



Report of: Corporate Director of Place & Community

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SUBJECT: APPROVAL OF REVISED SEX ESTABLISHMENT LICENSING POLICY

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To approve a revised Statement of Sex Establishment Licensing Policy.

2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE

2.1 That the Statement of Sex Establishment Licensing Policy attached at Appendix 1 to this report is approved for publication on 8 February 2023 and to take effect from 8 March 2023.

3.0 BACKGROUND

3.1 The Committee will recall the report of 4 October 2022 attached at Appendix 2 to this report. The Committee approved the draft Statement of Sex Establishment Licensing Policy at that time so that it could be subject to public consultation prior to returning to the Committee for final approval.

4.0 CURRENT POSITION

4.1 Under existing delegated authority to the Corporate Director of Place and Community, a draft Statement of Sex Establishment Licensing Policy was prepared, published and subject to public consultation from 1 November 2022 to 24 January 2023 using the Council's online consultation platform.

4.2 The anonymised consultation responses are provided in Appendix 3 attached to this report. 199 visitors were recorded to have viewed the consultation, with 59

providing responses. The Committee will note that a significant number of the responses support the adoption of the Policy and were also supportive of the controls and/or licence conditions contained in the document. However, the responses relating to the proposed number of permissible Sex Establishments in the Borough remaining at zero were more varied than in previous consultations. 25% of respondents did not support a zero limit, whereas 66% did support a zero limit (9% did not express a preference).

- 4.3 Whilst there are variations in the responses, the majority of comments support the Policy and its content and so no amendments are proposed to the final version of the Policy which is attached at Appendix 1 to this report.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The Policy and legislation has the potential to impact upon any locality in which an application may be received. Whilst any such application would be determined in accordance with statute and on its own merits, the Policy is a key document that outlines the Council's ongoing licensing responsibilities to the public within West Lancashire.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

7.0 RISK ASSESSMENT

- 7.1 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 less transparent and defined. This could lead to a lack of consistency in decisions and potential increases in appeals against Council decisions.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 The Policy will set out the Council's for sex establishment licensing and therefore seeks to ease public concerns and eliminate non-compliance that may be linked to related crime and offences.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

Equality Impact Assessment

There is a significant 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 2023
- 2 Licensing and Gambling Committee report: 4 October 2022
- 3 Consultation responses analysis
- 4 Equality Impact Assessment

Appendix 4

Equality Impact Assessment Form



Directorate: Planning and Regulatory Services

Service: Licensing

Completed by: Paul Charlson

Date: 25/01/23

Subject Title: REVIEW OF SEX ESTABLISHMENT LICENSING POLICY

1. DESCRIPTION

Is a policy or strategy being produced or revised:

Yes

Is a service being designed, redesigned or cutback:

No

Is a commissioning plan or contract specification being developed:

No

Is a budget being set or funding allocated:

No

Is a programme or project being planned:

No

Are recommendations being presented to senior managers and/or Councillors:

Yes

Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (**Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations**):

No

Details of the matter under consideration:

*If you answered **Yes** to any of the above go straight to Section 3
If you answered **No** to all the above please complete Section 2*

2. RELEVANCE

Does the work being carried out impact on service users, staff or Councillors (stakeholders):

No

If **Yes**, provide details of how this impacts on service users, staff or Councillors (stakeholders):
*If you answered **Yes** go to Section 3*

If you answered **No** to both Sections 1 and 2 provide details of why there is no impact on these three groups:
You do not need to complete the rest of this form.

3. EVIDENCE COLLECTION

Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?

Any licensed operators and immediate community/businesses.

If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?

N/A

Which of the protected characteristics are most relevant to the work being carried out?

Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Any licensed operators and immediate community/businesses.
What will the impact of the work being carried out be on usage/the stakeholders?	Reviewed policy requirements.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Policy has been subject to public consultation and the comments submitted to this Committee.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The Policy has been subject to public consultation and the comments submitted to this Committee.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The Policy has been subject to public consultation and the comments submitted to this Committee.