

BODY: General Licensing Committee

DATE: 5th October 2015

SUBJECT: Review the Council's Sex Establishment & Encounter Policy, regarding the control of Sex Establishments.

REPORT OF: Jay Virgo, Customer First Manager

Ward(s): All

Purpose: For members to review the Council's Sex Establishment & Encounter Policy following public consultation.

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Recommendations:

- a) Members are invited to note the feedback received in relation to the public consultation concerning the review of the council's sex encounter policy.
- b) Members are asked to delegate any further revisions of the Policy in line with the views of the General Licensing Committee to the Senior Specialist Advisor in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to consideration and adoption by Cabinet.
- c) Members are asked to note the timetable for consultation, review and implementation.

1.0 Introduction

1.1 The increase nationally in the number of lap dancing clubs and adult entertainment venues since the implementation of the Licensing Act 2003 had become a concern for many local communities.

1.2 Central Government responded to calls for further controls to be introduced, specifically governing lap dancing clubs and similar premises. This resulted in the introduction of legislation in the form of the Policing and Crime Act 2009. This re-classifies current "Sexual Establishments" as 'Sexual Entertainment Venues' under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. (LGMPA 1982).

2.0 Legislative Proposals

2.1 As detailed above, Section 26 of the Policing and Crime Act 2009 introduces a new category of 'Sex Establishment' under Schedule 3, called a 'Sexual Entertainment Venue.' This is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain on

the part of the organiser or the entertainer.'

- 2.2 'Relevant Entertainment' is defined as 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.' This includes pole dancing, lap dancing and strip tease etc.
- 2.3 Such venues will require a Sex Establishment Licence. However, there is an exemption for premises which provide this type of entertainment 'infrequently.' The Act still permits sexual entertainment to be provided in premises, providing it occurs on no more than eleven occasions a year, with at least a month of "other" entertainment in between, without the need for it to be registered as a sexual entertainment venue (i.e. a pub).

3.0 Adoption of Provisions

- 3.1 At a meeting on 19th July 2010, Members agreed to adopt the relevant provisions of the Policing and Crime Act 2009, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.2 Members agreed the current Sex Establishment and Encounter Policy on the 23rd February 2011. This is available via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/sex-establishment-and-encounter-policy/>

4.0 Consultation

- 4.1 Consultation in relation to the review of the Sex Establishment Policy commenced on the 1st July 2015 and concluded on 24th September 2015.
- 4.2 A range of organisations and individuals have been *directly* consulted about the review of the existing policy, including:
- Sussex Police
 - ESCC Child Protection
 - Fire Authority
 - Planning Authority
 - Community Safety Partnership
 - Chamber of Commerce
 - Town Centre Neighbourhood Panel
 - Current operator of a sex establishment
 - Ward Councillors

- 4.3 The consultation to review the policy was included on the Council's website at:

<http://www.eastbourne.gov.uk/about-the-council/consultations/>

5.0 Overview of feedback

- 5.1 A copy of the draft review of the policy is included in **Appendix 1**.

5.2 The Authority has received 0 responses concerning the review of the policy.

6.0 Timetable For Review

6.1 The timetable for the review of the policy is tabulated below:

Procedure	Date/s
Public consultation	1 st July – 24 th September 2015
Full Licensing Committee: <ul style="list-style-type: none">- To consider the results of the consultation- Delegate any further revisions to the Senior Specialist Advisor in consultation with the Chair of the Licensing Committee and the relevant Cabinet Portfolio Holder prior to consideration and adoption of the policy by the Cabinet.	5 th October 2015
Seek Cabinet Approval	9 th December 2015

7.0 Community Safety and Links To Strategic Vision

7.1 The introduction of the regime under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 gives the Council powers to tackle issues of concern to local communities around crime, disorder and anti-social behaviour, associated with sex establishments.

7.2 The local authority will continue to work in partnership with enforcement agencies such as Sussex Police and Trading Standards to deliver effective enforcement in respect of crime, disorder and anti-social behaviour.

7.3 The Corporate Plan sets out the Council's priority themes and is available via:

<http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=210648&type=full&servicetype=Inline>

8.0 Policy Review

8.1 The Sex Establishment Policy will be kept under review and amended as required.

9.0 Recommendations

9.1 Members are asked to agree the recommendations at the beginning of this report

Background Papers:

The Background Papers used in compiling this report were as follows:

- Local Government (Miscellaneous Provisions) Act 1982
- Policing and Crime Act 2009
- Sexual Entertainment Venues, Guidance For England and Wales, Home Office 2010
- Licensing Act 2003