

	Overview & Scrutiny – SEV Task & Finish Group	Agenda Item No. 9
Title	SEV Task & Finish Group – Final Report	
For further information about this report please contact		
Wards of the District directly affected		
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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		
Background Papers	Council minute 56, December 2012 Overview & Scrutiny minute 61, November 2012	

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

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		Chris Elliott
Head of Service		Andrew Jones
CMT		
Section 151 Officer		Mike Snow
Monitoring Officer		Andrew Jones
Finance		Mike Snow
Portfolio Holder(s)		Councillor Coker
Consultation & Community Engagement		
District wide consultation via 2000 random postal surveys, 200 random business surveys and 6 week long web survey w/c 24 March 2014.		
Final Decision?	No	
Suggested next steps (if not final decision please set out below) No – the report if approved will be passed to the Executive for consideration as well as the Licensing & Regulator Committee ahead of Council taking the final decision on any possible changes to the policy.		

1. **SUMMARY**

- 1.1 This report is the culmination of the work undertaken by the Sexual Entertainment Venues (SEV) Task & Finish Group, following District wide consultation on the location of SEV's within the District.
- 1.2 The Overview & Scrutiny committee is asked to note the work undertaken by the Task & Finish group and the results from the District wide consultation as attached at Appendix 1.
- 1.3 The report contains the views of the T&F group on the survey and lays out any potential changes to the existing policy at Appendix 2.
- 1.4 Appendix 3 details the views of the Health and Community Protection Team on the impact of the survey.

2. **RECOMMENDATION**

- 2.1 That the Overview & Scrutiny Committee supports the recommendation from the Task & Finish Group that the Council introduces a Nil Cap on Sexual Entertainment Venue premises for the District and the subsequent changes to the existing Council policy.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The T&F group was set up as a 'sub' group of the Overview and Scrutiny committee and has to pass any recommendations back through them for approval and support, prior to submission to the Executive.
- 3.2 To ensure all parties are fully informed, and to enable effective decision making, the results of the survey and consultation are included in the report, along with the views of the Health and Community Protection Team who would ultimately be in charge of enforcing the Policy and managing any SEV applications.

4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** - The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** - In terms of the Fit for the Future strategy, the results of the public consultation should have informed us of the opinions of residents and their thoughts on the presence of SEVs in the district. As a result, policy can be formed around genuine customer desire instead of perceived wishes.

5. **BUDGETARY FRAMEWORK**

- 5.1 There would be no financial implications if the policy were amended other than officer time to do so. In addition, no licence fees would be lost because, if a Nil Cap were to be agreed, applicants would still be able to submit applications and each would have to be considered on its own merit.
- 5.2 Conversely, no savings would be made because the Licensing and Regulatory Committee would still have to meet to consider the applications along with officers from Health & Community Protection, Legal Services and Civic and Committee Services.

- 5.3 A budget of £5,000 was agreed at Council in December 2012 (min number 56) from the contingency budget for consultation costs to support the work of the Overview & Scrutiny Task & Finish Group.

The funds allocated so far are detailed below:

Date 2014	Details	Amount
February	Postal survey costs - Includes postage of mailing, cost of freepost back to SDC, supply of envelopes, data processing and verification of 10% return, staff time	£1050.00
March	Web survey costs - created by SDC - would include process to avoid multiple submission, staff time for setting up & monitoring responses	£50.00
March	Social media / website / Intranet publicity and press release	No cost or internal recharge
March	Printing of postal survey via WDC printroom	£58.40
April	Press advert - 2 x ½ page advert	£304.64
June	Voucher purchased for prize draw	£50.00
July	Consultation fee - Stratford District Council (approximately as invoice yet to be received)	tbc
TOTAL		£1513.04

6. RISKS

- 6.1 Any changes to the policy could result in a risk to future SEV licence applications and the potential for legal challenge.
- 6.2 A risk exists that any potential amendments to the policy could be challenged by the existing premises in the District and the work of the Task & Finish group scrutinised to ensure that all consultation had been undertaken fairly and transparently.
- 6.3 Prior to this report being submitted to Executive, advice from WCC Legal is that the proposals should be considered by specialist Counsel, given the possibility of a Judicial Review. Members should be aware that this will delay any previously agreed timescale.

7. ALTERNATIVE OPTION(S) CONSIDERED

- 7.1 The alternative options are that the Council continues with the existing policy and sets no limit on the number of SEVs in the District.

8. BACKGROUND

- 8.1 Following the public interest in the application for an SEV Licence for Shades Gentleman's Club in Leamington Spa, Members submitted a Notice of Motion to Council in October 2012 requesting that a T&F group be set up to establish the views of residents of Warwick District.
- 8.2 A T&F group was set up following the Overview and Scrutiny Committee meeting in November 2012 and volunteers were requested from the individual political groups. The membership consisted of Councillors Brookes, Davies, Mrs

Knight, Pittarello, Rhead, Ms Weed and Wreford-Bush. The group's scope document outlined the group's purpose as:

1. To establish the views of residents, visitors, businesses, community groups and other interested parties regarding SEV's in Warwick District;
2. In particular, whether any part of Warwick District is suitable for SEV's; and
3. Following consultation, to advise if the existing policy reflects those views adequately.

- 8.3 As part of their research, the group attended meetings with outside bodies including Councillor Philip Townshend, Cabinet Member of Community Safety and Equalities at Coventry City Council. Councillor Townshend and his colleagues had conducted a similar public consultation in August 2012 regarding the licensing of SEV's in Coventry. The group posed questions to Councillor Townshend to establish what methods of consultation Coventry City Council had used and what lessons the Task & Finish group could learn from their work.
- 8.4 The group regularly met with representatives from Legal Services who provided guidance on the consultation to ensure the final results showed a robust pool of evidence.
- 8.5 Councillor Davies stood down as a member of the group following his election to Chairman of the District Council, due to the additional workload his new position created.
- 8.6 The group agreed on moving forwards with consultation but encountered delays due to the Judicial Review involving the District Council and Shades Gentleman's Club. The legal advice at this time was that to be seen to be reviewing the policy, could put the Council at risk when defending it in court.
- 8.7 The group decided to appoint an external consultation officer under the contract between WDC and SDC for consultation works. The officer appointed would oversee the consultation work, advise on best practice, receive and collate responses and compile a final report once consultation had finished.
- 8.8 Consultation began w/c 24 March 2014 and finished on 4 May 2014. The consultation involved a web based survey, a paper survey of 2000 residents and 200 local businesses.
- 8.9 The 2000 residents had been selected at random from the electoral roll and the 200 businesses had been selected similarly through the Business Rates database.
- 8.10 The group met in April 2014 and received half stage progress and an update from Simon Purfield. The group also met on 8 May to discuss top line results from the end of the web survey and for Members to analyse the data further. The feedback from Mr Purfield was that the response rate for the random resident's survey was 16.3% which he advised was good for such a specific subject matter.
- 8.11 The group met at the end of June 2014 to discuss the next steps and invited Legal Services and a representative from Health and Community Protection to join them and offer any further advice deemed necessary. A summary of the group's conclusions is attached as Appendix 2.