

# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

11 January 2012

### Report of Chief Solicitor

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 SEXUAL ENTERTAINMENT VENUES**

**To consider recommending the adoption of the sexual entertainment licensing provisions introduced by the Policing and Crime Act 2009.**

#### **1.1 Introduction**

- 1.1.1 A report on the results of the public consultation on the proposed adoption of the sexual entertainment licensing provisions of the Policing and Crime Act 2009 was considered by the Licensing and Appeals Committee on 30 November 2011. The Committee recommended that the Council should adopt the provisions from the appointed day of 1 June 2012.
- 1.1.2 Members are referred to the report to the Licensing and Appeals Committee for further information.

#### **1.2 Legal Implications**

- 1.2.1 The Council was legally required to consult local residents and businesses about whether or not it should adopt the new provisions relating to sexual entertainment venues.

#### **1.3 Financial and Value for Money Considerations**

- 1.3.1 There are no statutory fees for sex establishments or sexual entertainment venues. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.
- 1.3.2 The current fee for a sex establishment licence within Tonbridge and Malling is £6000. It is proposed to adopt the same fee for sexual entertainment venues.

## 1.4 Risk Assessment

1.4.1 Failure to carry out the required consultation exercise could have resulted in a legal challenge by an aggrieved party. There are no other risks arising at this stage.

## 1.5 Equality Impact Assessment

1.5.1 See 'Screening for equality impacts' table at end of report

## 1.6 Recommendations

1.6.1 **RECOMMENDED:** That the Council

- 1) adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
- 2) the first appointed day be endorsed as 1 June 2012.

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield  
Chief Solicitor

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The government has carried out an equality impact assessment of the changes to the 1982 Act which has found that no unintended or disproportionate impact is likely.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*