CHESHIRE EAST COUNCIL

REPORT TO: LICENSING COMMITTEE

Date of Meeting:	**10th January 2011**
Report of:	**Legal Team Leader (Regulatory)**
Subject/Title:	**Sexual Entertainment Venues - Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)**

1.0 Report Summary

1.1 The report provides background information in relation to the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 'the 1982 Act') made by section 27 of the Policing and Crime Act 2009. The report sets out the statutory provisions in relation to the adoption of the power to regulate 'sexual entertainment venues' within the amended Schedule and details the consultation responses received in relation both to the principle of adoption and the draft policy.

2.0 Recommendations

2.1 The Licensing Committee is requested:

2.1.1 to consider the responses received in relation to the consultation exercise on the principle of adoption of the amendments to Schedule 3 of the 1982 Act;

2.1.2 in the light of the consultation responses, to resolve whether to recommend to Council that the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, are adopted and shall apply within the Borough of Cheshire East; and

2.1.3 if the Committee resolves to recommend to Council that the provisions should be adopted, to determine that the recommendation includes a statement that the provisions of Schedule 3, as amended, will come into force in the Borough of Cheshire East on 4th April 2011.

2.2 Subject to the decision in 2.1.2 above, and without prejudice to the subsequent decision of Council, the Licensing Committee is requested:

2.2.1 to consider to the consultation responses received in response to the consultation exercise on the draft policy in relation to the licensing of sexual entertainment venues; and

2.2.2 to resolve whether:

(a) to approve the policy as originally drafted; or
(b) to make amendments to the policy.

and, if amendments to the policy of a significant nature are proposed, to approve a further period of consultation on the proposed amendments.

2.2.3 to determine the fee levels to apply in relation to sexual entertainment venue applications;

2.2.4 to recommend to the Constitution Committee that Council be requested to amend the Constitution in order to make the amendments to the Licensing Committee's terms of reference and the officer delegations set out in Appendix E in relation to the exercise of functions in relation to the licensing of sexual entertainment venues.

3.0 Reasons for Recommendations

3.1 The consultation period in relation to the regulation of sexual entertainment venues has concluded and a number of responses have been received. The Licensing Committee is asked to consider the consultation responses and to make a number of decisions in the light of the consultation responses.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including - Climate change
- Health

6.1 The report requests that consideration is given to consultation responses received in relation to a draft policy.

7.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

7.1 There will be a cost implication relating to publication of the requisite statutory notices. Whilst the costs will be dependant upon the charges made by the newspapers in question, the costs may be in the region of £3,500. Budget provision in relation to these costs will be met from in relation to these costs will be met by way of budget virement from the Licensing Printing & Stationery budget.

7.2 Subject to the decision in relation to adoption, the Committee is requested to determine the level of fees to apply to applications in relation to sexual entertainment venues. The legislation provides the Council with the ability to

determine a 'reasonable fee' in relation to the grant, renewal or transfer of a sex establishment licence. Further information in relation to fees is set out within paragraph 10.9 of the report.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 27 of the Policing and Crime Act 2009, which came into force on 6th April 2010, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in order to provide local authorities with the power to regulate 'sexual entertainment venues.' Further details about the statutory definition of 'sexual entertainment venues' are provided within paragraph 10 of the report.

8.2 If a local authority wishes to exercise the 'new' powers within Schedule 3 of the 1982 Act it must formally resolve that the provisions are to have effect in its area. The procedure for adoption is set out within section 2 of the 1982, which provides that the local authority must pass a resolution specifying that the amendments made by section 27 of the 2009 Act to Schedule 3 shall apply to its area and must specify the date on which the resolution shall come into force. The specified day must be more than one month after the date on which the resolution was passed. The local authority is also required to publish notice that a resolution has been made for two consecutive weeks in a local newspaper circulating in the area. The first publication may not be later than twenty-eight days before the date specified in the resolution for the provisions to come into force.

8.3 Paragraph 13 of Schedule 3 provides the authority for the Council to "make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred.." Paragraph 13(1A) states that no standard condition may be prescribed in so far it "relates to any matter in relation to which requirements or prohibitions are or could be imposed under the Regulatory Reform (Fire Safety) Order 2005." Paragraph 13(3) provides that regulations may prescribe conditions regulating – (a) the hours of opening and closing of sex establishments; (b) displays or advertisements on or in such establishments; (c) the visibility of the interior of sex establishments to passers-by; and (d) any change from one kind of sex establishment to another kind of sex establishment. Where the authority has made standard conditions every licence granted, renewed or transferred is presumed to have been granted, renewed or transferred subject to the standard conditions unless they have been expressly excluded or varied.

8.4 Paragraph 12 of Schedule 3 sets out the grounds for refusal of an application. Certain grounds, for example that the applicant is under 18 years old or is disqualified, are mandatory grounds for refusal. Other grounds, including those relating to the appropriate number of such establishments in the 'relevant locality,' are discretionary grounds. Further information in relation to the grounds for refusal is set out within the body of the report.

8.5 Paragraph 19 of Schedule 3 provides that the applicant for the grant, variation renewal or transfer of a licence shall pay 'a reasonable fee determined by the appropriate authority.'

8.6 Additional detail in relation to the interpretation of the legislation is provided in relation to specific issues within paragraph 10.0 of the report.

9.0 Risk Management

9.1 Full and thorough consideration of any consultation responses received would be required to reduce any risk of challenge to any subsequent decisions.

10.0 Background and Options

10.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the regulation of 'sex establishments.' Prior to the enactment of the Policing and Crime Act 2009, the definition of 'sex establishments' was limited to sex shops and sex cinemas. Section 27 of the Policing and Crime Act 2009, which came into force on 6 April 2010, extends the definition of 'sex establishment' to include 'sexual entertainment venues.'

10.2 A 'sexual entertainment venue' for the purposes of the 1982 Act is "any premises at which relevant entertainment is provided before an audience for the financial gain of the organiser or the entertainer." 'Relevant entertainment' means "any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)."

10.3 If a local authority has resolved before 6 April 2010 that Schedule 3 of the 1982 Act is to apply within its area, then the amendments in relation to sexual entertainment venues within the 2009 Act do not apply to the area of the local authority; however, the local authority may resolve that Schedule 3 of the 1982 Act, as amended by section 27 of the 2009 Act, is to apply to its area.

10.4 As members will recall, at the meeting on 13th September 2010, the Committee authorised the Licensing Manager to carry out a consultation exercise in relation to both the principle of adoption of the amended legislation and on the draft policy. The consultation exercise was carried out between 7th October 2010 and 29th December 2010. As Members will note there is some reference within some of the responses to moral issues. For the avoidance of doubt, Members are reminded (as per paragraph 3.23 of the Home Office Guidance) that objections in relation to applications should "not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12 [of Schedule 3]."

10.5 <u>Principle of adoption</u>

10.5.1 The Licensing Authority has received seventy-three consultation responses, details of which are set out Appendices B and C. As Members will note seventy

of the responses support the principle of adopting the legislation, one response is not in support of adoption, and two responses do not explicitly comment on the principle of adoption but make statements about the regulation of sexual entertainment venues.

10.5.2 As Members will note, paragraph 2.1.2 requests that, if the Committee resolves to adopt the amendments to the legislation, that the recommendation to Council includes a recommendation that the date that the resolution to adopt comes into force is 4th April 2011. As set out within the legal implications, the local authority the resolution must specify the date on which the resolution shall come into force. The specified day must be more than one month after the date on which the resolution was passed. The Council would also be required to publish notice that a resolution has been made for two consecutive weeks in a local newspaper circulating in the area. The first publication may not be later than twenty-eight days before the date specified in the resolution for the provisions to come into force. The Committee's recommendation will be reported to the meeting of Council on 24th February 2011, therefore the date of 4th April 2011 would provide sufficient time to comply with the statutory requirements.

10.6 Policy – discretionary grounds for refusal

10.6.1 As Members will be aware, one of the discretionary grounds for refusal is "*that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality."*

10.6.2 The draft policy (attached as Appendix A) currently states at paragraph 3.6 that:

The Council will consider the extent of the locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define 'locality' as the whole of the Council's administrative area or an entire town.

A number of consultation responses suggest that paragraph 3.6 should be amended 'to remove the idea that an entire town cannot be seen as a relevant "locality".' This suggestion is amplified within the representation made by HOPE in North East Cheshire which states: 'The reference to "or an entire town" in the last sentence of paragraph 3.6 may be subject to misinterpretation, fetter council discretion and unnecessarily narrows the definition of locality in each case. It is therefore suggested that these words are deleted because case law does not appear to support this requirement.

10.6.3 Paragraph 3.36 of the Home Office Guidance states as follows in relation to locality:

When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, whilst a local authority is not prevented from defining the exact area of the

relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

The Guidance refers to the case of R v Peterborough City Council ex parte Quietlynn as authority for the final point within this paragraph.

10.6.4 As Members will recall, the policy as currently drafted, does not seek to place a figure on the number of sexual entertainment venues which it considers appropriate in any locality within the Council's administrative area but rather states (i) that each application will be determined on its own merits; and (ii) that consideration will be given to the locality in each case and to the number of Sexual Entertainment Venues suitable for that particular locality. A number of consultation responses suggest that the policy should be amended in this regard to 'have a zero tolerance policy for all sex establishments in the Borough of nil per ward.' The responses suggest that the Council should determine that each Ward is a 'relevant locality' for the purposes of the Act and that the policy should states that the appropriate number of sexual entertainment venues for each Ward is nil.

10.6.5 A further discretionary ground within paragraph 12 of Schedule 3 is on the basis that: "*that the grant or renewal of the licence would be inappropriate, having regard –*

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

The draft policy currently sets out certain factors (such as the existence of 'sensitive uses' such as worship and education in the relevant locality) which would generally render the grant or renewal of a licence inappropriate.

Consultation responses received suggest that the policy should be changed so that it "covers a wide range of areas and explains a zero tolerance approach for the main town centres, smaller towns, villages and rural communities, business parks and industrial estates, as being unsuitable for sex establishments for various reasons." Responses also suggest an extended description and list of inappropriate locations for lap dancing venues. The responses suggest the addition of reference to, for example, community facilities including swimming pools, leisure centres, mental health centres, sheltered accommodation, disability centres; historic buildings, tourist attractions, conservation areas, restoration areas, improvement areas, planned improvement areas; pedestrian routes or transport links (such as stations or bus stops); residential accommodation (without the need for this to be a predominant use); shopping

areas, other retail units (and their uses); and other alcohol and entertainment licensed premises.

Members are requested to consider the representations made in relation to paragraph 3.8 of the draft policy and determine whether an amendment should be made to this paragraph.

10.7 Policy – Application process and hearing procedure

10.7.1 Submission of application

(a) The representation from HOPE in North East Cheshire suggests that the requirements in relation to plans should be expanded. It is acknowledged that the requirements in relation to plans may be clarified by stating that these must show the layout of the premises including: (i) performers changing facilities; (ii) those areas to which the public are to be admitted (shown outlined in red); (iii) toilets; (iv) entrances and exits from the premises (including emergency exits); (v) any stage area (including an annotation as to the height of the stage); (vi) the location of any fixed structures (such as bar area or fixed tables/seating); (vii) the area to be used for customer seating. The point about the size of the plans (i.e. large enough to be easily read) is noted.

(b) At paragraph 16 of the HOPE representation it is suggested that the warning about false statements should be included in the policy. This warning is set out before the declaration on the final page of the application form. However, this could be repeated in the policy if Members felt that this was necessary.

(c) A further point is raised about planning consents. Clearly any licence granted by the Licensing Authority would not override the need to obtain any relevant planning approval from the Local Planning Authority. Whilst the policy should not seek to duplicate the planning legislation, a reminder about the planning regime could be included within the policy if Members so wish.

(d) Paragraph 22 of the HOPE representation states that there is no stipulation in the application process about accompanying fees. This is incorrect, within the bullet points at paragraph 4.1 it is stated that the application form is to be submitted together with the licence fee. To ensure clarity about what will be considered to be a valid application, it may be appropriate to amend the second sentence in paragraph 4.1 to read “The following must be submitted with the completed application form in order to form a valid application:..”

(e) It is acknowledged that the following amendments to the application form may be of assistance to ensure clarity: (i) the inclusion of a question about the form of ‘relevant entertainment’ which is proposed to be provided at the premises; and (ii) an amendment which would enable the form to be utilised

for renewal, variation and transfer applications in addition to applications for grant.

(f) In the light of the comments submitted by the Sustainable Communities Scrutiny Committee in relation to CRB checks, it is suggested that paragraph 4.1 could be amended to state that applicants (including directors/the company secretary where the applicant is a company and each of the partners if the applicant is a partnership) are required to submit a basic CRB disclosure.

10.7.2 Advertising requirements

(a) The representation from HOPE in North East Cheshire suggests that advertising requirements "should state that any notice must be posted in a prominent position for the whole of the time period allowed and so it can be easily read by passers-by". The current drafting of the policy in this regard (paragraph 4.3) mirrors the requirement within paragraph 10(10) of Schedule 3, i.e. "notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public." It is suggested that advertising requirements, which went beyond the statutory requirements in this regard, would be challengeable.

(b) The representation further suggests that the size of the notice should be A3 with details printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. Paragraph 10(13) of Schedule 3 states that subject to the requirement that the notice must identify the premises in question, the local authority may prescribe the form of notice. Members are requested to determine what is reasonable in terms of the form of notice. For assistance, Members may be interested to note that the Licensing Act 2003 (Premises Licence and Club Premises Certificate) Regulations 2005 prescribe that notices in relation to application under the 2003 Act must be no smaller than A4 and with font size equal to or larger than 16.

(c) The representation suggests that it would be helpful to state that the application will not be considered if the advertising requirements have not been met. As a matter of law, if the application is not advertised in accordance with statutory requirements then the application will be invalid, however the policy may be amended to clarify this if Members so wish.

(d) Form of notice – it is suggested within the HOPE representation that the form of notice at Appendix 2 of the draft policy be amended to set out which forms of relevant entertainment the application proposes to operate at the premises.

(e) It is suggested the Members may wish to consider an amendment to the application process within the policy and/or an additional condition which provides that the Council requires applicants for variations to the terms, conditions or restrictions on a licence to comply with the same notice

requirements as those which apply to an application for the grant or renewal of a licence.

10.7.3 Waiver – Paragraph 7 of Schedule 3 makes provision for the local authority to 'waive' the requirement for a licence where it considers that requiring a licence would be unreasonable or inappropriate. The draft policy states, at paragraph 3.11 that waivers are unlikely to be appropriate in relation to relevant entertainment and would only be considered in exceptional circumstances. The Police have requested confirmation that they would be consulted in relation to any application for a waiver. There is no officer objection to an amendment which clarifies that the Council would seek to consult the Police in relation to such applications. It may also be of assistance to clarify that the Council would require applicants to supply all of the information requested within the application form appended to the draft policy.

10.7.4 Paragraph 18 of the HOPE representation seeks an amendment to paragraph 4.4 in relation to those who may object. It should be clarified that the existing drafting was in no way intended to suggest that there was a limit on the individuals/groups that can object to such applications, but rather merely sought to provide examples. Given the concern about misinterpretation which has been raised, it may be simplest to remove the examples from paragraph 4.4 and to replace the second paragraph of 4.4 with the following (mirroring the Home Office Guidance):

Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities are not in a position to consider objections which are not relevant to the grounds set out in paragraph 12.

10.7.5 Hearing procedure – the representation from HOPE (paragraphs 43- 46) makes comment about the hearing procedure. There is no officer objection to an amendment to the hearing procedure in the manner proposed in order to clarify that objectors have the opportunity, having been asked questions by the other parties to the hearing, to clarify anything which may have been misunderstood.

10.8 <u>Policy – standard conditions</u>

10.8.1 In addition to setting out the proposed policy relating to the factors relevant to the determination of an application, the policy document sets out the application process to be adopted by the Council together with a set of proposed standard conditions. The provisions of paragraph 12 of Schedule 3 in relation to standard conditions are detailed within paragraph 9.3 above. The proposed standard conditions within the attached policy deal with matters including: hours of opening, conduct of the premises, signs doors and window displays, and the employment of persons on the premises, and are based on the conditions which were previously endorsed on Public Entertainment Licences (issued under the 1982 Act). Members are reminded that any conditions imposed on a licence must be necessary and proportionate.

10.8.2 Opening hours – at present condition 3 does not seek to impose standard opening hours and the licensed hours would therefore be determined on a case by case basis depending on the hours applied for and other relevant factors, including the nature of the area in which the premises were located and the content of any objections received. A number of representations (including that from HOPE) suggest that "the opening times in the day should be restricted from 9am and 6pm" and that there should be a restriction on opening on Sundays and Bank Holidays. Members are requested to consider the issue of opening hours. In doing so, Members are reminded that any conditions imposed must be necessary and proportionate in the light of the aims the Act seeks to achieve.

10.8.3 Definitions – in the representations from both the Police and from HOPE a point is raised about individuals working at the premises who are self-employed. It is suggested, in line with the recommendation from the Police, that a further definition be added to condition 1 as follows (and subsequent amendments made throughout the following conditions to reflect the defined term):

'Employee' means all persons working on the premises including not only those directly employed by the management of the premises but the self-employed, contractors or their staff promoting or providing any service or Relevant Entertainment; and the term 'employed' shall be read in the same context.

10.8.4 Condition 9 – the responses from both HOPE and the Police have highlighted the fact that this condition is effectively duplicitous. In the light of the requirements within conditions 23 – 29 it is acknowledged that condition 9 may be deleted.

10.8.5 Conditions 7 and 38 – the Police have suggested that performers should be required to provide their names and home addresses, rather than just 'addresses,' to ensure that they can be identified at a later date if required. There is no officer objection to such an amendment.

Condition 21 – this condition states "Performers not currently performing shall not be in any public part of the Premises in a state of undress." In the light of the representation from the Police in this regard, Members are asked to consider whether they wish to clarify this condition by stating that, for the purpose of this condition, 'performers' include any employees on the premises who work in a state of nudity and that they shall not be in any public part of the Premises in a state of undress when not 'on duty.'

10.8.6 Conditions general

The representation from HOPE provides additional suggestions in relation to the standard conditions (paragraphs 29 – 32). Members are asked to consider the suggestions contained therein. The following points are highlighted in this regard for consideration:

(a) the current conditions within the draft policy include a requirement that there shall be no physical contact between performers or customers (condition

19). There is a suggestion within the representations that there should be a prescribed separation distance of one metre. Members are asked to consider whether such a condition is necessary in the light of condition 19 and also whether such a condition is proportionate in the light of the difficulty of enforcement of a precisely prescribed separation distance.

(b) The current conditions include a requirement that a CCTV system be installed to the satisfaction of the Police Licensing Officer. The representation from HOPE cites CCTV conditions suggested by other authorities. It may be suggested that the drafting of the existing condition, by requiring the approval of the Police, is sufficient to ensure that the system is appropriate.

10.9 Fees

10.9.1 As set out above, the Council is able to determine a 'reasonable fee' in relation to the grant, renewal or transfer of a sex establishment licence. Paragraph 3.22 of the Home Office Guidance states that local authorities should have regard to the following documents when determining their fees: (i) The European Services Directive: Guidance for Local Authorities; and (ii) LACORS Guidance on the impact of the Service Directive on council's setting and administering local licence fees within the service sector.

10.9.2 Paragraph 12d of the European Services Directive: Guidance for Local Authorities states:

Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should a service provider feel that the levels of fees are being used as an economic deterrent or to raise funds for Local Authorities. Enforcement costs should not be assimilated with this application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.

10.9.3 The LACORS guidance reiterates the point about economic deterrent, stating: "The principles of Article 13(2) of the EC Directive 123/2006 mean that any fees charged for establishing a service that falls within the scope of the Directive can only be based on cost recovery and cannot be set at an artificially high level to deter specific service sectors from an area." The Guidance also provides information in relation to what elements may be included when a local authority sets its fees. A relevant extract from the Guidance in this regard is reproduced as Appendix D.

10.9.3 Members will recall that in December 2008 the Licensing Committee set the fee levels to apply to the grant and renewal of sex shop licences (also issued under the provisions of Schedule 3 of the 1982 Act). In setting those fees Members were aware that fees must be limited to covering the Council's costs in carrying out the function under the Act. The procedure relating to the processing of an

application for a Sexual Entertainment Venue Licence is the same as that in relation to an application for a Sex Shop Licence; it was therefore suggested that the fee levels in relation to a Sexual Entertainment Venue Licence should mirror those in relation to Sex Shops, i.e.
New application: £2,260
Renewal: £1,130
In addition, it was suggested that the fee level in relation to a transfer application should be set as £500.

10.9.4 A number of consultation responses suggest that the Council should charge fees at the following levels: new application £8,000, renewal £5,000, transfer fee £1,100.

10.9.5 Members are asked to consider the level of fees in relation to new applications, renewals and transfers. In addition, it is noted that the legislation makes provision for a fee to be charged in relation to variation applications.

10.10 Delegations

10.10.1 The existing licensing delegations within the Council's Constitution make provision for applications in relation to sex shops and sex cinemas to be dealt with by the Licensing Committee, subject to certain delegations to the Head of Safer and Stronger Communities. The detail of the existing delegations is set out within paragraphs 1A and 2A of Appendix E.

10.10.2 If the Committee resolves to recommend adoption, it is suggested that it will be necessary to amend the delegations to ensure that they include the power to deal with applications for sexual entertainment venues. The proposed delegations at paragraphs 1B and 2B of Appendix E suggest an amendment to refer to 'sex establishments' (thereby including sexual entertainment venues).

10.11 Policy in relation to sex shops and sex cinemas

10.11.1 As is set out above 'sex establishments' for the purposes of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 include sex shops, sex cinemas and sexual entertainment venues. The policy before the Committee today, relates solely to sexual entertainment venues. The Council does not currently have a policy in relation to the licensing of sex shops and sex cinemas (although standard conditions in relation to sex shops have been approved) and each application for such a licence is determined on its own merits.

10.11.2 A number of the consultation responses received suggest that the Council should develop a policy in relation to the licensing of sex shops and sex cinemas. The Legal Team Leader (Regulatory) recognises the benefits of adopting a policy in relation to such licences and proposes that a further piece of work in relation to this policy is undertaken in due course.

12.0 Overview of Year One and Term One Issues

12.1 None

13.0 *Access to Information*

The background papers relating to this report can be inspected by contacting the report writer:

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Background papers:
Home Office Guidance – Sexual Entertainment Venues, Guidance for England and Wales
The European Services Directive: Guidance for Local Authorities
LACORS Guidance on the impact of the Service Directive on council's setting and administering local licence fees within the service sector.

Appendix A - Draft Policy
Appendix B - Table of representations
Appendix C – Representation from HOPE in North East Cheshire
Appendix D – Extract from Guidance (re fees)
Appendix E - Delegations