



# Committee Report

Committee	<b>FULL COUNCIL</b>
Date	<b>17 JULY 2024</b>
Title	<b>SEX ESTABLISHMENT LICENSING POLICY 2024 -2029</b>
Report of	<b>STRATEGIC DIRECTOR OF COMMUNITY SERVICES</b>

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## EXECUTIVE SUMMARY

1. This report provides the opportunity for Full Council to consider, approve and adopt the revised Sex Establishment Licensing Policy, (Appendix 1).
2. The revised Sex Establishment Policy was considered by the Licensing Committee on 10 June 2024, the committee recommended that Full Council approve and adopt the revised Policy.
3. If adopted by Full Council the policy will remain in place unless revised, for a period of five years from 1 August 2024.

## RECOMMENDATION

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| <ol style="list-style-type: none"><li>4. That Full Council approve and adopt the revised Sex Establishment Policy 2024-2029.</li></ol> |
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## BACKGROUND

5. The existing policy has been in place since January 2014. The only change made during this review is some revised phrasing. All processes and procedures remain the same.
6. The revised policy will continue to regulate the licensing of sex establishments, as defined by the Act, and to ensure that consultation takes place in accordance with the legislation.
7. The council supports the need for all businesses to embrace business opportunities; however, fully understands that there are likely to be objections to the types of premises which would need licensing under this policy.

## CORPORATE PRIORITIES AND STRATEGIC CONTEXT

### Economic Recovery and Reducing Poverty

8. The licensing of sex establishments has no impact on any corporate priorities.

### Impact on Young People and Future Generations

9. The Protection of Children from Harm is a key licensing objective, this policy aims to ensure the safeguarding of children.

## CONSULTATION

10. A consultation period commenced on 9<sup>th</sup> March 2024 and ended on 5<sup>th</sup> April 2024.
11. Those who were consulted included:
- Isle of Wight Member of Parliament.
  - All IW Council Members.
  - Town, Parish and Community Councils.
  - Bodies representing the interests of persons carrying on businesses in the licensed trade.
  - Bodies representing the interests of persons likely to be affected by the exercise of the authority's functions.
12. In addition, a full public consultation took place with the consultation being available and advertised through the Council's website.
13. Only one response was received from the Police who said they had no comment to make.
14. Following the public consultation, all comments received were considered and the policy was updated where required. The draft policy was then sent to the Licensing Committee for members to review and to seek a recommendation to Full Council for approval.
15. The Licensing Committee did not recommend any changes to the policy.

## FINANCIAL / BUDGET IMPLICATIONS

16. Council expenditure on licensing matters is balanced by income generated from fees. Some fees are set by the council and represent the costs of administration and enforcement of licences and permits. Other fees are set by government.
17. Application fees are charged for all licences and permits under this legislation.

## LEGAL IMPLICATIONS

18. The Isle of Wight Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) to licence sex shops, sex cinemas, and sexual entertainment venues on the Isle of Wight.

19. The policy clearly sets out the definition of each premises which will need to be licensed.

## EQUALITY AND DIVERSITY

20. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
21. The EIA completed for this policy indicates that there is no adverse impact on any of the protected characteristics.

## OPTIONS

22. Option 1: That Full Council approve and adopt the revised Sex Establishment Policy 2024-2029.
- Option 2: That Full Council approve and adopt the revised Sex Establishment Policy 2024-2029, subject to any minor amendments proposed, if deemed necessary.

## RISK MANAGEMENT

23. With regard to Option 1: Should the Council adopt the draft policy; it will come into effect from 1 August 2024.
24. With regard to Option 2: Should the Council decide to amend the draft policy, further consultation may need to be carried out. This would delay the implementation of the new policy until such time as the required consultation had taken place, any further comment incorporated, and the new draft policy adopted. Not having a policy in place could cause difficulties in being able to defend decisions made.

## EVALUATION

25. Following the consultation, a number of minor amendments have been made, these are as follows:
- Sections 6 & 7 have been swapped so that the determination section follows the consultation as this is now chronologically correct in terms of the process that is followed.
  - Paragraph 5.5 has been amended to reflect that the legislation only requires us to consult with the police in respect of applications received. This is the process that has been followed for more than ten years. No person has been prejudiced in this regard as the public consultation allows for any other person to make comments in respect of applications received with all comments made being considered.

- The paragraph that is now 6.1 has been changed to indicate that the consultation period commences on the day a valid application is made and not the day after.
- Some areas of duplication have been removed throughout the policy.

#### APPENDICES ATTACHED

26. Appendix 1 – Draft Isle of Wight Council Sex Establishment Policy 2024 – 2029.

#### BACKGROUND PAPERS

27. Sex Establishment Policy 2019-2023 - [Licensing policies \(iow.gov.uk\)](https://www.iow.gov.uk/licensing-policies)
28. [Licensing Committee 10 June 2024](#)

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