



Licensing Committee

7th November 2022

Title	Revised Sex Establishment and Sex Entertainment Venues Policy
Report of	Executive Director of Assurance
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Draft Policy
Officer Contact Details	James Armitage James.Armitage@barnet.gov.uk

Summary

This report seeks approval from Members to adopt the 2023-2028 draft policy in relation to sex establishments and sex entertainment venues policy following review of the current one.

Officers Recommendations

1. That the Committee approve the draft Sex Establishment and Sex Entertainment Venues Policy in Appendix A.
2. That the Committee authorise the Licensing Department to undertake a public consultation and consult the Metropolitan Police, Children and Families, Environmental Health, the Fire Brigade and all ward Councillors.

1. Why this report is needed

- 1.1 Sex shops are licensed under the Local Government (Miscellaneous Provisions) Act 1982. This regime gives the Licensing Authority a wide discretion in determining whether to grant or refuse licences, a power to set a limit on the number of premises that may be suitable for a particular locality, and flexibility on applying licence conditions. It also gives the ability to accept representations from a wide scope of the community.

- 1.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended through the Police and Crime Act 2009 so as to create a new category of “sexual establishment venue” (SEV) licence that would include lap, table and pole dancing. This allowed local authorities to have more powers to control the number and location of lap dancing clubs and similar venues in their area. These powers are not mandatory and will only apply where they are adopted by local authorities. The London Borough of Barnet adopted these powers in January 2013.
- 1.3 Currently there are no sex shops or sex cinemas in the London Borough of Barnet and there have not been any applications for premises licences for venues to provide lap dancing or similar entertainment.
- 1.4 The current policy for sex establishments and sex entertainment venues was adopted in 2018. All policies within the Licensing team are informally reviewed annually with a formal review needed every five years.
- 1.5 Changes that are proposed to the policy, are identified in red text in the draft version of the policy in Appendix.
- 1.6 The Licensing team propose to consult on the draft policy. This consultation will be sent to the Metropolitan Police, Children and Families, Environmental Health, the Fire Brigade and all ward Councillors.
- 1.7 The Consultation will also be published on the London Borough of Barnet website for anyone to comment on it. The consultation will take place over 8 weeks. The consultation will run from January 2023.
- 1.8 The outcome of this consultation will be brought to the Licensing Committee in July 2023.
- 1.9 The London Borough of Barnet is able to set a quantity limit regarding the number of sex establishments in an area. In November 2017 when the current policy was approved by the Licensing Committee, it chose not to set a limit on this.

The March 2010 Home Office Guidance on Sex Entertainment Venue licensing states that regardless of any quantity limit, all applications need to be considered on their own merits .

“...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. Nevertheless, all applications must be considered on their individual merits.”

- 1.10 Some authorities have set limits, for example by ward. However this can cause difficulty in decision making, particularly on the borders of wards where one ward may have a quota for such venues and another may have a zero quota. This could result in more challenges to decisions.
- 1.11 In 2013, the London Borough of Barnet made the decision to look at the area specifically around where the premises would be located. The 2013 policy and later the revised 2018 policy sets out when the grant of a licence would not be appropriate. For example, when there is a school positioned in the area – which the London

Borough of Barnet has called the “relevant locality”. There are no proposed changes to this.

- 1.12 In 2013 London Borough of Barnet consulted for views on what the size of this “relevant Locality” area should be. Following this consultation, the decision was made that this would be set at 75m.
- 1.13 A review was taken in 2017 on both the decision not to set limits on the number of establishments and the 75m definition of “relevant locality”. The outcome of the 2017 review was to uphold the 2013 decision. Although the Licensing team see no reason to change these, this will form part of the consultation that anyone can comment on.
- 1.14 A further review has been taken (2022) on both the decision not to set limits on the number of establishments and the 75m definition of “relevant locality” Although the Licensing team see no reason to change these, this will form part of the consultation that anyone can comment on.

2. Reasons for recommendations

- 2.1 It is best practice to regularly review and improve the policy which the Council applies when implementing regulatory regimes. This ensures clarity for traders and other interested parties in the application and enforcement processes.

3. Alternative options considered and not recommended

- 3.1 The Council could choose not to review and update the policy, however this would mean that the 2018 policy would remain in effect but as noted above, it is out of date in some respects

4. Post decision implementation

- 4.1 There will be a consultation in relation to the adoption of the draft policy, as noted above, and the feedback from this consultation will be brought back to this committee for consideration

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 Ensuring that any sex shops and establishments in the borough are well run and compliant supports the objectives contained within the Corporate Plan. In particular in relation to “Responsible Growth, Regeneration and Investment”.
- 5.1.2 The document will be amended to reflect the most recent linkages once the new corporate plan becomes available.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 Administration and enforcement of the legislation will be carried out by the Licensing team within Re.
- 5.2.2 The recommendations within this report have no financial implications as this will be delivered within existing resources

5.3 Legal and Constitutional References

- 5.3.1 The Local Government (Miscellaneous Provisions) Act 1982 provides powers in relation to licensing sex establishments and sex4 entertainment venues. The proposed policy sets out how the London Borough of Barnet will discharge this function.
- 5.3.2 The Council's constitution, Article 7 Committees, Forums, Working Groups and Partnerships details the functions of the licensing committee to include:

"All policy matters relating to licensing, with licencing hearings concerning all licencing matters delegated to sub-committees"

5.4 Insight

- 5.4.1 Not relevant to this report

5.5 Social Value

- 5.5.1 Not relevant to this report

5.6 Risk Management

- 5.6.1 It is important that the London Borough of Barnet adopts a robust and accountable regulatory regime in relation to licensing in order to ensure fair trading, and to protect consumers.

5.7 Equalities and Diversity

- 5.7.1 The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups.
- 5.7.2 A consistent approach will be adopted when considering applications. All applications will be considered in line with the relevant legislation and policy
- 5.7.3 An initial equalities impact screening has been completed and there is no identified impact on any of the protected groups. This will be reviewed again in light of any feedback from the consultation

5.8 Corporate Parenting

- 5.8.1 Not relevant to this report

5.9 Consultation and Engagement

- 5.9.1 As noted earlier, there will be a consultation in relation to the proposed policy and the results of this will be brought back before this committee for consideration.

5.10 Environmental Impact

5.10.1 There are no direct environmental implications from noting the recommendations.

6. Background papers

6.1 Licensing Committee – Monday 12 November 2018 7.00pm

6.2 [Sex Establishment and Sex Entertainment Venues Policy.pdf \(moderngov.co.uk\)](#)