

To: General Purposes Licensing Committee

Date: 28 May 2012 **Item No:**

Report of: Head of Environmental Development

Title of Report: DRAFT SEX ESTABLISHMENT LICENSING POLICY –
RESPONSES TO CONSULTATION

Summary and Recommendations

Purpose of report: To report back to Committee on the responses to the consultation on the Draft Sex Establishment Licensing Policy.

Report Approved by:

Finance: Paul
Legal: Daniel Smith

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

Committee is recommended to:

- i) request the Head of Environmental Development carry out an analysis of the City in order to assess the “characteristics” of all potential “relevant localities”, and
- ii) receive a further report following that assessment with a view to identifying any localities where a limit on the number of sex establishments may be considered appropriate by the authority.

Background

1. On 19th October 2011, the General Purposes Licensing Committee received a report seeking approval of a Draft Sex Establishment Licensing Policy for public consultation. The report gave options for the policy to include a relevant number of Sex Establishments for localities within the City bearing in mind that it is inappropriate for the Council to treat the whole of the City as a relevant locality.

2. The minutes from the meeting state:

Having considered the draft Sex Establishment Licensing Policy, the Committee RESOLVED to adopt the draft policy as submitted with the exception of the optional parts in clauses 9.4 and 9.6 of the policy (provided below for information).

Therefore the draft policy reads

9.4 When considering a particular application case law has determined that it is inappropriate for the Council to treat the whole of the City as a relevant locality.

9.5 In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (i) Historic buildings or tourist attractions
- (ii) Schools, play areas, nurseries, children's centres or similar premises
- (iii) Shopping complexes
- (iv) Residential areas
- (v) Places of Worship

3. The optional elements that were excluded were:

9.4 *However, the Council has determined that it is appropriate to consider each area type as a relevant locality. It has considered, in respect of each area, the number of sex establishments that it believes to be the appropriate number for that area.*

and

9.6 *The Council recognises that different parts of the City have different characteristics, and the number of sex establishments appropriate for a locality, and the reasons why, are detailed below:*

AREA	NUMBER	REASON
<i>North</i>		
<i>North East</i>		
<i>East</i>		
<i>Cowley</i>		
<i>South East</i>		
<i>Central, South & West</i>		

Consultation Findings

4. Following the meeting the draft policy was put out for consultation which closed on 31st January 2012. 37 representations were received comprising:

- 29 online responses

- 6 email responses
- 1 written response
- 1 petition

The responses are appended to this report.

5. All responses, bar one, expressed concerns relating to the effect of Sexual Entertainment Venues. This was said to impact adversely both upon the local population due to the perceived nature of such establishments, and the reputation of the City when such venues were permitted a licence.
6. In view of the responses, it is suggested that Committee reconsiders the position with a view to setting the number of sex establishments appropriate for relevant localities within the City. In order to assist this process, the Head of Environmental Development would carry out an analysis of the City mapping the “characteristics” of all potential “relevant localities”. A map will be produced, based on the Council resolution that Sexual Entertainment Venues are not generally appropriate near or in locations / or areas containing any of the following:
 - (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children’s centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship

This map will then form part of the draft policy for consultation.

Financial Considerations

7. There are no material financial considerations contained within the content of this report that apply to the Authority.

Legal Considerations

8. Oxford City Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that it can licence sex shops, sex cinemas, and sexual entertainment venues in the City.

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