

Committee: LICENSING COMMITTEE

Agenda Item

Date: September 13, 2006

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Title: REGULATION OF SEX ESTABLISHMENTS

Author: Michael Perry, Executive Manager Corporate Governance, 01799 510416 Item for decision

Summary

1. This report informs Members of the response to the consultation with Town and Parish Councils of the possibility of locating sex establishments within the District.

Recommendations

2. That the Council does not adopt a policy regarding the number of sex establishments it would consider appropriate within various parts of the District.

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
 - Responses to consultation letter received from Town and Parish Clerks.

Impact

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Communication/Consultation	Any application for a sex establishment licence must be advertised. Any representations received must be considered by the Committee when considering the application.
Community Safety	None arising from this report.
Equalities	None arising from this report.
Finance	None arising from this report.
Human Rights	None arising from this report.
Legal Implications	Adopting a policy of no sex establishments throughout the whole of the district may attract an application for judicial review.

Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

5. On the 31 May 2006 this Committee considered a report concerning the regulation of sex establishments.
6. The Committee's resolution was that:
 - (i) The Committee recommend that the Council adopt regulations which prescribe the standard conditions as outlined in the report.
 - (ii) The Executive Manager Corporate Governance consults with Town and Parish Councils for their views.
 - (iii) Following consultation, the Committee determines whether it wishes to consider a policy regarding the number of sex establishments it would consider appropriate within various parts of the district.
7. Full Council accepted the recommendation from the Committee.
8. I wrote to all Town and Parish Clerks in accordance with the Committee's wishes. I asked the following questions:
 - (i) Whether Members of the Town or Parish Council were able to identify any localities within the Parish or Town boundaries where sex establishments may be appropriate.
 - (ii) If so, please define those localities and state how many sex establishments would be an appropriate number of that locality.
 - (iii) Whether your Members are able to identify any localities where a sex establishment would not be appropriate.
 - (iv) If so, please define those localities and confirm that in the opinion of your council the appropriate limit for that locality or those localities should be nil and give a justification for that recommendation.
9. Twelve responses were received from Town and Parish Councils. None of the responses suggested any areas where sex establishments may be appropriate. All said that the location of sex establishments within their town or parish boundaries would be inappropriate.

Risk Analysis

10. The following have been assessed as the potential risks associated with this issue.

Risk	Likelihood	Impact	Mitigating Actions
Members adopt a policy that there should be no sex establishments within the district.	Low as Members do not have sufficient evidence upon which they can substantiate such a policy.	Medium. Such a policy could attract a judicial review.	The Council decline to adopt a policy regarding the numbers of sex shops in the various parts of the District and deal with every application upon its individual merits.
The Council adopts a policy of allowing sex shops in various parts of the District and imposes limits thereon.	Low as Members do not have sufficient evidence upon which they can substantiate such a policy.	Medium. Such a policy could attract a judicial review.	The Council decline to adopt a policy regarding the numbers of sex shops in the various parts of the District and deal with every application upon its individual merits.