

Wiltshire Council

Licensing Committee

17 March 2014

Sex Establishment Licensing Policy and Conditions

Summary

This report is to seek the views of the Licensing Committee on the need to review and amend the Council's current Policy in relation to Sex Establishments.

Proposal(s)

It is recommended:

That the Licensing Committee considers the proposed amendments to the consultation process within the current Policy on Sex Establishments attached as Appendix 1.

The Licensing Committee agree to one of the options in paragraph 14 below, in relation to the Council's current Policy on consultation on applications for Sex Establishments.

Reason for Proposal

A recent variation application for a Sex Shop Licence was received, and the consultation process was carried out in line with the current policy. A member of the Licensing Authority raised questions at the time, as to whether there should be a wider consultation process in some circumstances, particularly where the application is in an urban area.

Maggie Rae
Corporate Director

Wiltshire Council

Licensing Committee

17 March 2014

Sex Establishment Licensing Policy and Conditions

Purpose of Report

1. This report is to seek the views of the Licensing Committee on the need to review and amend the Council's current Policy in relation to Sex Establishments.
2. It recommends that the Licensing Committee agree to consider adopting one of the proposed options set out below in relation to Sex Establishments

Relevance to the Council's Business Plan

3. "People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

"People are as protected from harm as possible and feel safe".

Main Considerations for the Council

4. This decision is within the remit of the Licensing Committee.

Background

5. At its meeting on 6 February 2012 the Licensing Committee approved a new Sex Establishment Policy for the Wiltshire Council area. The new policy and the associated Regulations were implemented by the Licensing service from 1 March 2012. **See attached appendices 1a, 1b and 1c.**
6. On 24 October 2013 an application to transfer, renew and vary a Sex Establishment licence for a Sex Shop in Salisbury was received by the licensing team.
7. The applicant carried out the requirements of the policy to advertise his application and place notices on or near the premises for the required period.
8. The Licensing Team carried out a consultation process as outlined within the policy, where views were sought from the local divisional member, Wiltshire Fire & Rescue, Wiltshire Planning Department. In addition, Salisbury City Council local ward members were also consulted. No representations were received on this application.

9. A licensing sub committee hearing was called to decide the variation application in line with the scheme of delegation.
10. After the close of the consultation process Councillor Mary Douglas expressed a concern that as a Unitary Councillor for Salisbury she should have been consulted, as “The size and nature of Salisbury is such that it functions as a single entity, with the one city centre used by all residents, and this change would certainly affect the residents of my division”.
11. At the subsequent licensing sub committee hearing to consider the application to vary the Sex Shop licence, the members were made aware of the concerns expressed by Councillor Douglas and decided the matter should be considered by the Licensing Committee but could have no bearing on the hearing of that particular application.

Safeguarding Implications

12. None – the report relates to amendments to the consultation process, no policy changes are proposed.

Public Health Implications

13. None – the report relates to amendments to the consultation process, no policy changes are proposed.

Environmental and Climate Change Considerations

14. The introduction of the new legislative controls under Schedule 3 of the 1982 Act gives the Council new powers to tackle issues of local concern to communities around the crime and disorder and anti-social behaviour associated with sex establishments.

Equalities Impact of the Proposal

15. The aims of the legislation are to give communities the chance to comment on applications both at application and renewal stage, therefore giving the public a greater voice.

Risk Assessment

16. There are no particular risks identified from any of the options being proposed.

Risks that may arise if the proposed decision and related work is not taken

17. There are no particular risks identified from any of the options being proposed.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. There are no particular risks identified from any of the options being proposed

Financial Implications

19. None.

Legal Implications

20. There is an obligation on applicants for new or varied sex establishment licences to advertise their proposals in a local newspaper, to place a notice on the premises and to notify the police. There is no statutory obligation on the Council to carry out further consultations, but the adopted policy does provide that local members will be notified.

Options Considered

21. It is recommended that the Committee adopts one of the following:-

- i) The Licensing Committee agrees the current consultation process is sufficient, and no amendment to the policy is required.

Or

- ii) The Licensing Committee agrees to amend the policy to widen the consultation process to include neighbouring local divisional members where the premise is located close to the border of two wards. It would be for the Licensing Officer to determine whether such additional consultation should be carried out in any particular case.

Or

- iii) The Licensing Committee agrees to amend the policy to widen the consultation process to include all divisional members within the relevant area board boundary.

Conclusions

22. Members of the Licensing Committee are requested to consider the proposals as outlined in the report and decide which proposal to adopt.

Proposal

23. To adopt one of the proposals detailed above.

Reason for Proposal

24. A member of the Licensing Authority requested that the scope for consultation in relation to Sex Establishments be widened.

Maggie Rae
Corporate Director

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Background Papers

- Local Government (Miscellaneous Provisions) Act 1982 – Schedule 3

Appendices

- Appendix 1 – Sex Establishment Licence Policy
 - Conditions – Sexual Entertainment Venues and Sex Cinemas
 - Conditions – Sex Shops
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