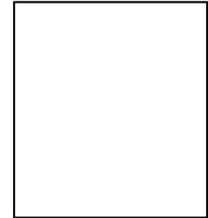




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer and Head of Licensing

Date and Time: 9th March 2020

Subject: Sex Establishment Policy
(Incorporating Sex Shops, Sex Cinemas and Sexual
Entertainment Venues)

Author of Report: Stephen Lonnia

Summary: To seek Members approval on the 'Sex Establishment Policy'
with an effective date of the 1st April 2020.

Recommendations: That Members of the Licensing Committee to consider:

- all comments received during two rounds of consultation;
- EIA number 556; and
- the proposed policy.

Background Papers: Not applicable

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER / HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref 22/20

Sex Establishment Policy (Incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues)

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the results of the consultation process undertaken on Sheffield City Council's proposed 'Sex Establishment Policy'.
- 1.2 To seek Members approval of the 'Sex Establishment Policy' with an effective date of the 1st April 2020.

2.0 BACKGROUND

- 2.1 Sheffield City Council regulates sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 Whilst the Act makes no provision for publishing a Sex Establishment Policy, it is recognised in modern legislation, and as best practice, that policies bring many benefits, including, but not limited to: transparency, accountability, consistency and localism.
- 2.3 The proposed policy incorporates all three sex establishment categories; sex shops, sex cinemas and sexual entertainment venues and creates a unified document that aims to provide clarity for applicants, Councillors, residents, businesses, local people, and any other interested person.
- 2.4 The policy that is subject of this report was originally drafted throughout the latter part of 2016 and 2017 and was approved at Licensing Committee on 23rd November 2017 with a commencement date of 1st January 2018.
- 2.5 The policy was subsequently subject to a judicial review where it was quashed and the Council undertook that the policy would be subject to another round of public consultation and the policy presented to the Licensing Committee would be subject to an Equality Impact Assessment.
- 2.6 The consultation process and this report aim to meet that undertaking.

3.0 WHAT DOES THE POLICY DEAL WITH?

- 3.1 The policy deals solely with sex establishment licensing, including, but not limited, to:
 - the application process
 - applicant suitability
 - numbers
 - locations
 - safeguarding

- enforcement.

3.2 The policy provides information, guidance and our objectives on all things pertaining to the licensing of sex establishments.

3.3 The policy will guide the Licensing Committee when determining applications and assist the Licensing Authority in administering and enforcing the licensing of sex establishments.

3.4 It provides new applicants and those already licensed clarity as to the Council's approach in one policy document.

4.0 WHAT THE POLICY DELIVERS

4.1 The policy shows our commitment to promote:

- High management standards at licensed sex establishments;
- Public safety of staff, performers and patrons at sex establishments;
- Safeguarding of staff, performers and patrons at sex establishments; and
- Safeguarding vulnerable adults working in the establishments, visiting as customers or in the locality of sex establishments.

4.2 The Policy will contribute to the following ambitions within the Corporate Plan.

- **An in touch organisation:** the Policy has been through extensive consultation. We have listened and responded to the diverse comments submitted by a range of local people and organisations.
- **Better health and wellbeing:** the Policy provides an updated section entitled "Policy in Relation to Safeguarding". This section places additional expectations on licence holders and managers to minimise harm on employees, vulnerable customers and members of the general public that could be impacted by such establishments.
- **Tackling inequalities:** a detailed EIA has been carried out in relation to the Policy and is attached at Appendix A (see Section 5.0).

5.0 EQUALITIES – PUBLIC SECTOR EQUALITY DUTY

5.1 As stated at 2.5, the Council undertook that the policy would be subject to another round of public consultation and the policy presented to the Licensing Committee would be subject to an Equality Impact Assessment.

5.2 Equality Impact Assessment (EIA) 556 was reviewed after the first round of consultation.

5.3 EIA 556 was reviewed again after the second round of consultation and is attached at Appendix A.

5.4 Members should be aware that EIA's are under constant review.

6.0 CONSULTATION

6.1 As stated at 2.5, the Council undertook that the policy would be subject to another round of public consultation.

6.2 Stage One

6.2.1 The consultation commenced on 15th April 2019.

6.2.2 The policy document was sent to all individuals that commented on the policy in 2017 and all individuals who submitted comments to SEV applications in 2019. It was also published online on Citizen Space.

6.2.3 The consultation end date was originally 5th July 2019; however, the Licensing Authority received an application for a sexual entertainment venue during the consultation. Given the application and this policy have the same interested parties, it was decided to extend the period of consultation to 31st October 2019 to allow sufficient time for comments to be made.

6.2.4 158 comments were received and all are attached at Appendix B.

6.2.5 Once the consultation ended, EIA 556 and the policy were updated accordingly.

6.2.6 Additional work was carried out with the Licensing Manager of the Sheffield Children Safeguarding Partnership to develop the Policy in Relation to Safeguarding section.

6.3 Stage Two

6.3.1 A subsequent round of consultation was carried out between 28th January 2020 and 23rd February 2020 with an updated draft being circulated to all those that made comments during stage one.

6.3.2 7 comments were received and all are attached at Appendix C.

6.3.3 Again, once the consultation ended, EIA 556 and the policy were updated accordingly.

7.0 FINANCIAL IMPLICATIONS

7.1 The cost to the licensing service of administering sex establishment licence applications should be covered by the licence fee.

7.2 Work undertaken on administering sex establishment applications, specifically sexual entertainment venue applications, has exceeded the amount budgeted in 2019/2020. This policy therefore proposes to separate SEV's into two distinct categories; Performance Licences and Members Clubs. Further detail on this is at Part 3 of the Sex Establishment Policy. This will permit the Licensing Service to adequately set the fee for specific types of venue to apportion appropriate resources.

7.3 Any cost of a legal challenge arising from policy or licence decision making cannot be recovered as part of the application fee and would be paid by Sheffield City Council.

8.0 RECOMMENDATIONS

- 8.1 That Members of the Licensing Committee approve the final draft of the Sex Establishment Policy as attached at **Appendix D** with an effective date of 1st April 2020.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To approve the Sex Establishment Policy as attached at **Appendix D** to come into force on the 1st April 2020.
- 9.2 To approve the Sex Establishment Policy as attached at **Appendix D** with amendments to come into force on the 1st April 2020.
- 9.3 To approve the Sex Establishment Policy as attached at **Appendix D** with or without amendments to come into force on an agreed date.
- 9.4 To defer the Sex Establishment Policy as attached at **Appendix D** for further consideration.

Stephen Lonnia
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Date: February 2020

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