

# Cheltenham Borough Council

## Cabinet – 17 September 2013

### Triennial review of the Sexual Entertainment Venue Policy

|                            |   |
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| <b>Accountable member</b>  | <b>Councillor Peter Jeffries - Cabinet Member Housing and Safety</b>  |
| <b>Accountable officer</b> | <b>Grahame Lewis – Executive Director</b>   |
| <b>Ward(s) affected</b>    | <b>All</b>  |
| <b>Key Decision</b>        | <b>No</b>   |
| <b>Executive summary</b>   | <p>The Council's current Sexual Entertainment Venue Policy Statement was adopted by the Licensing Committee on the 4<sup>th</sup> of February 2011.</p> <p>Although there is no statutory requirement to undertake a triennial review of the policy statement, there is a commitment set out in the policy statement to do so at least once every three years to ensure the policy remains up to date and relevant.</p> <p>The decision at this stage is to merely approve the draft policy for consultation.</p> |
| <b>Recommendations</b>     | <p><b>Cabinet is recommended to;</b></p> <ol style="list-style-type: none"><li><b>1. Note the outlined changes to the draft policy statement, and</b></li><li><b>2. Approve the draft policy statement at Appendix 2 for the purpose of consultation.</b></li></ol>   |

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| <b>Financial implications</b>  | <p>There are no direct financial implications in this report.</p> <p><b>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 26 4125</b></p> |
| <b>Legal implications</b>  | <p>The legal implications are contained in the report.</p> <p><b>Contact officer: Vikki Fennell, vikki.fennell@teWKesbury.gov.uk, 01684 272015</b></p>         |
| <b>HR implications (including learning and organisational development)</b> | <p>There are no direct HR implications in this report.</p> <p><b>Contact officer: Donna Sheffield, donna.sheffield@cheltenham.gov.uk, 01242 77 4972</b></p>    |
| <b>Key risks</b>   | <p><b>As identified in Appendix 1</b></p>  |
| <b>Corporate and community plan Implications</b>                           | <p>Communities feel safe and are safe.</p> <p>Our residents enjoy a strong sense of community and involved in resolving local issues.</p>                      |

## 1. Background

- 1.1 Sexual Entertainment Venues ("SEVs" hereafter) are regulated under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.
- 1.2 The amended provisions were adopted by Council on the 11<sup>th</sup> of October 2010 when it also approved a draft policy statement for consultation.
- 1.3 The current policy statement was adopted the Licensing Committee on the 4<sup>th</sup> of February 2011.
- 1.4 Although there is no statutory requirement to undertake a triennial review of the policy statement, there is a commitment set out in the policy statement to do so at least once every three years to ensure the policy remains up to date and relevant.
- 1.5 The draft policy statement is attached at **Appendix 2**.

## 2. SEVs and Cheltenham

- 2.1 There are currently no licensed SEVs in Cheltenham.
- 2.2 Despite this a significant number of premises do offer infrequent sexual entertainment, primarily during the Cheltenham Hunt Festival.
- 2.3 The Council cannot legitimately impose restrictions on infrequent sexual entertainment because the legislation provides exemptions for it. The policy nonetheless seeks to promote responsible operation by premises wishing to offer infrequent sexual entertainment through the adoption of a code of practice for exempt sexual entertainment. The code of practice was adopted this year via the Council's Night Safe scheme and has certainly proven effective. The 2013 Cheltenham Hunt Festival was the first one in many years where there was not a need to close any premises down for breaches or offences related to activities connected to sexual entertainment. Feedback suggested that the adopted code of practice played a significant role in promoting better managed operations.

## 3. Changes made

- 3.1 Changes to the policy have been minimal due to the fact that there have not been significant changes in legislation or guidance.
- 3.2 A breakdown of substantial amendments made to the adopted policy is attached at **Appendix 3**.

## 4. Consultation

- 4.1 Whilst there is no prescribed consultation period, a 12 week consultation will be undertaken in accordance with the Cabinet Office's Code of Practice on Consultation.
- 4.2 A list of consultees is attached at **Appendix 4**.
- 4.3 At the conclusion of the consultation a further report will be submitted to Cabinet for consideration of the responses received and any amendments made to the policy statement as a result.
- 4.4 The adoption of the amended policy will be responsibility of full Council in accordance with the Council's constitution.

## 5. Reasons for recommendations

**5.1** To ensure the policy statement remains up to date with current legislation and common law and relevant to the needs of the borough.

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| <b>Report author</b>          | <b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk,<br/>01242 77 5004</b>  |
| <b>Appendices</b>             | <ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Draft Policy Statement</li><li>3. Breakdown of Changes</li><li>4. List of Consultees</li></ol>   |
| <b>Background information</b> | <ol style="list-style-type: none"><li>1. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982</li><li>2. Section 27 of the Policing and Crime Act 2009</li><li>3. Home Office Sexual Entertainment Venues Guidance for England and Wales</li><li>4. Agenda and minutes Council, 11<sup>th</sup> of October 2010</li><li>5. Agenda and minutes Licensing Committee, 4<sup>th</sup> of February 2011</li></ol> |

| The risk  |   |            |             | Original risk score (impact x likelihood) |                |       | Managing risk |        |          |                     |                              |
|-----------|---|------------|-------------|---|----------------|-------|---------------|--------|----------|---------------------|------------------------------|
| Risk ref. | Risk description                          | Risk Owner | Date raised | Impact 1-5                                | Likelihood 1-6 | Score | Control       | Action | Deadline | Responsible officer | Transferred to risk register |
|           | Any risks associated with equality impact |            |             |   |                |       |               |        |          |                     |                              |
|           | Any environmental risks                   |            |             |   |                |       |               |        |          |                     |                              |
|           |   |            |             |   |                |       |               |        |          |                     |                              |
|           |   |            |             |   |                |       |               |        |          |                     |                              |
|           |   |            |             |   |                |       |               |        |          |                     |                              |

**Explanatory notes**

**Impact** – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

**Likelihood** – how likely is it that the risk will occur on a scale of 1-6  
(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close