

# Delegated Decisions report



15 August 2023

## SEX ESTABLISHMENT POLICY

Name of Cabinet Member	<b>Councillor Paul Trendall</b> (Cabinet member for Customer Services)
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Exempt / confidential / not for publication	<b>No</b>
Council Plan reference	<b>Not in Council Plan</b>
Wards affected	<b>All wards</b>

## Executive Summary

Though there have been no recent relevant legislative changes, the Sex Establishment policy requires review every five years. Consultation with local stakeholders has been undertaken and responses are considered. A more thorough look at the equalities impact assessment has been made following increased interest in the subject matter nationally.

On 7 March 2023, the Regulatory Committee approved the revised policy and recommended that it be adopted by the Executive.

The matter is considered appropriate to be dealt with via a Delegated Decision

A robust policy is good evidence of a fair and transparent process should decisions made by the Council in respect of applications be appealed or challenged.

### 1. Proposed Decision

- 1.1 That the Sex Establishment Policy, attached as an **Annex** to the report, be adopted.
- 1.2 That authority be delegated to the Director of Customer and Community Services to make minor typographical and consequential amendments to the policy.

## 2. Why is the Decision Needed?

- 2.1 Milton Keynes City Council (MKCC) aims to review its policies on a regular basis to promote best practice and compliance from those that are licensed by them.
- 2.2 A greater focus on the Equality Impact Assessment and effective consultation responses have provided policy improvements despite no recent legislative nor government guidance changes.
- 2.3 The most notable changes proposed are:
- 2.3.1 Direct reference to policies promoting safety in the policy.
  - 2.3.2 Conditions relating to staff training and expectation of licence holders.
  - 2.3.3 Additional signposting for applicants to aid the prevention of violence against women and girls and also preventing sexual harassment at work will be included on the application pages.
  - 2.3.4 Application requirements.
  - 2.3.5 How individuals can make objections against an application.
  - 2.3.6 Variations and revocation.
  - 2.3.7 Describe relationship with other relevant legislation.
- 2.4 It is important to ensure the policy is fit for purpose meeting the needs of the operators, customers, employees and performers, regulators and citizens of Milton Keynes. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.
- 2.5 A draft revised policy was consulted upon with key stakeholders prior to Regulatory Committee endorsement.

## 3. Implications of the Decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

### (a) Financial Implications

The financial implications to this review are primarily in staffing costs. These will be recovered as part of the Licence fees paid by applicants and licence holders.

### (b) Legal Implications

There is no legislative requirement to maintain a Sex Establishment Policy, but a robust policy bridges the gap between legislation and guidance. There have been challenges (to other Councils) where policies have not been supported by effective Equality Impact Assessments. This risk has been addressed.

(c) Other Implications

Any part of our policy is open to challenge and needs to be seen to be reasonable and attributable. A policy that has been compiled in accordance with relevant legislation and guidance provides a robust document upon which the Council can use to support the decisions that it makes.

4. Alternatives

4.1 The existing policy can remain although it was due to be reviewed in 2021.

5. Timetable for Implementation

5.1 The Policy will be classed as adopted once any call-in period has passed.

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List of Annexes

Annex Sex Establishment Policy

List of Background Papers

Regulatory Committee endorsement and draft policy considerations

<https://milton-keynes.moderngov.co.uk/CeListDocuments.aspx?Committeeld=155&MeetingId=5723&DF=02%2f11%2f2022&Ver=2>