

Notice of:	EXECUTIVE
Decision Number:	EX47/2021
Relevant Officer:	John Blackledge, Director for Community and Environmental Services
Relevant Cabinet Member:	Councillor Neal Brookes, Cabinet Member for Enforcement, Public Safety, Highways and Transport
Date of Meeting:	11 October 2021

REVIEW OF SEX ESTABLISHMENT POLICY

1.0 Purpose of the report:

1.1 To consider the recommendations of the Licensing Committee at its meeting on 21 September 2021 on the revised Sex Establishment Policy

2.0 Recommendation(s):

2.1 To consider the comments received within the timeframe of the consultation attached at Appendix 4a to the Executive report, noting that the Licensing Committee recommended no amendments be made to the policy in response to these comments

2.2 To determine whether or not to consider the late responses received in respect of the consultation attached at Appendix 4b to the Executive report, noting that the Licensing Committee agreed to consider the late responses but recommended no amendments be made to the policy in response to these comments

2.3 To approve the revised Sex Establishment Policy, as recommended by the Licensing Committee, attached at Appendix 4c to the Executive report with effect until 31 December 2026.

3.0 Reasons for recommendation(s):

3.1 Council policies should be kept under 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.

The policy has been recommended for the approval of the Executive by the Licensing Committee which considered that the revised policy was fit for purpose and in line with the

Council's other policies and aspirations.

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 Executive could decline to approve the revised policy, leaving the current policy in place. This risks the policy becoming outdated and not fit for purpose.

The Executive could approve amendments to the policy but this would not be in line with the recommendation of the Licensing Committee.

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 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. 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 The current sex establishment policy has been in force since 2016

6.3 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 was set as four. Working towards the White Ribbon aims, the revised policy proposes 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.

6.4 The Licensing Committee approved a draft of the revised policy for consultation at its meeting in January 2021. A period of consultation took place between 1 February 2021 and 31 March 2021 however, responses were received after that time from the National SEV Coalition and the Northern Sex Workers Collective. The Licensing Committee considered the late representations as both organisations indicated that they were unaware of the consultation until after the closing date. The comments received during the consultation period can be found attached at Appendix 4a to the Executive report with the late responses attached at Appendix 4b to the Executive report.

6.5 Considering the consultation comments, officers proposed no changes to the draft policy. Subject to the approval of the policy, existing licences will continue operate, 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.

6.6 The Licensing Committee considered the consultation responses and approved the proposed policy at its meeting on 21 September 2021. The Licensing Committee recommended the revised Sex Establishment Policy to the Executive. The Licensing Committee noted a minor typographical error in the policy which has now been corrected in the attached document.

6.7 The proposed policy can be found at Appendix 4c to the Executive report. The changes from the existing policy are highlighted in red.

6.8 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 Appendix 4a – Consultation comments
Appendix 4b – Consultation comments (late responses)
Appendix 4c - Proposed sex establishment policy- amendments have been highlighted in red.

8.0 Financial considerations:

8.1 There are no financial considerations

9.0 Legal considerations:

9.1 The Policy could 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, or 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. The Council's Corporate Leadership Team has 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:

15.0 Key decision information:

15.1 Is this a key decision? Yes

15.2 If so, Forward Plan reference number: 16/2021

15.3 If a key decision, is the decision required in less than five days? No

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

17.0 Scrutiny Committee Chairman (where appropriate):

Date informed: 1 October 2021 Date approved:

18.0 Declarations of interest (if applicable):

18.1 None.

19.0 Executive decision:

19.1 The Executive resolved as follows:

1. To note the comments received within the timeframe of the consultation attached at Appendix 4a, to the Executive report but agree that no amendments be made to the policy in response to these comments.
2. To agree to consider the late responses received in respect of the consultation attached at Appendix 4b to the Executive report, but agree that no amendments be made to the policy in response to these comments.
3. To approve the revised Sex Establishment Policy, as recommended by the Licensing Committee, attached at Appendix 4c to the Executive report with effect until 31 December 2026.

20.0 Date of Decision:

20.1 11 October 2021

21.0 Reason(s) for decision:

21.1 Council policies should be kept under 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.

The policy has been recommended for the approval of the Executive by the Licensing Committee which considered that the revised policy was fit for purpose and in line with the Council's other policies and aspirations.

22.0 Date Decision published:

22.1 12 October 2021

23.0 Executive Members in attendance:

23.1 Councillor L Williams

Councillor Benson, Brookes, Farrell, Hobson, Smith and I Taylor

24.0 Call-in:

24.1

25.0 Notes:

25.1 The following non-Executive member was in attendance: Councillor Hunter.