

		Regulatory Committee 18th March 2011	Agenda Item No.
Title		Method for dealing with Sex establishment applications	
For further information about this report please contact		David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area		Community Protection	
Wards of the District directly affected		None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		Yes	
Date and meeting when issue was last considered and relevant minute number		N/A	
Background Papers		None	

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

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	02.03.2011	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	02.03.2011	Jenny Clayton
Portfolio Holder(s)	02.03.2011	Councillor Kirton
Consultation Undertaken		
Graham Leach -04.03.2011		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **SUMMARY**

- 1.1 To decide the format for how the Regulatory Committee deal with applications for Sex Establishments and whether the Regulatory Committee and Licensing Committee should amalgamate to form one Committee.

2. **RECOMMENDATION**

- 2.1 To accept the suggested method for hearing applications for sex establishment applications.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Regulatory Committee have responsibility for dealing with applications for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 (The Act)
- 3.2 Sex Establishments (SE) may be sex shops, sex cinemas or the recently introduced category of sexual entertainment venues.
- 3.3 Under paragraph 10(19) of Schedule 3 of the Act, before refusing an application, the Committee should give the applicant the chance to appear before them and be heard.
- 3.4 Schedule 3 does not make explicit provision for objectors to be heard. However, it does not prescribe that they should not be heard.
- 3.5 Officers feel that, in the interest of transparency, that people who have made representations against any applications for SEs within the prescribed timeframe should be invited to any hearing arranged, as long as it is merely to amplify any relevant objections that have been made.
- 3.6 The suggested format for the hearing would as follows:
- The applicant outlines his application and answers any questions from the Committee
 - Any objector who wishes to amplify their written objection may speak and answer any questions from the Committee
 - The applicant gives a short closing summation
- 3.7 No political or moral grounds may be used as reasons to object to an application for a SE.
- 3.8 The grounds for refusal and other matters are dealt with in Warwick District Council's policy for dealing with SEs (Appendix 1)
- 3.9 Most applications for sexual entertainment venues will already have been heard by the Council's Licensing Committee as they will have applied for a premises licence to enable alcohol to be sold and music and dancing to be permitted.

4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternatives may be considered.

5. **BUDGETARY FRAMEWORK**

5.1 None.

6. **POLICY FRAMEWORK**

6.1 None

7. **BACKGROUND**

7.1 None.