

# Sex Establishment Licensing Policy

**Analysis and Findings of Public Consultation – March/April 2012**

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## 1.0 Background to Consultation on Proposed Draft Policy

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- 1.1 On 22 March 2011 Portsmouth City Council (“PCC”) decided to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) (as amended by section 27 of the Policing and Crime Act 2009 (“the 2009 Act”)) so that it can regulate sexual entertainment venues (“SEVs”) in the City.
- 1.2 For ease of reference, the full resolution of PCC is set out below (Council Minute No. 31/11 refers):
- *Council note that at its meeting on 23 February 2011, the Licensing Committee considered the recent amendments to the 1982 Act and recommended that Council adopt the new licensing arrangements for SEVs;*
  - *Council resolve to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, and the following recommendations shall apply:*
  - *That the new statutory provisions shall apply to the Portsmouth UA area with effect from 1 November 2011;*
  - *That Council arranges for its Licensing Committee to discharge its statutory functions (including the setting of fees) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended;*
  - *That the Licensing Manager be given authority to arrange formal publication of the statutory notices in a local newspaper;*
  - *In such cases where no objections are made to the grant, renewal, transfer or variation of such licences, the City Solicitor be given delegated authority to approve such applications;*
  - *That the Licensing Manager prepares a draft policy together with standard conditions applicable to sexual entertainment venues for consideration and adoption by the Licensing Committee and that the Licensing Manager should include in that draft policy his/her consideration of whether applications should be refused if they are within three miles of any place of worship, swimming pool, leisure centre, park, youth centre, historic building, tourist attraction, educational premises, school, play area, nursery, children’s centre or similar premises.*
- 1.3 Those parts of Schedule 3 of the 1982 Act relating to sex shops and sex cinemas have previously been adopted by resolution of the Council on 27 October 1982 and continue to have effect.
- 1.4 On 21 September 2011 the Licensing Committee further considered its preferred approach in the formulation of its draft sex establishment licensing policy and determined that the Head of Legal, Licensing & Registrars be authorised to draft a policy for consideration and approval by the Licensing Committee, prior to public consultation, which was formulated upon the basis of identification of pre-determined localities and the imposition of numerical controls (Licensing Committee Minute No. 10/11 refers).

- 1.5 On 24 February 2012, the Licensing Committee approved the publication of its draft sex establishment licensing policy as the consultation document for the purposes of the Local Government (Miscellaneous Provisions) Act 1982 and in addition approved specific questions forming part of the consultation process.
- 1.6 In preparing the draft policy, PCC acknowledged the important role that the regulatory agencies, licensed trade and local communities undertake and considered that their contribution of views was necessary in the formulation of this policy.
- 1.7 Consultation on the draft policy took place with:
- The Chief Officer of Police for Hampshire Constabulary;
  - Persons/bodies representative of existing operators of sex establishments in the licensing authority area;
  - Persons/bodies representative of those likely to be affected by or have an interest in the Policy which may include but is not limited to:
    - Regulatory bodies such as the Fire and Planning Authorities;
    - Community Safety and Children's Social Care and Safeguarding;
    - Interested parties such as local residents associations, trade associations and interest groups.
- 1.8 In determining its final policy, the Licensing Committee will have due regard to the views of those consulted on this proposed draft policy and any comments received shall be given appropriate weight prior to publication of the policy is determined which may include any amendments to the policy where considered appropriate to do so.
- 1.9 Consultation took place on the proposed policy between 1<sup>st</sup> March 2012 and 12<sup>th</sup> April 2012, the responses of which will be considered by the Licensing Committee prior to final publication. Any final policy will be subject to regular review and amendments may be made from time to time based upon any relevant government guidance, changes to legislation or local circumstances.

## **2.0 Aim of the Policy**

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- 2.1 The aim of the policy is to provide guidance for prospective applicants, persons who may wish to object to or support an application and members of the Council's Licensing Committee when making a decision in respect of an application.
- 2.2 Whilst each application will be considered on its individual merits, this policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining an application. This document also sets out the expectations of the Licensing Authority on the applicant when receiving an application.
- 2.3 No policy will ever be considered absolute and there may be occasions where the Licensing Committee may depart from policy having regard to the unique characteristics of any one particular application.

## 3.0 Basis of Consultation

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3.1 The consultation was undertaken between 1 March 2012 and 12 April 2012 and as well as asking for the public's views on the proposed policy, four specific questions were also formulated in order to gauge views on certain discretionary grounds upon which the licensing authority may refuse an application.

3.2 The questions posed were as follows:

### Question 1.

Do you agree with the Council's proposed policy considerations in respect of situations where the grant of a licence would be inappropriate having regard to the use of the premises in the vicinity as set out in paragraphs 7.13 and 7.14 of the draft policy?

### Question 2.

Do you agree with the Council's proposed preliminary conclusion that there is no place within the City of Portsmouth of which it could be said that it was situated in a locality in which it would be appropriate to licence a sex establishment as set out in paragraph 7.10 of the draft policy?

### Question 3.

Do you think that existing sex establishment premises should be allowed to continue to trade so long as they comply with the law and other policy considerations?

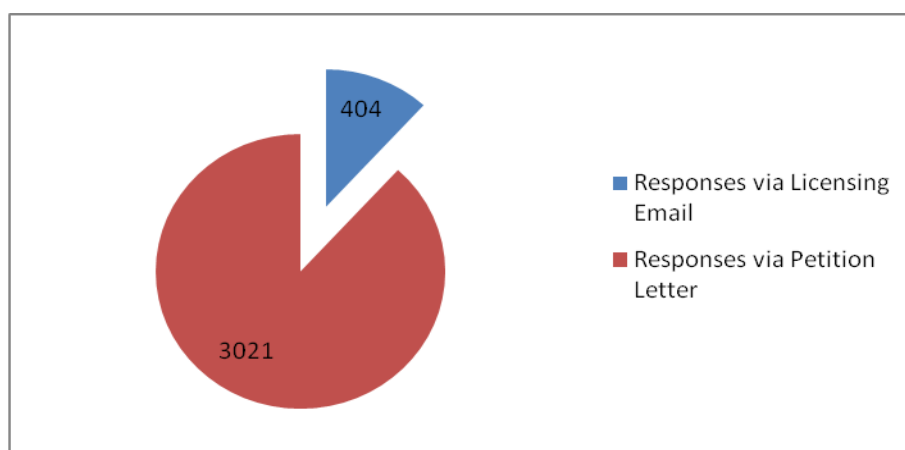
### Question 4.

Do you have any other comments to make regarding the draft policy?

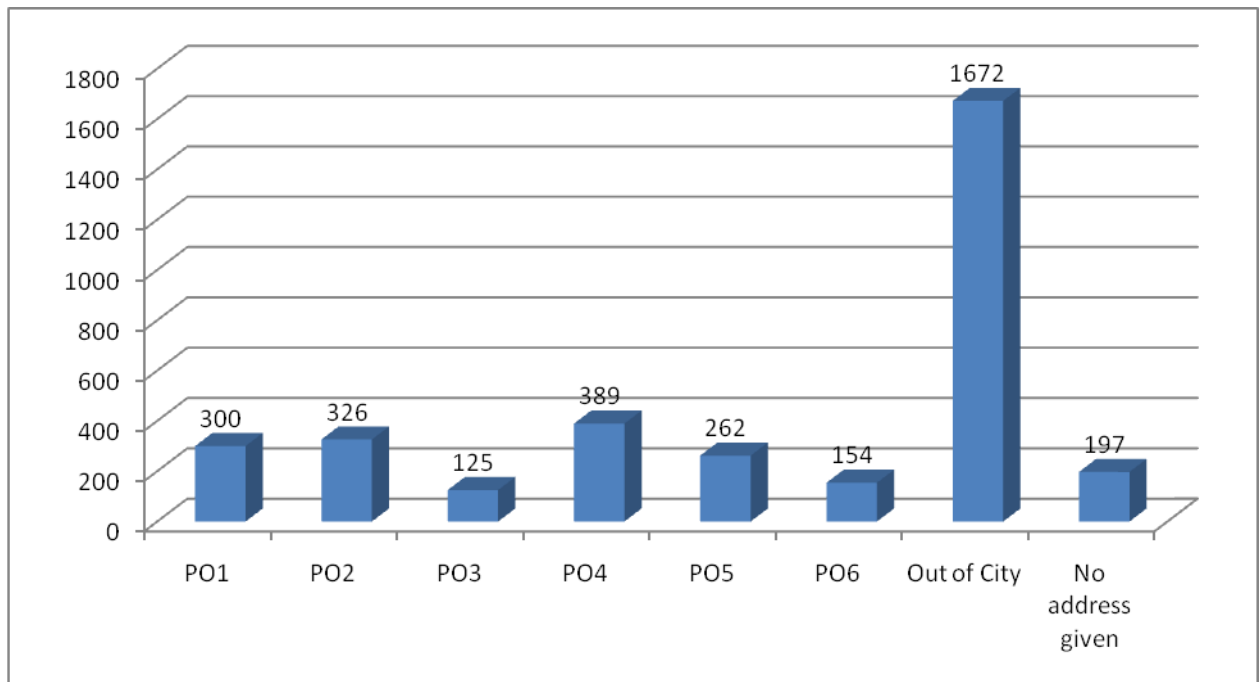
## 4.0 Analysis of Responses Received

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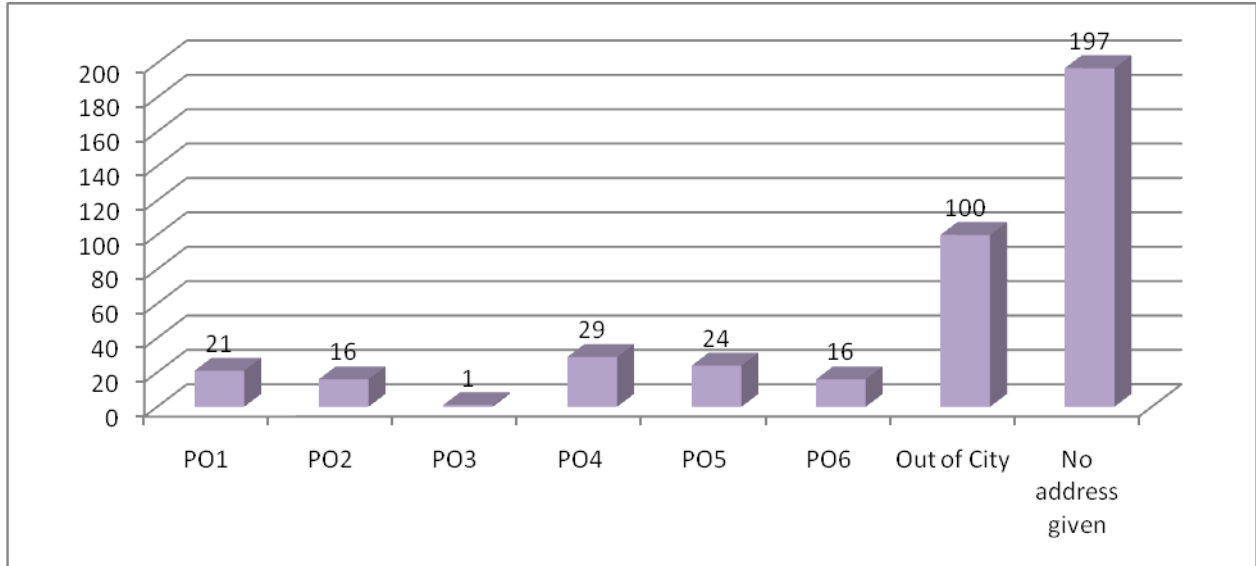
### 4.1 Total number of responses received (3,425)



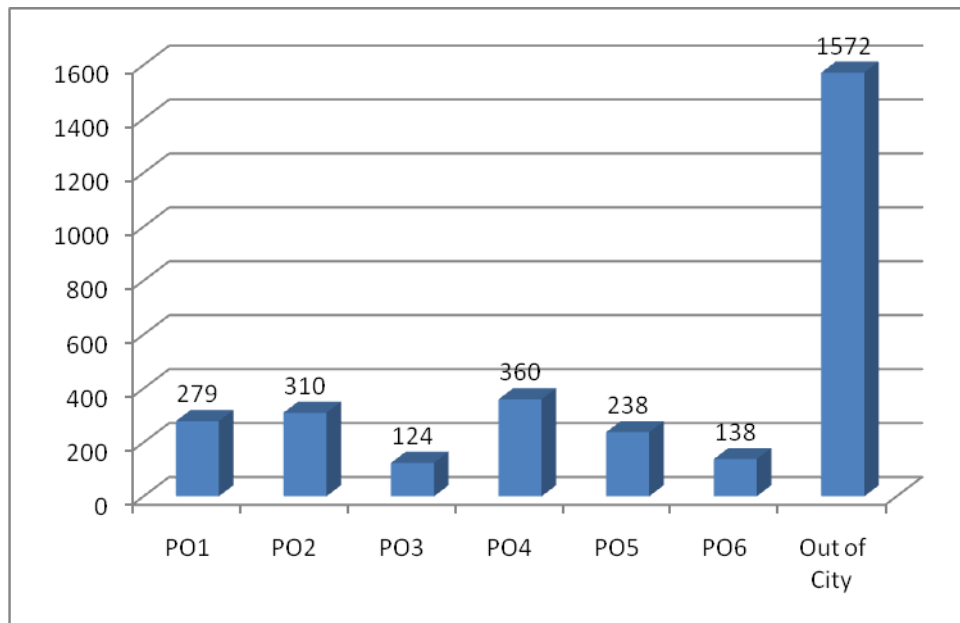
## 4.2 Total responses by Post Code Area



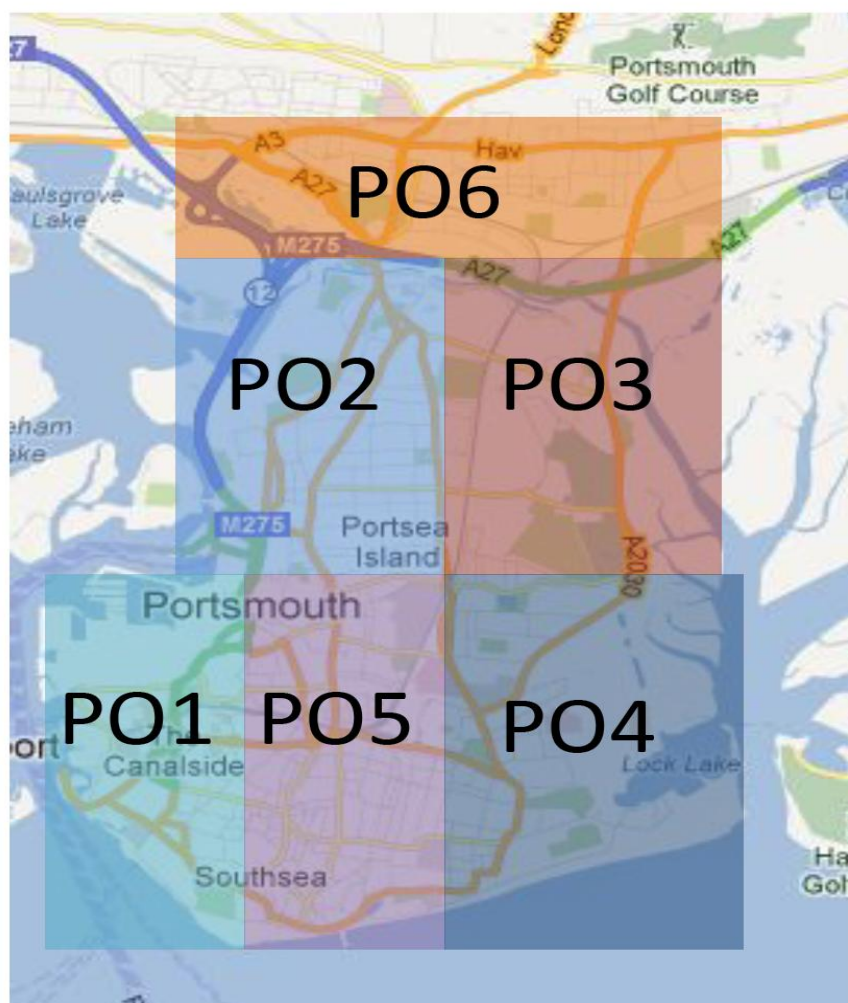
## 4.3 Responses via Licensing Email – By Post Code Area



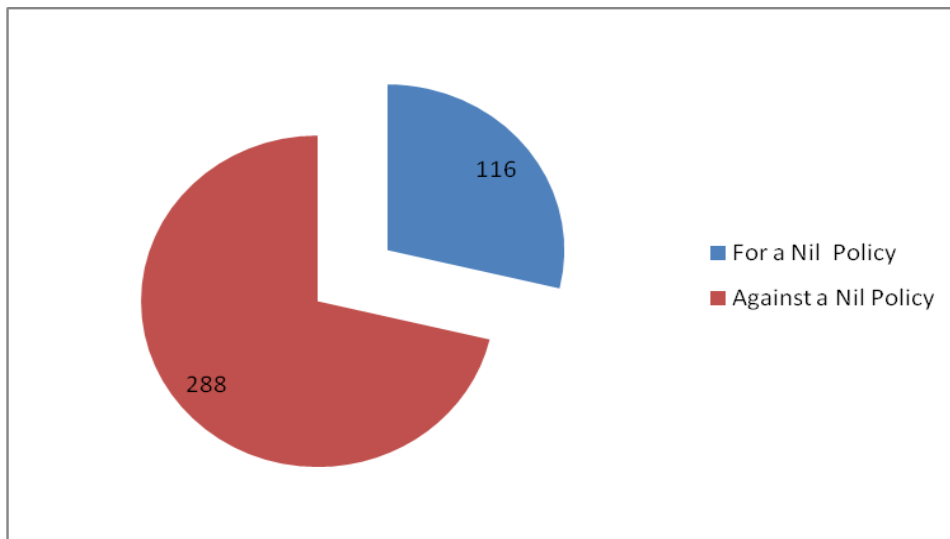
#### 4.4 Responses via Petition Letters – By Post Code Area



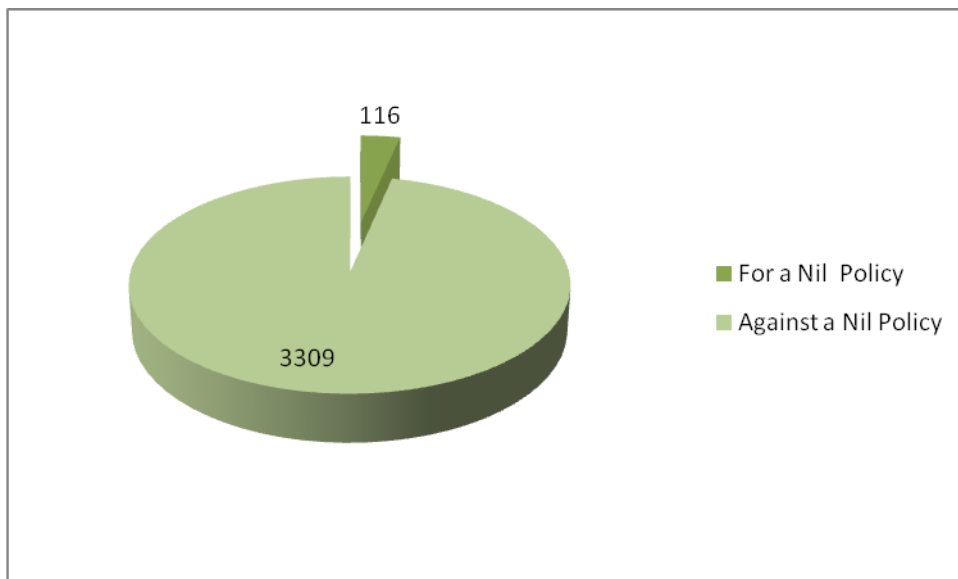
#### 4.5 Map of City showing Post Code by Area



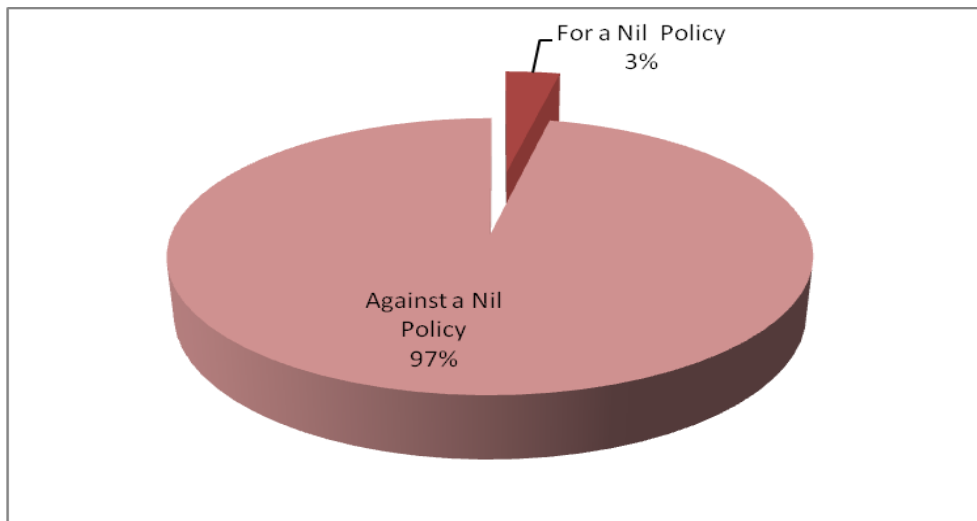
#### 4.6 Responses from Licensing email for and against a Nil Policy



#### 4.8 Total amount of responses for and against a Nil Policy



#### 4.9 Percentage total amount of responses for and against a Nil Policy





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