

## **WAVERLEY BOROUGH COUNCIL**

### **LICENSING AND REGULATORY COMMITTEE – 24 NOVEMBER 2016**

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#### **Title:**

#### **PUBLIC CONSULTATION ON REVIEW OF THE COUNCIL'S POLICY FOR SEXUAL ENTERTAINMENT VENUES**

**[Wards Affected: All]**

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#### **Summary and Purpose**

The purpose of this report is to enable the Council to consider comments on the five year review of the Policy for Sexual Entertainment Venues for Waverley, against which applications for licences under Schedule 3 of the Local Government Miscellaneous Provisions Act, as amended by section 27 of the Policing and Crime Act 2009 are considered.

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#### **How this report relates to the Council's Corporate Priorities:**

This report relates to improving lives in the Borough.

#### **Equality and Diversity Implications:**

This issue has generated considerable debate nationally and is seen as an important issue of gender equality. Gender equality may be relevant to sex licensing in relation to the harassment and/or victimisation of performers; the exclusion of single women from clubs; and/or the fear of women using the vicinity of clubs. Section 149 of the Equality Act 2010 sets out obligations on the Council to have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity between the sexes and to foster good relations between the sexes. The draft proposed policy sets out how the Council will address these issues when applying the policy.

#### **Resource/Value for Money Implications**

There are no immediate resource implications in this report.

#### **Legal implications:**

The revised Policy will guide applicants, licensees and those responsible for licensing. There are legal implications for the Council in that it may need to defend the revised Policy if challenged. The Policy adopted may also be referred to in court, for example if a committee decision in respect of a licence application is appealed.

Members will note that Waverley does not currently have any Sexual Entertainment Venues. Although the existing Policy has not been called upon in the past five years, officers believe it is suitable and will work well if required.

### **Background:**

1. Sex Establishment premises are regulated and licensed under Schedule 3 of the Local Government (Miscellaneous) Provisions Act 1982, as amended by section 27 of the Policing and Crime Act 2009.
2. The current policy was adopted on 21 February 2012 and came into effect on 1 May 2012 after public consultation and agreement by the Licensing and Regulatory Committee. The review period for the policy is at least every 5 years.
3. A copy of the existing policy, incorporating any amendments, is attached at Annexe 1. Any proposed changes in the document have been highlighted in red.

### **Consultation:**

4. A list of all persons/bodies that were consulted is attached at Annexe 2.
5. In addition, the consultation document was posted on Waverley Borough Council's website.
6. The closing date for comments was midnight on the 18 November 2016. At the time of writing this report the consultation was still open, and no comments had been received. If any valid comments arrive before the closing date, they will be tabled at the meeting.

### **Recommendation**

It is recommended that the Licensing and Regulatory Committee:

1. considers the report and any comments received in response to the consultation on the proposed Policy for Sexual Entertainment Venues; and
2. recommends the Policy, with or without further amendment, to Council for approval, the new Policy to be effective from 1 January 2017.

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### **Background Papers**

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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