon aims, it is proposed that the number of Sexual Entertainment Venues be reduced to zero with an exception being made for those four premises currently licensed. This means that these businesses would be able to continue to operate as long as they continue to comply with the legislation and licence conditions. Applications for renewal would not be refused on the grounds of the limit on numbers. Once a licence lapses, is revoked, surrendered, or otherwise not renewed, the grandfather rights would be lost and any new application would be considered against the limit of zero.
- 6.3 The Committee approved a draft of the revised policy at its meeting in January 2021. A period of consultation then took place between 01 February and 31 March 2021, however responses were received after that time from the National SEV Coalition and the Northern Sex Workers Collective. The Committee are requested to consider the late representations as both organisations indicated that they were unaware of the consultation until after the closing date. The comments received are attached at Appendix 3a, with the late responses attached at Appendix 3b.
- 6.4 Having taken the consultation comments into consideration, officers propose no changes to the draft policy. Subject to the approval of the policy, existing licences would be allowed to continue operating, meaning there would be no outright ban on such venues in the area. Should the policy be approved to set the number of Sexual Entertainment Venues at zero, the Public Protection Sub-Committee would still be required to consider any application made on its own merits and be prepared to depart from that policy if the applicant could persuade the Sub-Committee hearing the application that it was appropriate to do so.
- 6.5 The proposed policy can be found at Appendix 3c. The changes from the existing policy are highlighted in red.
- 6.6 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 Appendix 3a – Consultation comments
- Appendix 3b – Consultation comments (late responses)
- Appendix 3c - Proposed sex establishment policy

8.0 Financial considerations:

- 8.1 There are no financial considerations.

9.0 Legal considerations:

- 9.1 The Council’s policy may be challenged by Judicial Review.

10.0 Risk management considerations:

- 10.1 There are no risk management considerations.

11.0 Equalities considerations:

- 11.1 No equalities considerations have been identified.

12.0 Sustainability, climate change and environmental considerations:

- 12.1 There are no sustainability, climate change and environmental considerations.

13.0 Internal/external consultation undertaken:

- 13.1 Consultation has taken place with the Police Licensing Team to inform the content of the policy. CLT have also been consulted as part of the review process. Consultation took place formally between January and March 2021, with the proposals gaining coverage in local and national press.

14.0 Background papers:

- 14.1 None.