



**AGENDA ITEM: 8**

**LICENSING & GAMBLING  
COMMITTEE:**

**23 October 2012**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

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**SUBJECT: SEX ESTABLISHMENT LICENSING POLICY**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To take the necessary action to approve a Statement of Sex Establishment Licensing Policy.

**2.0 RECOMMENDATIONS**

2.1 That the Statement of Sex Establishment Licensing Policy attached at Appendix 1 to this report is endorsed.

**3.0 BACKGROUND**

3.1 Members will recall previous reports regarding Sex Establishments and that the licensing regime for such premises is contained in the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act), as amended by Section 27 of the Policing and Crime Act 2009 (the 2009 Act).

3.2 To clearly set out the Council's requirements for such establishments, a draft Statement of Sex Establishment Licensing Policy (the Policy) was approved by Members and has been subject to public consultation.

**4.0 CURRENT POSITION**

4.1 The draft Policy was subject to public consultation between 22<sup>nd</sup> June and 17<sup>th</sup> September 2012. As there are no licensed Sex Establishments within the Borough, the consultation was not able to address existing operators. Therefore, a copy of the draft Policy and supporting information was published on the Council's website and a press release issued on the 9<sup>th</sup> July 2012. Details of the

Policy were also provided to those Responsible Authorities named under the Licensing Act 2003 and public notices issued to Council public notice boards.

- 4.2 Comments on the draft Policy were required in writing and accepted via letter, fax, email or the Council's website. However, whilst the press release did attract local media attention and an article in the local press, no comments have been received regarding any aspect of the Policy.

## **5.0 ISSUES**

- 5.1 Given the lack of responses, the final Policy attached as Appendix 1 to this report is largely unchanged from the draft version previously submitted to Members. Only minor amendments have been made to clarify the procedural requirements of the legislation and to include the dates by which the final Policy will come into force.
- 5.2 Assuming the final Policy is endorsed by the Licensing and Gambling Committee, the document will be presented to full Council on 19<sup>th</sup> December 2012 for approval and subsequent publication.
- 5.3 It is good practice to set dates on which the Policy is published and subsequently comes into force. By allowing at least 28 days between these two dates, any interested parties can make suitable arrangements prior to the Policy becoming operational. Accordingly, the recommendation to full Council will be that the final Policy is published by 7<sup>th</sup> January 2013 and come into force on 11<sup>th</sup> February 2013.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 This legislation has the potential to impact upon the Community Strategy. The contents of the report has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The contents of this report can be delivered within existing resources.

## **8.0 RISK ASSESSMENT**

- 8.1 The Council is not under a legal obligation to publish a Statement of Sex Establishment Licensing Policy. However, given that it has already resolved to adopt the provisions of the 1982 Act (as amended by the 2009 Act), it is appropriate that a Policy is produced to provide clear guidance on the Council's requirements. If such a Policy were not adopted, the Council would still be required to determine legally submitted applications, but the Council's requirements would be ambiguous. This could lead to a lack of uniformity in decisions and potential increases in appeals against Council decisions.

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## **Background Documents**

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Statement of Sex Establishment Licensing Policy 2013
2. Equality Impact Assessment