

REPORT AUTHORISATION FORM

COMMITTEE:	LICENSING COMMITTEE
DATE OF MEETING:	23 rd January 2013
DATE OF AGENDA ISSUE:	16 th January 2013
REPORT TITLE:	Sex establishments and sexual entertainment venues policy

REPORT IMPLICATIONS CHECKLIST		
	NONE	INCLUDED
Carbon Footprint & Environmental Issues	x	
Constitution & Legal		X
Contracts	x	
Corporate Plan	x	
Crime & Disorder	x	
Equality & Diversity & Human Rights	x	
Financial	x	
Risk Management	x	
Staffing	x	
Stakeholders/Consultation		X

	YES / NO	INITIALS
Approved by Initiating Officer	YES	
Approved by Monitoring Officer	N/A	
Approved by Section 151 Officer	N/A	
Approved by CMT / Director	N/A	
Exempt Information	NO	

Category Number of Exemption (see attached)	
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CABINET REPORT		
	INCLUDED	
Options		
Reasons for Recommendation		
	YES / NO	INITIALS
Portfolio Holder Consulted		

Schedule 12A Part 1: Descriptions of exempt information

Para No.	Description of Exempt Information
1	Information relating to any individual.
2	Information which is likely to reveal the identity of an individual.
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Amendment re: Standards Committee (England) Regulations 2008 (SI 2008 No.1085)

Para No.	Description of Exempt Information
7a	Information which is subject to any obligation of confidentiality.
7b	Information which relates in any way to matters concerning national security.
7c	Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.

Schedule 12A, Part 2: Qualifications

Para No.	Description of Qualification
8	Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Act 1985(a); (b) the Friendly Societies Act 1974(b); (c) the Friendly Societies Act 1992(c); (d) the Industrial and Provident Societies Acts 1965 to 1978(d); (e) the Building Societies Act 1986(e); or (f) the Charities Act 1993(f).
9	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992(a).
10	Information which – (a) falls within any of paragraphs 1 to 7 above, and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

For further information and advice, contact any of the Committee Officers.

BRECKLAND COUNCIL

Report of: Rob Walker – Assistant Director of Commissioning

To: Licensing Committee

(Author: Fiona Inston – Licensing and Business Support Manager)

Subject: Sex establishments and sexual entertainment venues policy

Purpose: To provide the committee information about the current consultation for sex establishments and sexual entertainment venues policy

Recommendation(s):

Not relevant to this report – for information only

1. BACKGROUND

- 1.1 On 27 January 2011 Breckland Council adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that it can licence “Sex Establishments”.
- 1.2 Sex Establishments fall into one of the following three categories:
 - sex shops
 - sex cinemas
 - sexual entertainment venues
- 1.3 Subsequent to adoption, a Policy is required to be formulated and consulted upon specifying how the Council will implement the requirements of the legislation and process applications received for Sex Establishments and Sexual Entertainment Venues.
- 1.4 The new powers which have been introduced nationally give the Authority greater scope and discretion as to how such venues are controlled. This Policy Statement sets out how this will be done and is a proactive way to deal with such premises and the proposals details matters such as relevant locations and allows for local conditions to be set.
- 1.5 A twelve week consultation is currently under way due to end 18th March 2013. 3.10 below details who has been consulted.
- 1.6 The Policy and all relevant comments will then go the General Purpose Committee and later Full Council for ratification.

1 OPTIONS

- 2.1 This report is for information only. Anyone can make comments, which can be made either by letter to the Licensing Team, Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE or by email to licensingteam@breckland.gov.uk.

2. REASONS FOR RECOMMENDATION(S)

- 2.1. Not relevant to this report

3. IMPLICATIONS

3.1. Carbon Footprint & Environmental Issues

None

3.2. Constitution & Legal

None

3.3. Contracts

None

3.4. Corporate Plan

None

3.5. Crime and Disorder

None

3.6. Equality and Diversity & Human Rights

None

3.7. Financial

None

3.8. Risk Management

None

3.9. Staffing

None

3.10. Stakeholders / Consultation

The following people have been consulted

- The Chief Officer of Norfolk Constabulary;

- One or more persons who appear to the Council to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the district;
- One or more persons who appear to the Council to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment in district;
- One or more persons who appear to the Council to represent the interests of persons likely to be affected by or otherwise have an interest in the policy, including the Planning Authority, Fire Authority, Environmental Protection and Child Protection;
- Interested parties such as citizen advice and sexual health clinics
- Ward Councillors;
- Town and Parish Councils.

The policy is also available on the Council's website

3.11. Other

4. WARDS/COMMUNITIES AFFECTED

All

Background papers:-

A copy of the policy and conditions being consulted on can be found at <http://www.breckland.gov.uk/content/sexual-entertainment-venues-policy-adoption>

Lead Contact Officer

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Appendices attached to this report:

None