

 <b>Regulatory Committee</b> <b>16<sup>th</sup> July 2012</b>		<b>Agenda Item No.</b> <b>5</b>
<b>Title</b>	Report regarding changes to the council's sex establishment policy.	
<b>For further information about this report please contact</b>	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
<b>Service Area</b>	Community Protection	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	<b>No</b>	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>	None	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	04/07/2012	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance		
Portfolio Holder(s)	04/07/2012	Councillor Coker
Consultation Undertaken		
None		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

## 1. **SUMMARY**

- 1.1 A request was received from Members of the council's Regulatory Committee to revisit the council's policy on Sex Establishments to clarify and expand on the word 'proximity'

## 2. **RECOMMENDATION**

- 2.1 Members are asked to examine the suggested changed wording and decide whether to adopt the changes or leave the existing policy intact.

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Members were concerned that the wording of the Sex Establishment Policy adopted by the council was not clear and required some changes.

- 3.2 The current wording on the policy is as follows:

*3.2 Whilst the council have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application upon its own merits, the council will not normally licence premises that are in close proximity to: -*

*(a) a residential area;*

*(b) a school, nursery or any other premises substantially used by or for children under 16 years of age;*

*(c) a park or other recreational area used by or for children under 16 years of age;*

*(d) a church or other place of religious worship.*

- 3.3 After consultation with the council's legal officer, it was thought the following was more appropriate:

*3.2 The legislation provides that the Council may refuse an application for the grant or renewal of a licence if it considers that it would be inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.*

*When considering whether a licence should be refused on this basis, the Council will have regard to the following;*

- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;*
- The proximity of educational establishments;*
- The proximity of places of worship;*
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;*
- The proximity of shopping centres;*
- The proximity of community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);*
- Any relevant planning considerations;*
- Whether there is planned regeneration of the area*
- The proximity of other Sex Establishments;*

- *The nature and concerns of any objections received from residents and/or establishments objecting to the licence application;*
- *Any evidence of complaints about noise and/or disturbance caused by the premises;*
- *Any current licensing permission related to the premises in respect of activities, uses and hours*

*The Council has not set a limit on the number of Sex Establishments that it thinks is appropriate for any relevant locality and will determine each application on its own merits.*

#### **4. ALTERNATIVE OPTION CONSIDERED**

4.1 The current policy is left unchanged.

#### **5. BUDGETARY FRAMEWORK**

5.1 This report has no budgetary considerations for the Council.

#### **6. POLICY FRAMEWORK**

6.1 None

#### **7. BACKGROUND**

7.1 None.