

**CHILTERN DISTRICT COUNCIL  
LICENSING AND REGULATION COMMITTEE 20th January 2011**

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

**SEX ESTABLISHMENTS POLICY STATEMENT**

*Contact Officer: Ian Snudden 01494 732057*

**RECOMMENDATIONS**

**That Members consider and approve the amended Sex Establishments Policy and recommend it for approval by Full Council to come into effect by 1st March 2011.**

**Report**

- 1 The draft Statement of Sex Establishment Policy Statement was presented to the Licensing and Regulation Committee on 2nd December 2010 and formal consultation has since taken place.
- 2 A table summarising the responses is detailed in **Appendix A** and the amended Statement of Licensing Policy is presented in **Appendix B**, with the amendments as tracked changes.

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.
- 5 No representations have been received in relation to specific areas within Chiltern district area which would or would not be appropriate locations for sex establishments. Therefore it is recommended that the each application be considered on its own merits and that the Committee should have regard to paragraph 6.2 of the Policy in

determining whether the grant, renewal or variation of a licence is appropriate.

### Numerical Limits

- 6 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 which is considered appropriate for that locality, i.e. where a numerical limit has been set.
- 7 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.
- 8 No representations have been received in relation to setting numerical limits within Chiltern district area. Therefore, as above, it is recommended that each application be considered on its own merits and that the Committee should have regard to paragraph 6.2 of the Policy in determining whether the grant, renewal or variation of a licence is appropriate.

### Conditions

- 9 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.
- 10 Since standard conditions can only be prescribed by regulations, it is recommended that conditions are applied to a licence using the pool of conditions as appended to the Policy relevant to the particular licence application.
- 11 Representations have been received in relation to the pool of conditions and these have been amended where appropriate.

### ***Background Papers:***

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