

Bolsover District Council

Sex Establishment Policy

Consultation Responses

Bolsover District Council have carried out a consultation exercise into the proposal to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as amended. As part of that consultation a questionnaire was developed and published on the Ask Derbyshire website, the result of which will be explored in this document. A copy of the full questionnaire summary can be seen attached as **Appendix 3**. In addition to those results a copy of any additional comments can be found attached as **Appendix 4**.

In total BDC received 24 responses to the Sex Establishment Policy consultation.

23 of those responses were received via a questionnaire which was published on Ask Derbyshire and the remaining two responses were received by e-mail, one of which was a follow up to completing the questionnaire. Of those respondents, 18 were local residents, 5 were individuals who work in the area, 4 were local business owners, and other respondents included a student, a local community group, a local government officer, a parish council and a church council.

Of these responses, the majority of the respondents agreed that the policy was clearly written and easy to understand; and fair to both residents and licensed premises. Furthermore, the majority of respondents felt that the following aspects of the policy were adequate, appropriate and clear:

- mandatory and discretionary grounds for refusal
- applicant suitability criteria
- application process
- enforcement information
- definitions

As part of the questionnaire published on Ask Derbyshire respondents were asked to comment on whether different localities within the district were suitable for licensed sex establishments. The responses revealed that the majority of respondents felt that sex establishments were inappropriate in all of the areas listed in the questionnaire.

As part of the questionnaire published on Ask Derbyshire respondents were asked to give feedback on the standard conditions for sex establishments. The majority of respondents agreed that the standard conditions were useful but were unsure about whether the conditions should be amended or deleted. In addition to this the majority of respondents agreed there was no need for additional conditions to be added. In addition to these responses the concerns listed in table 1 below were raised:

Table 1

Issue Raised	Number of Respondents who raised the issue	Officer comments
That sex industry mainly relies on the exploitation of women	1	The Council's powers to regulate sex establishments are currently limited to those relating only to planning and alcohol licence regulation. The adoption of this legislation and the draft policy would increase the authority's powers to regulate such premises and therefore increase the authorities' scope for identifying such exploitation.
Insufficient minimum number of SIA registered personnel.	1	Conditions 63, 83 and 81 set out the SIA requirements for Sexual Entertainment Venues. Condition 63 previously set out a requirement for 2 SIA door staff. This has been amended to require that a premises conduct a risk assessment to identify the number of SIA door staff required at the premises with a minimum of 2. It is difficult to specify an exact number as the size of premises can vary widely.
Requirement for regular collection of randomly selected CCTV footage for inspection	1	The requirements for processing personal data are set out in the General Data Protection Regulations and the Data Protection Act 2018. The authority must show a lawful basis for collecting and processing personal data from CCTV footage. The collection and processing of CCTV footage must therefore be determined on a case by case basis on the grounds that there is a lawful basis for the processing.

As part of the consultation respondents were asked if they had any further comments to add to their response. Table 2 below outlines any further issues raised by respondents together with officer responses to those comments.

Issue Raised	Number of Respondents	Officer comments
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	who raised the issue	
Location of Sex Establishments	2	The policy has been updated according to the responses relating to the locality of Sex Establishments.
Resources should be used elsewhere, i.e. policing, youth and elderly services	1	It is outside the scope of this policy and the functions of the licensing section to make provision for additional services elsewhere.
That the legislation should not be adopted and the licensing and promotion of such premises is not appropriate or wanted.	6	The Council's powers to regulate sex establishments are currently limited to those relating only to planning and alcohol licence regulation. The adoption of this legislation and the draft policy would increase the authority's powers to regulate such premises. The aim of this adoption and policy is not to promote the establishment of such premises, but to enable the authority to regulate such premises should a premises appear within the district.
That the consultation form is not fit for purpose and views could not be adequately expressed	1	The Ask Derbyshire article outlined various methods of responding to the consultation, including the licensing consultation e-mail address.
The policy does not strengthen community pride.	1	The Council's powers to regulate sex establishments are currently limited to those relating only to planning and alcohol licence regulation. Having a further avenue for regulation and public consultation gives the community an additional avenue to have a say in the use of premises within the district.
That the current planning and licensing regimes are sufficient to refuse such premises and there is an inference that a more 'sympathetic stance' may be taken towards planning and licensing applications.	1	The Council's powers to regulate sex establishments are currently limited to those relating only to planning and alcohol licence regulation. The adoption of this legislation does not infer that those avenues are insufficient or that there is an intention to take a more relaxed approach to planning and alcohol licensing; the intention is to simply open up another avenue for regulation.
The introduction of discretionary powers	1	Discretionary powers are widely used in local authority regulation.

<p>leads to an abuse of power.</p>		<p>Whilst the adoption of the legislation does give local authority officers more power to regulate premises, the introduction of the Sex Establishment policy sets out the local authorities' practices and procedures and ensures consistent application of the legislation.</p>
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