

**TO THE CHAIR AND MEMBERS OF THE  
LICENSING COMMITTEE**

**SEXUAL ENTERTAINMENT VENUE (SEV) LICENSING POLICY**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Cllr C McGuinness	All	N/A

**EXECUTIVE SUMMARY**

1. The purpose of this report is for the Licensing Committee to review the existing Sexual Entertainment Venue (SEV) Licensing Policy.

**RECOMMENDATIONS**

2. It is recommended the Committee review and approve the existing Policy (Appendix A), subject to minor administrative updates that have been made to contact details and addresses etc. contained in the Policy, and determine that it should next be reviewed again no later than June 2018.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER**

3. Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.
4. With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder, noise and other public nuisance.
5. The SEV Policy sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009).

## **BACKGROUND**

6. The Local Government (Miscellaneous Provisions) Act 1982 was amended by the by section 27 of the Police and Crime Act 2009 to allow local authorities to control places of sexual entertainment, such as lap dancing and pole and table dancing, other than through a premises licence.
7. This provision was adopted by Doncaster Council in October 2010.
8. In order to establish the Authority's proposed stance on such premises a policy is advised by the Home Office guidelines to allow businesses to understand the requirements, in general, that will be required in order to run this type of establishment although every application will be considered on its merits.
9. The Policy (Appendix A) was initially adopted, by Doncaster Council, in November 2011 following a period of consultation. The Policy is based on the Home Office guidance document detailing the application process, reasons for refusal and our standard conditions.
10. On adoption it was determined that the Policy should be reviewed 3 yearly.

## **OPTIONS CONSIDERED**

11. Option1  
Recommend that the existing Policy continue in to be adopted, subject to minor administrative amendments to contact details and addresses where these have changed since the Policy was originally adopted, with a review date of June 2018.
12. Option 2  
Recommend that a wider consultation is undertaken before the Policy is adopted.
13. Option 1 is the preferred option.

## **REASONS FOR RECOMMENDED OPTION**

14. There is no statutory requirement to adopt a Policy and as such there are no statutory requirements to consult periodically. Extensive consultation took place in 2011 with all parties who were considered to have an interest. Any comments that were received were taken into consideration before the final Policy was adopted.
15. Since the adoption of the Policy there have been no relevant legislative changes and the licensing process is unchanged.

16. Prior to the adoption of the SEV licensing provision and the SEV Licensing Policy there were 2 venues in Doncaster. On adoption of the licensing provision and Policy the number of venues reduced to 1 and it has remained at this level.
17. Since its initial adoption in 2011, the Policy has not been subject to challenge and the Licensing Authority has not received any request for it to be amended.

## IMPACT ON THE COUNCIL'S KEY PRIORITIES

18.

	<b>Priority</b>	<b>Implications</b>
	<p>We will support a strong economy where businesses can locate, grow and employ local people.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>The policy clearly demonstrates what businesses can expect in setting up a venue.</p> <p>The Policy ensures that licensing decisions can be made fairly and in a timely manner.</p>
	<p>We will help people to live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>.</p>
	<p>We will make Doncaster a better place to live, with cleaner, more sustainable communities.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.</p> <p>With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder,</p>

		noise and other public nuisance.
	<p>We will support all families to thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	None
	We will deliver modern value for money services.	Functions are delegated in the interests of speed, efficiency and cost effectiveness wherever possible.
	We will provide strong leadership and governance, working in partnership.	None

## **RISKS AND ASSUMPTIONS**

19. It is accepted good practice that a Licensing Authority adopts a statement of licensing policy in respect of sexual entertainment venues. By not having a Policy decisions of the Licensing Authority are more open to challenge.

## **LEGAL IMPLICATIONS**

20. The Home Office Guidance on sexual entertainment venues states that on resolving to adopt the sexual entertainment venue provisions introduced by the Policing and Crime Act 2009, local authorities should ensure that their licensing policies for sex establishments are up to date, which could mean producing a policy specific to the regulation of sexual entertainment venues.
21. It is within the remit of the Licensing Committee to determine policies that are relevant to the Council's functions under Part 3 of the Constitution which relate to those licensing and registration functions unless the policy must be determined by Full Council.

## **FINANCIAL IMPLICATIONS**

22. There are no specific financial implications associated with this report.

## **EQUALITY IMPLICATIONS**

23. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between

those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

## **CONSULTATION**

24. Consultation has taken place between Democratic Services, Legal Services and the Licensing Officer.

## **BACKGROUND PAPERS**

25. Home Office Guidance on Sexual Entertainment Venues.

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