

To: General Purposes Licensing Committee

Date: 19 October 2011

Item No:

Report of: Head of Environmental Development

Title of Report: Draft Sex Establishment Licensing Policy

Summary and Recommendations

Purpose of report: To create a policy that sets out Oxford City Council's framework for the regulation of Sex Establishments in Oxford.

Report Approved by:

Finance: Paul Swaffield

Legal: Daniel Smith (not approved)

Policy Framework: A vibrant and sustainable economy

Recommendation(s):

The Committee recommended to

- (i) consider the draft Sex Establishment Licensing Policy based on the document appended to this report;**
- (ii) consider whether or not to set a limit on the "appropriate number of sex establishments;**
- (iii) agree any amendments to the draft Sex Establishment Licensing Policy or otherwise depending upon whether to set a limit on the appropriate number of sex establishments; and;**
- (iv) agree the consultation programme as set out in this report; and**
- (v) request that the Head of Environmental Development submit a further report following the consultation or should the Committee wish for a limit to be set on the "appropriate number" of sex establishments, that following consultation at Area Fora, the "appropriate numbers be submitted to the Head of Environmental Development and the draft policy be amended accordingly, and a further report be submitted detailing the limit to be set on the "appropriate number" of sex establishments and included in the draft policy and a revised consultation period.**

INTRODUCTION

- 1 At Full Council on 19 April 2010 Council resolved:
 - a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment venues shall apply; and
 - (b) That the new powers took effect from 10th June 2010;
2. The amended Schedule 3 gives local authorities more powers to control the number and location of sex establishments in their area.
3. For the purposes of this report and the draft policy, sex establishments include:
 - i) Sex Shops
 - ii) Sex Cinemas
 - iii) Sexual Entertainment Venues

Sex Establishment Policy

4. Members of the General Purposes Licensing Committee will note that the Licensing Authority has not previously developed a Sex Establishment Licensing Policy. It has been guided by the contents of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to previous applications for Sex Establishments.
5. Members have requested that the absence of a formal policy be rectified. A draft policy (attached at **Appendix One**) building on the principles of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and incorporating the views expressed by Committee is therefore proposed.
6. The proposed draft provides the relevant Committee with the authority to determine whether or not any location may be deemed appropriate or otherwise for a Sex Establishment, by providing the following 2 options:
 - (i) Not set an “appropriate number” for the number of sex establishments, and instead determine the “relevant locality” of any application as and when it is made; or
 - (ii) The Council is able to set a limit on the number of licences it issues or it can allow an unlimited number of premises to be licensed.
7. Should Members wish to not set an “appropriate number”, then Section 9.6 of the draft Sex Establishment Licensing Policy will need to be removed, as will the second sentence of Section 9.4.

8. Should Members wish to implement a limit on the number of sex establishments deemed to be appropriate, then such a decision must take into account any negative impact the venues are likely to have on the area where they are located. In order to determine such negative impacts, Members may think it prudent to consult on this, and Area Fora would enable local residents to take part in this initial process, and in turn determine the appropriate number of Sex Establishments for each Area. Should this be the case, then the proposed Consultation timetable detailed in this report will need to be amended accordingly, and the number of sex establishments deemed appropriate included in Section 9.6 of the draft policy. The specific sections have been highlighted on the appended draft policy for the sake of clarity.
9. The Committee is asked to comment upon this draft and make comments as to how to improve the Policy, and select whether or not they wish to implement a limit on the number of sex establishments deemed appropriate.

Scheme of Delegation

10. Under the scheme of delegation in the Council's Constitution, Full Council sets policies on licensing and registration. The General Purposes Licensing Committee:
 - recommends and reviews policies on licensing and registration
 - sets and reviews licence fees

The General Purposes Licensing Committee appoints a Licensing and Registration Sub-Committee to:

- decide Sex Establishment licence applications when there are objections

The Head of Environmental Development does everything else.

Legal Issues

11. 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 we can licence sex shops, sex cinemas, and sexual entertainment venues in the City.
12. The Council is not permitted to take a moral stand with regard to licensing Sex Establishments. The Licensing Authority recognises that Parliament has made it lawful to operate a Sex Establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a Licensing Authority to administer the licensing regime in accordance with the law.

Consultation on the Draft Sex Establishment Licensing Policy

13. The consultation timetable should Members not wish to set a limit on the “appropriate number” of sex establishments, is as follows:
- 19th October 2011, consultation draft Sex Establishment Licensing Policy approved by Committee.
 - 14th November 2001 – 31st December 2011, the agreed draft Sex Establishment Licensing Policy to go for to: Thames Valley Police; Oxfordshire Fire & Rescue Services; Oxford City Community Safety Partnership; stakeholders in the sex establishment industry; local residents; other departments of Oxford City Council.

The agreed draft Sex Establishment Licensing Policy will be made available for public consultation on the Councils website and made available at libraries and public buildings.

- 22nd February 2012: report to General Purposes Licensing Committee to consider consultation responses and approve the final Sex Establishment Licensing Policy, in light of the consultation responses received, and recommend Council to adopt.
- 23rd April 2012: Final Sex Establishment Licensing Policy to Full Council to consider adoption.

Financial Issues

14. The Council collects licence fees for the Sex Establishment function. Fees are reviewed annually prior to the council setting its budget. Predicted income from licence fees is included in the Council’s budget.

Recommendations

15. The Committee is recommended to:
- (i) consider the draft Sex Establishment Policy Licensing based on the document appended to this report and provide direction to Officers as to any improvements or amendments to the draft policy;
 - (ii) Consider whether or not to set a limit on the “appropriate number” of sex establishments;
 - (iii) agree any amendments to the draft Sex Establishment Licensing Policy;
 - (iv) agree the consultation programme as set out in this report or otherwise depending upon their choice of whether to set a limit on the appropriate number of sex establishments; and

- (v) request that the Head of Environmental Development submit a further report following the consultation; or should the Committee wish for a limit to be set on the “appropriate number” of sex establishments that following consultation at Area Fora, the “appropriate numbers be submitted to the Head of Environmental Development and the draft policy be amended accordingly, and a further report be submitted detailing the limit to be set on the “appropriate number” of sex establishments and included in the draft policy and a revised consultation period.

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Background Papers:

Appendix One: Draft Sex Establishment Licensing Policy

Version: 1.1

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