

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	DELEGATION OF UNOPPOSED SEX ESTABLISHMENT LICENCE RENEWAL APPLICATIONS
DATE OF DECISION:	14 JULY 2011
REPORT OF:	HEAD OF LEGAL AND DEMOCRATIC SERVICES
STATEMENT OF CONFIDENTIALITY	
None	

BRIEF SUMMARY

The Licensing Committee is requested to delegate the renewal of unopposed sex establishment licence applications to the Head of Legal and Democratic Services.

RECOMMENDATIONS:

That the Committee delegate the power to grant by way of renewal, (but not refuse, vary, or transfer) unopposed applications for sex establishment licences to the Head of Legal and Democratic Services with immediate effect.

REASONS FOR REPORT RECOMMENDATIONS

1. The recommendation is made in the interests of efficiency and cost-effectiveness.

DETAIL (Including consultation carried out)

2. Licences for sex establishments, defined as sex shops, sex cinemas and sexual entertainment venues are determined by the Council as Licensing Authority under part II and schedule 3 of the Local Government Miscellaneous Provisions Act 1982, as amended.
3. At present there is no delegation of the powers to determine applications for such licences to officers and thus all applications for grant, renewal, transfer of variation of sex establishment licences, whether opposed or not, are reported to the Licensing (General) Sub-Committee.
4. There are currently four premises in Southampton licensed as sex shops. Licences for each are renewable annually.
5. The Licensing Team's records indicate that no objections have been made to renewal of sex establishment licences since 2009. It is imperative that in light of reduced officer resources and budgets that all processes are reviewed to ensure they are as streamlined as in reasonably possible. There would appear to be no cogent reason why unopposed applications should come before the committee for in effect "rubber stamping"
6. Any objection to the renewal of a sex establishment licence would result in the matter being reported to the Sub-Committee, as at present.

RESOURCE IMPLICATIONS

Capital/Revenue

7. No adverse effects – the delegation would lead to better use of scarce officer resources and would be more cost-effective.

Property/Other

8. None.

LEGAL IMPLICATIONS

Statutory Power to undertake the proposals in the report:

9. The control of sex establishments is provided for by part II and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. It is expressed to be a non-executive function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

Other Legal Implications

10. Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
11. The Human Rights Act 1998 Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

POLICY FRAMEWORK IMPLICATIONS

12. None.

AUTHOR: Name: John Burke Tel: 023 8083 3002
Email licensing.policy@southampton.gov.uk

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	None
----	------

Documents In Members' Rooms

1.	None
----	------

Integrated Impact Assessment

Do the implications/subject/recommendations in the report require an Integrated Impact Assessment to be carried out?	Yes/No
----------------------------------------------------------------------------------------------------------------------	--------

Other Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None.	
----	-------	--

Integrated Impact Assessment and Other Background documents available for inspection at:

WARDS/COMMUNITIES AFFECTED:	all
------------------------------------	-----