

**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE 2<sup>nd</sup> DECEMBER 2010**

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*Background Papers, if any, are specified at the end of the Report*

**SEX ESTABLISHMENTS POLICY STATEMENT**

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**RECOMMENDATIONS**

- 1. That Members consider the Sex Establishment Statement of Policy and give permission for it to be submitted to 7 week consultation with local businesses and other relevant bodies.**
- 2. That the policy be amended following the consultation period and that a further report be submitted to the Licensing and Regulation Committee for approval of the final policy, to come into effect by 1st March 2011 following Full Council.**

**Report**

- 1 Following the introduction of the Policing and Crime Act 2009 which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, introducing Sexual Entertainment Venues as a category of licensed premises, Chiltern District Council adopted the provisions of this legislation on 9<sup>th</sup> September 2010.
- 2 Home Office Guidance suggest that, although not required, local authorities may wish to adopt policies in relation to a) areas which local authorities are likely to consider to be appropriate or inappropriate locations for such venues, and b) the number of sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality, as long as the policy does not prevent any individual application from being considered on its merits at the time the application is made.

Relevant Locality

- 3 Home Office Guidance suggests that it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. The decision regarding what constitutes the 'relevant locality' is a matter for the appropriate authority, although such questions must be decided on the facts of the individual application.

- 4 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition.

#### Numerical Limits

- 5 The Local Government (Miscellaneous Provisions) Act 1982 allows the Council to set numerical limits for any category of sex establishment and the Licensing Authority can refuse applications for new or renewed licences where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which is considered appropriate for that locality, i.e. where a numerical limit has been set.
- 6 The Home Office Guidelines accompanying the new legislation suggest that numerical limits may only be created in respect of specified areas; not complete towns or cities, nor the whole of the area regulated by the Authority.
- 7 Consideration of the adoption of numerical limits should be based upon substantive reasons as to why a specified area is not an appropriate location for a sex establishment or why an area would be appropriate for a sex establishment, or a particular number of sex establishments and these considerations must be restricted to the grounds laid out in the legislation.

#### Conditions

- 8 A local authority may impose terms, conditions and restrictions on a licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.
- 9 Appendices to the policy set out the pool of conditions that can be applied to individual sex establishment licences.
- 10 A draft statement of policy has been prepared and is detailed in **Appendix 8**. It is proposed, with the Committee's approval, to formally consult on the policy over a 7 week period and report back on the outcome and present the final policy to the Committee in January 2011.

***Background Papers: None***

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