



## AGENDA ITEM: 5

<b>Report for:</b>	Licensing and Health & Safety Enforcement Committee
<b>Date of meeting:</b>	20 September 2016
<b>PART:</b>	I
If Part II, reason:	

<b>Title of report:</b>	<b>Review of licensing policies</b>
<b>Contact:</b>	Ross Hill – Licensing Team Leader, Legal Governance Sally Mcdonald – Lead Licensing Officer, Legal Governance
<b>Purpose of report:</b>	To present proposed updates to the Council's Sex Establishment Licensing Policy and Licensing Enforcement Policy, and to seek approval to commence public consultation in respect of the revised documents.
<b>Recommendations</b>	That consultation be carried out on the draft Sex Establishment Licensing Policy and the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.
<b>Corporate objectives:</b>	Safe and Clean Environment <ul style="list-style-type: none"> <li>• Maintain a clean and safe environment</li> </ul> Dacorum Delivers <ul style="list-style-type: none"> <li>• Performance excellence</li> </ul>
<b>Implications:</b>	The policies referenced in this report are existing ones which are due to be reviewed, with only minor changes proposed in both cases. No new implications are expected to arise as a result.
<b>Consultees:</b>	This report proposes that public consultation be carried out on the revised policies, and the results reported back to the Committee.
<b>Background papers:</b>	Draft Sex Establishment Licensing Policy 2017-2022 Draft Licensing Enforcement Policy 2016-2021
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	

## **1. BACKGROUND**

- 1.1. In addition to publishing licensing policies under the Licensing Act 2003 and Gambling Act 2005 to fulfil its statutory duties, the Council also publishes various policies in respect of its other licensing functions. While there is no statutory duty to do so, publication is seen as best practice, as it offers guidance to applicants and other persons on how the authority will exercise its powers, and helps to ensure consistency in the Council's decision-making.
- 1.2. Two existing policies, in respect of the licensing of sex establishments and the exercise of licensing enforcement powers, are now due to be reviewed and renewed.

## **2. SEX ESTABLISHMENT LICENSING POLICY**

- 2.1. The Council has adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, so as to enable the regulation of sex establishments (sex shops, sex cinemas and sexual entertainment venues). At present there are two licensed venues within Dacorum.
- 2.2. The current sex establishment licensing policy was last reviewed in 2013, and is due to expire in February 2017.
- 2.3. The policy underwent substantial revision when last reviewed, and in the absence of significant issues, legislative change or case law only very minor changes have been proposed – generally semantic changes. Due to the similarities with the current policy, and in the absence of expected statutory change affecting this regulatory area, it is proposed that the revised policy have effect for 5 years, instead of the previous 3 year period.
- 2.4. The draft sex establishment licensing policy for 2017-2022 is appended to the report.

## **3. LICENSING ENFORCEMENT POLICY**

- 3.1. The Council exercises a wide range of licensing powers across numerous pieces of legislation, many of which contain enforcement provisions, such as offences for carrying out particular conduct, or powers of entry and inspection to premises where licensable activities are carried on, with or without licences. These powers are underpinned by generic enforcement legislation, such as the Police and Criminal Evidence Act 1984, and associated codes of practice.
- 3.2. The enforcement policy contains guidance for licensed businesses and persons affected by such businesses on how we will exercise our legal powers. It also brings together expectations created under various number of charters, codes of practice and statutory guidance, which we will also take into account when exercising our powers.
- 3.3. The current enforcement policy was last reviewed in 2012-13. This particular review is currently overdue – however, as with the previous section, the changes are mainly semantic, and there are few significant changes proposed from the current edition, with one exception – section 3 (powers of entry) has been added, to reflect the

Home Office's guidance on the exercise of such powers, which has been released since the publication of the current policy.

3.4. As the enforcement policy references generic powers and, with the exception of section 3 which relates to statutory guidance, is largely unchanged from the current version, it is intended that this policy should also have effect for 5 years, with effect from its adoption.

3.5. The draft licensing enforcement policy for 2016-2021 is appended to the report.

#### **4. CONSULTATION AND TIMESCALES**

4.1. It is considered important that those persons who may be affected by these policies have the opportunity to comment upon and influence the proposals, and as such public consultation on both policies is proposed. As both policies are non-statutory in their nature, there are no formal requirements relating to consultation. As such it is intended to publish the draft policies on the Council's website, with notification sent to key parties, including elected representatives, parish and town councils, and trade bodies. Details of the sex establishments policy will also be sent to relevant licence-holders.

4.2. Consultation between the 26<sup>th</sup> September and the 13<sup>th</sup> November 2016 (7 weeks) is proposed, with responses being reported back to the Committee meeting scheduled for the 29<sup>th</sup> November 2016.

#### **5. RECOMMENDATIONS**

**5.1. That consultation be carried out on the draft Sex Establishment Licensing Policy and the draft Licensing Enforcement Policy, with responses to be reported to a future meeting of the Committee.**