

Public Report  
Delegated Officer Decision

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**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 31 October 2025

**Report Title**

Sex Establishment Licensing Policy Review (2025)

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Andrew Bramidge, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide

**Report Summary**

The Council's current Sex Establishment policy was adopted by Cabinet in November 2023. In order to ensure that the policy is continuing to deliver its aims, Licensing Officers have undertaken a "light touch" review of the current policy. This is in advance of a further informal review in 2027, followed by a full formal review in 2030. This report outlines the findings of the light touch review review.

**Recommendations**

1. That the Sex Establishment Policy (attached as Appendix 1) remains in place pending a full review in 2030.

**List of Appendices Included**

Appendix 1 Sex Establishment Licensing Policy 2023 (reviewed 2025)  
Appendix 2 Equalities Screening Assessment  
Appendix 3 Equalities Analysis  
Appendix 4 Carbon Impact Assessment

**Background Papers**

None

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Sex Establishment Licensing Policy**

### **1. Background**

- 1.1 On 22<sup>nd</sup> May 2019, the Council passed a resolution adopting the powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 1.2 The adoption of Schedule 3 powers allowed the Council to more effectively regulate establishments where adult activity would take place and introduced the ability to licence venues such as lap dancing clubs which previously had been ineffectively regulated under the Licensing Act 2003.
- 1.3 Following the adoption of the powers in 2019, the Council developed and consulted on a Sex Establishment Licensing Policy. A policy was subsequently adopted and became effective on 1<sup>st</sup> July 2019.
- 1.4 The policy was fully reviewed in 2023, with Cabinet approving the revised policy in November 2023.
- 1.5 The policy makes it clear that it will be subject to periodic review, but does not stipulate a formal policy review date. Licensing officers have therefore carried out a “light touch” review of the current policy to ensure that its aims and objectives continue to be met. This has been carried out in advance of a proposed full review in 2030 (with the option for an intermediate review in 2027 should this be considered necessary).

### **2. Key Issues**

- 2.1 Whilst the statutory powers relating to the licensing of Sex Establishments can be applied without a formal Policy being in place, Home Office guidance establishes that it is reasonable and potentially useful to future applicants for the Council to develop a Policy for the Licensing of Sex Establishments. This provides clarity to applicants, in advance of an application that certain areas are, or are not, considered appropriate locations for sex establishments or that a particular number of sex establishments might be assumed to be allowed in certain locality areas.
- 2.2 The current Sex Establishment Licensing Policy applies to premises falling into the following categories:
  - sexual entertainment venues
  - sex shops
  - sex cinemas
- 2.3 Council officers have taken into consideration the aims of the current policy, the Council's priorities and the findings of the public consultation detailed in section 4 of this report and have decided that the current policy requires no amendment.

2.4 Officers are therefore proposing that the current policy remains unchanged and is subjected to a full review in 2030. Key aspects of the policy are detailed below.

## 2.5 **Appropriate Localities**

There is provision within the Local Government (Miscellaneous Provisions) Act 1982 which enables the Council to impose a numerical control on the number of sex establishments in a particular locality. The control applies not only to the number of sex establishments overall, but also to the number of each kind of premises.

2.6 The Council's proposed Sex Establishment Licensing Policy identifies defined areas that would not be appropriate locations for sex establishments, or where sex establishments would not fit in with the character of such areas.

2.7 The current Policy is that there is a presumption against licensing sexual entertainment venues or sex cinemas in any of the following areas:

- A residential area;
- A rural area, including for example where an industrial unit may already be located;
- Rotherham town centre;
- Built up areas like other town and village centres in the Borough;
- An industrial area.

2.8 In relation to Sex Shops, the Policy is that there is a presumption against licensing Sex Shops in any of these types of areas, with the exception of Industrial Areas.

2.9 Furthermore, the Policy sets out that there is a presumption against licensing any sex establishments (sexual entertainment venues, sex cinemas or sex shops) in proximity to any of the following sensitive locations:

- People's homes,
- Premises used by charities,
- Offices and other workplaces,
- Places of worship,
- Parks and play areas,
- Family leisure facilities such as cinemas, theatres and concert halls,
- Women's refuge facilities,
- Youth facilities,
- Places used for celebration or commemoration,
- Schools and other education establishments,
- Cultural leisure facilities such as libraries and museums,
- Historic buildings,
- Civic and other public buildings, or
- Retail shopping areas.

## 2.10 **Number of Sex Establishments**

The Council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.

2.11 In considering each of Rotherham’s Wards, Officers have considered if there are any localities which would fall outside of the areas and locations described in 2.7 and 2.9 above. Whilst the Council would still be required to consider applications when they arise, on the basis of this consideration, there is no locality in the Borough where it would be appropriate for a Sexual Entertainment Venue or Sex Cinema to be located. Accordingly, the Policy proposes that the appropriate number of Sexual Entertainment Venues and Sex Cinemas in each Ward of the Borough is nil.

2.12 Cabinet are requested to be mindful that, although the policy has a presumption towards the non-registration of Sexual Entertainment Venues and Sex Cinemas within the Borough, it would not be lawful for the Council to fetter its discretion in this matter. An application for a licence for any Sex Establishment will be formally considered and the appropriate decision made set against the Sex Establishment Licensing Policy. The facts of each individual application will be fully considered before any decision is made.

2.13 The Policy does not propose a limit on numbers in each locality in relation to Sex Shops. These applications will be dealt with on a case by case basis.

## 2.14 **Worker Rights**

In addition to safeguards around safety and welfare, it is essential that, where sexual entertainment venues are licensed, workers are protected from exploitation. The Policy requires that sex establishments have clear policies and codes of conduct in place, to protect staff and the interests of customers. These include:

- A workers’ welfare policy including clear guidance as to the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a ‘whistleblowing policy’).
- A code of conduct for workers on the premises.
- A code of conduct for customers.
- A pricing policy.

2.15 The appropriate standard conditions will be applied to all sex establishment licences issued by Rotherham Metropolitan Borough Council. The Council does however reserve the right to amend these conditions or attach additional conditions as appropriate to individual applications.

## **2.16 Charging Arrangements**

Fees associated with the licensing of Sex Establishments are set in accordance with the Council's existing arrangements for the agreement of fees and charges, and are considered as part of the Council's annual budget setting process in March.

2.17 The policy is attached to this report as Appendix 1.

## **3. Options considered and recommended proposal**

### **3.1 Option 1**

The Council undertakes a full review of the current policy as soon as possible. This requires the approval of a draft policy by Cabinet followed by full consultation and engagement with stakeholder groups. A proposed policy will then be submitted for approval by Cabinet.

This option is not recommended as the current policy has been in place for less than two years following the full review in 2023. The light touch review of the policy by officers has confirmed that the current policy is meeting the aims and objectives and therefore a further review is unnecessary.

### **3.2 Option 2**

The current Sex Establishment Licensing Policy remains in place pending a formal review in 2030 (with an intermediate informal review in 2027 if deemed necessary).

The current policy was developed following significant consultation and engagement, and was adopted less than two years ago. Furthermore, the officer review has indicated that the policy is meeting its aims and objectives and that it will continue to give clarity to both applicants and the Licensing Committee in determining applications.

3.3 The preferred option is Option 2, and the current Sex Establishment Licensing Policy is attached at Appendix 1.

## **4. Consultation on proposal**

4.1 Consultation has previously taken place with members of the public, and those affected by the policy. This consultation took the form of:

- Direct contact with representatives of businesses / organisations that are directly affected by the policy.
- Online consultation via the Council's website.
- Direct mail contact with local residents (a mailshot to over 1000 randomised residential addresses within the Rotherham Borough).
- Public drop in sessions throughout the Borough.
- Consultation at Rotherham Show.

- Contact with groups / organisations representing specific sectors of our communities.
- Direct contact with individuals that have previously responded to a consultation regarding the development of this policy (where their details are known).
- Consultation with local ward Members.
- Publicity via local newsletters and mailings
- Press releases / social media publicity raising awareness of the policy review.

4.2 In total, there were 63 responses to the consultation that was undertaken as part of the 2023 review - the overwhelming majority of which were in favour of the current version of the policy remaining in place.

## **5. Timetable and Accountability for Implementing this Decision**

5.1 The policy will remain in effect as a result of this review – the decision today will dictate whether a full review is carried out as soon as possible, or that the officers' recommendations are accepted and a full review scheduled for 2030.

## **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 The regulation of establishments that come under the remit of this policy is funded by means of the licensing fee that is attached to applications of this nature. This fee is reviewed as part of the Council's annual budget setting process.

6.2 As a result, the delivery of the functions outlined in this report, the costs of the consultation and the implementation of this policy will be contained within the existing approved revenue budget of the Service.

6.3 There are no procurement related implications introduced by this report.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 The powers contained within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 regulates the control of sex establishments. The Council is able to rely upon these powers in the absence of a specific policy.

7.2 An informed policy will ensure consistency and transparency in relation to all applications received and minimise the risks in relation to any legal challenge around the application process. Depending upon the result of an application, each applicant has the right of appeal to the Magistrates' Court. A policy will provide guidance in relation to the application and decision making process, which in turn should serve to minimise the potential for any challenge.

7.3 The Home Office Guidance issued states that whilst Local Authorities are not required to publish a licensing policy, they can do so providing that it does not prevent any application from being considered on its own merits. Such a policy might include statements about appropriate locations for establishments and the number of establishments considered appropriate for a particular locality. As there is no statutory requirement for a Local Authority to publish a licensing policy there are also no requirements relating to the frequency of reviews of such policies.

7.4 In considering the appropriate number of establishments within a locality to be Nil, the Council may be open to legal challenge in respect of the policy by way of judicial review. However, careful consideration has been given when considering this issue and it has been made clear within the policy that this is a presumption and does not mean that applications cannot be received and considered in accordance with the legislation and Council policy.

## **8. Human Resources Advice and Implications**

8.1 There are no HR implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

9.1 A failure to effectively regulate sex establishments may expose children and young people to psychological harm as a result of coming into contact with activities that are intended for adults only.

9.2 In addition, vulnerable adults may be exploited by the practices of sexual entertainment venues (in particular) and therefore it is essential that such premises are appropriately regulated in order to ensure that vulnerable people are not exposed to physical, emotional and psychological harm.

9.3 It is considered that the adoption of the Sex Establishment Licensing Policy will allow for the effective regulation of sex establishments in Rotherham and mitigate the risk of harm that is presented to children, young people and vulnerable adults.

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no implications for equalities or human rights as the proposed amendment will be within existing legal frameworks.

10.2 An Equalities Screening Assessment is attached at Appendix 2, and a full Equality Analysis is attached as Appendix 3.

## **11. Implications for CO2 Emissions and Climate Change**

11.1 This report does not introduce any implications for CO2 emissions or climate change. A Climate Impact Analysis is attached as Appendix 4.

## **12. Implications for Partners**



- 12.1. There no implications envisaged from this report for partners or other Directorates.

### **13. Risks and Mitigation**

- 13.1 Failure to implement the adoptive legislation and Policy, presents a continuing risks to children and vulnerable adults.
- 13.2 Failure to regulate sex establishments effectively with the best available regulatory tools, presents a risk of reputational damage to the Council.

### **14. Accountable Officers**

Alan Pogorzelec, Licensing Manager

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)		Click here to enter a date.
Head of Legal Services (Monitoring Officer)		Click here to enter a date.

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