

POLICY GUIDELINES

1.1 The legislation enables local authorities to exercise control over sex establishments in various ways. These can be summarised as follows:

- (a) Fitness of persons to hold a licence
- (b) The locality/vicinity/conditions of relevant premises
- (c) The number of licensed sex establishments
- (d) The conditions on which the licence is held

Further information

1.2. (a) Fitness of person to hold a licence

The legislation enables a local authority to refuse a licence on the grounds that:-

- (i) the applicant is unsuitable by reason of having been convicted of an offence or for any other reason. (This provides a general guidance only and the fitness of the applicant would need to be considered in detail in relation to each individual application received. Relevant issues would include offences in relation to obscene publications, disqualification from holding a previous sex establishment licence, offences relating to licence conditions, ability to control such premises). **Therefore, the views of the Police will be taken into consideration in respect of each application received.**
- (ii) if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.

(b) Locality/vicinity/condition of relevant premises

A local authority may refuse an application for the grant or renewal of a licence on the grounds that it is considered inappropriate having regard to-

- (i) The character of the relevant locality; considerations could include the dominant use of that area, e.g. commercial, residential, agricultural, industrial and the appropriateness of the siting of a sex establishment in that type of area.
- (ii) The use to which any premises in the vicinity are put; consideration could include the use of nearby premises and whether or not they are considered to be compatible with the proposed premises which would focus on sex as adult entertainment.

As a general rule there will be a presumption against the licensing of a sex establishment if it is:

- (a) Near to schools, play areas, nurseries, children's centres or other similar premises;
- (b) Near places of worship;
- (c) Near or within view of historic buildings or tourist attractions.

For the purposes of the Act and the operation of this guidance, the Council considers the retail boundaries of two Sub Regional Town Centres, as defined in the Council's approved Unitary Development Plan, namely, Blackwood and Caerphilly, to be the principal relevant localities where there is a presumption that sex establishments are best located. (Plans of the retail centre boundaries are attached as Appendix 1 & 2).

Each individual application for a licence for a sex establishment within the retail boundaries of these two Sub Regional Town Centres will be dealt with on its merits unless an appropriate number has been determined by the Council.

Each individual application for a licence for a sex establishment outside the retail boundaries of the two Sub Regional Town Centres will be dealt with on its merits, having regard to the general presumptions referred to in this guidance as they relate to the character of the relevant locality and the use to which any premises in the vicinity are put, unless an appropriate number has been determined by Council.

- (iii) The layout/character or condition of the premises in respect of which the application is made; considerations could include health and safety issues, provisions of electrical certificates, fire safety matters etc.

2. Application Procedure

- 2.1. When an application is made, the following agencies/departments of the local authority will be consulted:-
 - (a) Police;
 - (b) Fire Authority;
 - (c) Ward Members;
 - (d) Planning, Environmental Health and Trading Standards Divisions.
- 2.2 On completion of the consultation process, officers of the Council will determine uncontested applications. Applications which are contested will be referred to the Licensing and Appeals Committee.
- 2.3 The Committee and the applicants will be made aware of the objections received and the applicant will be given the opportunity to address the Committee. Objectors will also be given the opportunity to address the Committee

2.4 The Committee will receive observations on the issues outlined in paragraph 1.1 of this policy guideline.

2.5 Following consideration of all the relevant factors, the Committee will then determine the application.

3 **The Conditions on which the Licence is held**

3.1 A local authority may grant a licence subject to such terms and conditions and restrictions, as it considers necessary. This enables a considerable degree of control to be exercised and relates to the management of the premises, opening times of the premises, fire safety, external appearance, age restrictions, etc. **The Standard Conditions of Licence for a Sex Establishment shall be those included in Appendix 3.**

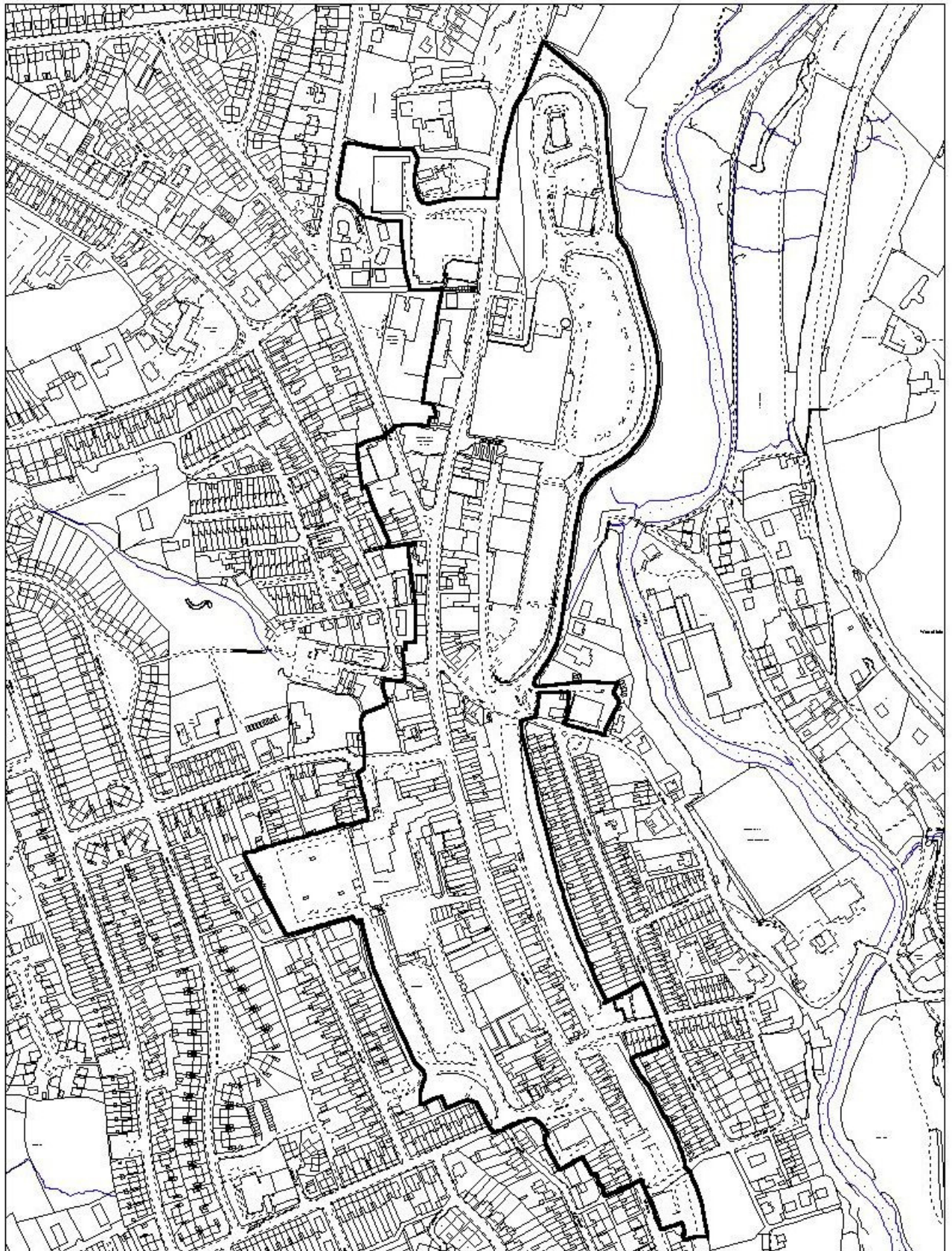
4. **Review of Policy Guidelines**

4.1 The Council may, from time to time, review the contents of these Policy Guidelines, the “relevant localities” for the purposes of determining applications for Sex Establishments and the “appropriate number” for each relevant location.

BLACKWOOD TOWN CENTRE RETAIL BOUNDARY

APPENDIX C

As Defined In The Council Approved Unitary Development Plan (April 2003)



CAERPHILLY TOWN CENTRE RETAIL BOUNDARY

APPENDIX D

As Defined In The Council Approved Unitary Development Plan (April 2003)

