



Title	To advise of reviewed Sexual Entertainment Policy which will be referred to Executive for approval for Public Consultation.	
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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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	Executive 11 th March 2015	
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 and Sustainability Impact Assessment Undertaken	Yes	
Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	30.11.15	Andrew Jones
Head of Service		Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	27.11.15	Moira Ann Grainger
Legal	25.11.15	Warwickshire Legal Representatives
Consultation & Community Engagement		
Final Decision?	No	
Suggested next steps (if not final decision please set out below)		
A public consultation is required upon the policy before the policy is adopted. This is to be considered at the Executive Meeting on the 13 th January 2016.		

1. **SUMMARY**

- 1.1 To present the reviewed draft Sexual Entertainment Establishment Policy which is applicable to all Sexual Entertainment Establishments within the Warwick District Boundary.

2. **RECOMMENDATION**

- 2.1 That the committee note the reviewed draft policy.
- 2.2 That Committee comment upon the policy to assist the Executive in making a determination with regard to public consultation.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Sexual Entertainment Policy has been reviewed in accordance with the request of the Executive on the 11th March 2015.
- 3.2 The proposed policy includes changes within both the policy document and the conditions which would be attached to any licence granted.
- 3.3 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.
- 3.4 Before the proposed policy can be adopted, a public consultation must take place and an equality impact assessment must be carried out in order to mitigate against the risk outlined in the report.

4. **POLICY FRAMEWORK**

- 4.1 The proposed policy would replace the existing and all previous versions of Warwick District Councils Sexual Entertainment Establishment Policy.
- 4.2 **Fit for the Future**
- 4.3 The policy ensures that the application process and factors taken into account to the assessment of a licence is available to both applicants and other persons.

5. **BUDGETARY FRAMEWORK**

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

6. **RISKS**

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

7. **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 The Committee choose not to make comment on the proposed policy to the Executive.

8. **BACKGROUND**

- 8.1 The current Sexual Entertainment Policy is used to outline the council's approach to sexual entertainment applications and premises 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 focused 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 resolution by Executive, believed that these four areas did not have any suitable localities identified for a sexual entertainment venue and that within these areas there should be a limitation placed upon the number of sexual entertainment venues.
- 8.5 It should be noted that although this limitation is outlined for these areas, the council is unable to reject the application of a premises wishing to trade within one of these areas or fail 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 sort 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 also reviewed 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.
- 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 sort throughout the drafting of the policy to ensure that the proposed policy is robust, proportionate and transparent.
- 8.11 Subject to the agreement of Executive, a public consultation will commence on the 18th January 2016 and close 12 weeks later.
- 8.12 Any comments received during this consultation period will be reviewed and amendments made to the policy where appropriate. The amended policy and details of the comments received will be reported to relevant committee.