

# BRISTOL CITY COUNCIL

## Licensing Committee

22 October 2020

**Report of:** Executive Director: Growth & Regeneration

**Title:** Sex Establishment Policy Consultation

**Ward:** Citywide

**Officer Presenting Report:** Nick Carter

**Contact Telephone Number:** 0117 3574900

### RECOMMENDATION

That the Licensing Committee agree to:

(1) Note and accept the results of the consultation.

### Summary

1. The Local Government (Miscellaneous Provisions) Act 1982 allows the Council, as the Licensing Authority, to develop and implement a policy in respect of exercising its functions under the Act. The Council adopted additional provisions in respect of Sexual Entertainment Venues in 2011. The current policy covers only Sexual Entertainment Venues and has not been reviewed since 2011.

2. There is no statutory requirement to review a Sex Establishment Policy however it is good practice to review policy on a periodic basis.

### The significant issues in the report are:

- The consultation was undertaken between August and November 2019 and received a high number of responses.

### Policy

3. The Sex Establishment Policy must comply with the requirements of the Local Government (Miscellaneous Provisions) Act 1982 (the Act). The Act defines the type of activity which can be regulated, but does not specify a requirement for a policy or review of any such policy.

4. The Council adopted additional parts of the Local Government (Miscellaneous Provisions) Act 1982 in 2011 which gave it the ability to control and regulate Sexual Entertainment Venues. A policy was developed at that time which resulted in three sexual entertainment venues becoming licensed under the legislation, along with the five existing sex shops already covered by the same Act. It has not been reviewed since this date.
5. There are now two licensed sexual entertainment venues and two licensed sex shops within Bristol City Council's administrative area. There are currently no licensed sex cinemas.

## **Context**

6. Decisions in respect of this policy are not an executive function, and are dealt with by the Licensing Committee.
7. A working group was set up in 2016 by the Licensing Committee to review the policy. The working group met a number of times and considered a range of information before putting a draft policy out for consultation.
8. The consultation was open between 16 August 2019 and 10 November 2019. It sought responses from the public to questions around the policy approach as well as specific areas of the policy. 1046 responses were received.
9. The consultation was available online, and paper copies of the questions and alternative accessible formats were available on request. The questionnaire was publicised through media, social media and communications with the public including relevant responsible authorities, equalities groups, and stakeholders.
10. Additional comments were also received outside of the consultation questions, details of which are included in the attached detailed report.
11. A total of 49 responses were received to the consultation outside of the 12 week consultation period and which are included within the results. These were submitted between 11 November 2019 and 11 December 2019, with the majority being submitted within one week of the closing date.
12. The questions were also distributed to the Citizen Panel for response and those results are included separately in this document. The survey was sent to 1213 panel members and 425 completed it, giving a 35% response rate.

13. The full details of the responses are in the report and Appendices attached at **Appendix A**. Some of the information in the Appendices of the report is restricted as the contributors have not given permission for it or their details to be made available to the public, however all the information in full has been made available to the members of this committee.

## **Consultation**

14. There are no requirements as to who should be consulted in respect of a Sex Establishment Policy under the Act, however officers consulted with a broad range of persons and bodies including:
- The Chief Officer of Police
  - The Police and Crime Commissioner
  - Avon Fire and Rescue
  - Members of the Public
  - Persons involved in the types of premises which are regulated
  - Equalities Groups
  - Neighbourhood groups
  - Business groups
  - Citizen Panel

## **15. Internal**

The views and guidance of the following Council teams were sought:

- Children and Families Services
- Public Health
- Pollution Control

## **Proposal**

16. The committee is asked to note the results of the consultation.

## **Other Options Considered**

17. Do nothing: The policy could be left in place with no changes.

## **Risk Assessment**

The risks associated with the implementation of the recommendations of the report							
No	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Criticism that an appropriate consultation has not been undertaken	<b>Medium</b>	<b>Low</b>	Demonstrate that Bristol City Council has followed a clear and comprehensive consultation process	<b>Low</b>	<b>Low</b>	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	The Council could be criticised for not taking into account the consultation process that it has undertaken	<b>High</b>	<b>High</b>	Demonstrate that the consultation has been considered as part of any decisions taken	<b>Medium</b>	<b>Medium</b>	

## Public Sector Equality Duties

15a. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of

people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
  - tackle prejudice; and
  - promote understanding.

**15b.** Officers have completed an Equalities Impact Assessment which will be reviewed in light of the consultation results.

## **Legal and Resource Implications**

### **Legal**

Local Authorities are not bound to have a sexual establishment policy but may have one if they wish to do so. Any policy must not prevent individual applications from being considered on their own merits at the time they are made.

A consultation has taken place and the outcomes of this should be conscientiously taken into account by the committee when making decisions about the policy

### **Financial**

Not applicable

### **Personnel**

Not applicable

## **Appendices:**

**Appendix A Detailed Consultation Report and Appendices**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985  
Background Papers:**

