

	Executive Committee 02 June 2016	Agenda Item No. 4
Title	To consider comments received from the public consultation for the reviewed Sex Establishments Policy for Council following consultation.	
For further information about this report please contact	Jayne Bailey, Public Places and Projects Team Leader, Health and Community Protection. 01926 456742 Jayne.Bailey@warwickdc.gov.uk Marianne Rolfe, Regulatory Manager, Health and Community Protection. 01926 456320 Marianne.rolfe@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	13 January 2016 to Executive for approval for public consultation. 31 May 2016 to L & R for comments for Executive.	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	Yes

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	17/5/2016	Andy Jones
Head of Service	4/5/2016	Marianne Rolfe
CMT		
Section 151 Officer		
Monitoring Officer		
Finance	4/5/2016	Mike Snow
Portfolio Holder(s)		
Legal	4/5/2016	Warwickshire Legal Representatives (Caroline Gutteridge)
Consultation & Community Engagement		

A public consultation took place for a 12 week period which ended on the 25th April 2016.

Final Decision?

No

Suggested next steps (if not final decision please set out below)

This is to be considered for comment for Executive by L & R on 31 May 2016 and will be before Council on 22 June 2016

1. **Summary**

- 1.1 To present the comments received upon the Sexual Establishments Policy which is applicable to all Sex Establishments within the Warwick District Boundary.

2. **Recommendation**

- 2.1 That Executive notes the comments received following public consultation and the meeting of the Licensing and Regulatory Committee on 31st May 2016.
- 2.2 That Executive recommends the proposed Licensing of Sex Establishments Statement of Licensing Policy to Council with any amendments proposed by the Licensing and Regulatory Committee of 31st May 2016 only being agreed if the Council's legal officers are satisfied that they are legally sound.

3. **Reasons for the Recommendation**

- 3.1 The Sex Establishment Policy has been reviewed in accordance with the request of the Executive on the 11th March 2015 and the 13th January 2016 for the approval for public consultation.
- 3.2 L & R will consider the responses for comment for Executive at the L & R Committee on 31 May 2016.
- 3.3 The proposed policy includes changes within both the policy document and the conditions which would be attached to any licence granted.
- 3.4 The existing policy (appendix 1) and the proposed policy (appendix 2) are attached to this report. A summary of the main alterations are included in (appendix 3).
- 3.5 Before the proposed policy can be adopted, the responses from the public consultation must be considered. Responses received (appendix 4).
- 3.6 Comments by L & R following the Committee meeting on 31 May are shown as (appendix 5). (These will be provided when available)

4. **Policy Framework**

- 4.1 The proposed policy would replace the existing and all previous versions of Warwick District Councils Sex Establishment Policy.

4.2 **Fit for the Future**

The policy ensures that the application process, the powers available to the licensing authority and how applications are decided are clearly set out for the benefit of applicants, decision makers, objectors and other interested persons.

4.3 **Impact Assessments**

There has been an impact assessment undertaken.

5. **Budgetary Framework**

- 5.1 There are no budgetary implications resulting from the change of policy.

6. Risks

- 6.1 Failure to consider responses in relation to the public consultation for the proposed policy may result in a judicial review. Judicial reviews are both resource and financially intensive.

7. Alternative Option(s) considered

- 7.1 The Committee choose not to make a comment on the proposed policy responses from public consultation for the Executive.

8. Background

- 8.1 The current Sex Establishment Policy is used to outline the councils approach to applications for the use of premises as sex shops, sex cinemas and sexual entertainment venues within the District.
- 8.2 In 2014, a public consultation was conducted to investigate the feelings of residents and business of Warwick District with regard to the location of sexual entertainment venues. The outcomes of this consultation were reported to the Executive on the 11th March 2015.
- 8.3 The consultation focussed on the four town centre locations within the District. A majority of respondents stated that they believed a nil limit would be appropriate in all four of these areas. These four areas have been highlighted within the proposed policy.
- 8.4 The recommendation from the Task and Finish group which was resolved by Executive, was that the four mapped areas did not have any suitable localities within them that would be appropriate for a sexual entertainment venue and that within these areas there should be a limit of nil placed upon the number of sexual entertainment venues.
- 8.5 It should be noted that even where the Council applies a nil limit for a particular area or locality the Council is unable to reject the application of a premises wishing to trade within one of these areas or refuse to renew/grant a licence solely due to the existence of the limitation. Applications for the grant or renewal of sexual entertainment venue licences will still need to be considered and determined.
- 8.6 It should also be noted that this limitation only applies to Sexual Entertainment Venues and not Sex Shops or Sex Cinemas.
- 8.7 Counsel's advice was sought to assess the outcomes of the consultations and recommendations of the Task and Finish Group to Executive. This advice was attached to the Executive report on the 11th March 2015. The advice recommended that a review of the policy should also include a review of the conditions applied to any licence.
- 8.8 At the Executive meeting on the 11th March 2015, officers were asked to take into account Counsel's advice during the review the policy. A report went before Executive on the 13th January 2016 for approval of the public consultation.
- 8.9 Officers have undertaken a full review of the policy and the proposed conditions that would be attached to any premises granted a licence under the legislation.

- 8.10 Legal opinion has been sought throughout the drafting of the policy to ensure that the proposed policy is robust, proportionate and transparent.
- 8.11 This report introduces the comments that have been received following the public consultation. No comments have been made by us to the responses which are summarised below and shown in Appendix 4:
- 3 positive responses
 - 1 comment regarding concerns.
- 8.12 Any comments received during this consultation period, will be reviewed and amendments will be made to the policy where appropriate.
- 8.13 The amended policy and details of the comments received will be reported to relevant committee: Executive on 02 June 2016 and Council on 22 June 2016.