

Responses Received following Consultation.

Appendix 2

Received from	Comment	Outcome
<p>Cabinet Member (Cllr Durkin)</p>	<p>7.23 “Wherever possible” – cannot happen within a councillor’s ward who is available for the subcommittee.</p> <p>7.29 “The council will impose standard conditions on all licences” What are they, have they been written</p> <p>7.39 “Some matters may attract a fee. Further guidance is available on the council’s website” Has this been considered and what is planned as an indicative, starter for 10, as it were?</p> <p>7.44 What is a borderline case – surely its either yes or no.</p> <p>7.44 What is the procedure to be established for “to correct errors or for minor or temporary events” Are we going to permit no licensing for minor or temporary events. Surely a minor or temporary sex show etc. should be treated the same.</p> <p>7.45 Rather a woolly statement and open to interpretation e.g.” reasonable” and “appropriate”</p> <p>7.46 A further fee and website presence for information</p> <p>8.2. More words that need to be clarified as open to interpretation – if so, who interprets e.g. “proportionate”. Does not state who is the final arbiter of these interpretive words in the policy statement.</p>	<p>Removed ‘Wherever possible’</p> <p>Yes, they are within the policy pages 32 onwards.</p> <p>Amended to read ‘Any variation of the licence will attract a fee which will be based on full cost recovery. Please contact Licensing prior to application to obtain the fee required.’</p> <p>Removed</p> <p>Removed</p> <p>Amend that to read ‘However, a waiver will not be considered in cases where a licence is required or where there is public interest’.</p> <p>Amend that to read ‘There is a fee which will be based on full cost recovery. Please contact Licensing prior to application to obtain the fee required.’</p> <p>These are the headings contained within the Better Regulation Frame. Therefore, this is something that we as team leaders need to be considering prior to any action.</p>

	<p>8.4 “The council will also adopt a risk-based inspection programme”. Frequency needs to be established and includes in show inspections ad hoc and at HC discretion.</p> <p>8.7 “The council’s enforcement/compliance protocols/written agreements will be available upon request” Do these need to be established or can they be placed with existing?</p> <p>Sexual Entertainment Venues – General? Can licenses be transferred between venues, especially placed on minor or temporary events. What is the control over minor or temporary events?</p> <p>3. code of practice for entertainers and code of conduct for customers, what are these codes and how are they satisfactorily applied by the management of the venue</p> <p>7. At last a requirement to provide – management to produce records</p> <p>33 What happens after the person informs the council?</p> <p>39 High-definition CCTV of evidentiary quality – is that WM Police guideline?</p> <p>40 Should the council need to be advised or consulted?</p>	<p>Whilst this can include this it would go against the recommendations of the Office of Better Regulations and the Hampton Review.</p> <p>Placed with existing. It all comes under licensing.</p> <p>No. they are issued to the premises and stay with the premises. They can be transferred from one owner to another but not from premises to premises.</p> <p>The codes are the rules by which they operate. We don’t want to tell them how to run their premises, the onus is on them to tell us. Hence why they must be available to us and the police.</p> <p>Does say have to be provided on request.</p> <p>Covered by point 2 which deals with revocation on conviction.</p> <p>This is the same specification which the police have agreed for licensed premises, so is a duplication.</p> <p>Probably not. The police have a responsibility for the prevent of crime and are better qualified than us regarding CCTV location. We would work together on it.</p>
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	<p>“Sex Shop” 23 and 24 are the ages specified contradictory, with nobody under the age of 18 permitted to enter and a challenge 25 in operation?</p> <p>What is the procedure for dealing with complaints?</p> <p>What is the procedure for working with external enforcing authorities e.g. police and fire?</p> <p>Temporary events outside of the prescribed venue – not to be permitted under this approved licence?</p> <p>Is there a procedure for stopping the performances, upon officer inspection, or providing a temporary cessation of show and licence – for investigation purposes, perhaps following a complaint.</p>	<p>No. People under 18 cannot be admitted. But challenge 25 is dealing with anyone who looks under 25 being checked to ensure they are over 18.</p> <p>No actual procedure but we would follow the same process we do for all complaints.</p> <p>We already have data sharing agreements in place, and we work in partnership with each other.</p> <p>All events falling under this act will need a licence. The only exemption is for licensed premises but as most have a clause on saying no adult entertainment, it is controlled. The only way around that would be by way of temporary event notice which the police could object to.</p> <p>No there is no power under the act to do so. We would have to go down the route of revocation of the licence.</p>
<p>West Mercia Rape & Sexual Abuse Support Centre</p>	<p>I am contacting about the new policy regarding sex establishments – this consultation is quite different from the one circulated recently by Worcestershire which I have already completed. Within the Worcester one, there was an opportunity to comment upon location and I raised concerns around public transport placement – it is common for women and girls to experience harassment from people leaving sex establishments.</p>	<p>The policy covers location at 7.32. Refusal There are also a number of discretionary grounds. These are:</p> <ul style="list-style-type: none"> • if the applicant is unsuitable, • if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right, • that the number of sex establishments in the locality or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,

	<p>There is a need for CCTV and additional training for door staff to intervene if their clients are leaving in a heightened state, either through elation/frustration or a sense of entitlement.</p> <p>There is a need for enhanced CCTV in the areas and location to schools/ colleges/ other venue should be considered.</p> <p>Specifically, within this document: <i>1.14 Premises</i> <i>Includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.</i> Could you explain how licenced premises can include a vehicle, vessel, or stall? If the consultation is specifically for premises, I would suggest that there is a conflict here along with the following criteria under licensee & signage.</p> <p><i>1.19</i> as above. Not sure if this is the right place but think there should be specification that any cinema material must not contain indecent images of children. <i>1.21</i> as above</p>	<ul style="list-style-type: none"> • is inappropriate having regard to: Character of the relevant locality. Use of premises in the vicinity Layout, character, condition, or location of the premises. <p>Therefore, this gives the option to refuse purely on location grounds.</p> <p>CCTV and the use of door staff are part of the conditions.</p> <p>This is not something which could be included in this policy, as it is outside our control.</p> <p>The definition of premises is defined within the legislation and is provided purely for clarity.</p> <p>Policies should not contain items which are an offence under the law.</p>
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	<p>2.4 should also include consideration of location to public transport links, schools, and colleges.</p> <p>6.3 reference to Human Rights Suggest this also makes reference to:</p> <p>Article 3: Freedom from torture and inhuman or degrading treatment</p> <p>Article 4: Freedom from slavery and forced labour.</p> <p>Article 8: Respect for your private and family life, home and correspondence</p> <p>Article 10: Freedom of expression</p> <p>Article 14: Protection from discrimination in respect of these rights and freedoms</p> <p>Protocol 1, Article 1: Right to peaceful enjoyment of your property – particularly relevant for residents in the area.</p> <p>6.10 to 6.13 needs to include more responsibility to prevent harassment for women & girls in the surrounding area, awareness of vulnerable clients & ability to intervene when client behaviours are anti-social/harassing. Should also contain training on how to protect performers.</p> <p>P33 item 10 – what are the hours – think in the Worcester one these had already been set.</p> <p>P37. Item 39 – recommend enhanced CCTV on external premises too.</p>	<p>This is already covered under location.</p> <p>Added</p> <p>Added</p> <p>Already included.</p> <p>Already included.</p> <p>Added</p> <p>Already included.</p> <p>Already included.</p> <p>The legislation does not give us the power to do this. We can only look at the licensing of the sex establishment and not impose conditions which fall outside the licensed area.</p> <p>There are no hours set and each application will be dealt with on their individual merits.</p> <p>Cannot impose this due to the GDPR regulations.</p>
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	<p>P38. Item 445 regarding employee's information pack - this should also include links to sexual violence, sexual health, domestic abuse and SARC services, national helplines and police. Should also highlight how an employee can get assistance if they feel uncomfortable/threatened.</p> <p>P50 – still no clearer on what a vessel or stall is or relevance to the license.</p>	<p>Amended policy to include this.</p> <p>As shown above.</p>
A member of the public	<i>This is a duplicate from West Mercia Rape & Sexual Abuse Support Centre (above)</i>	See above
End Male Violence Against Women and Girls Working Group - Herefordshire Women's Equality Group	<p>I am responding to this consultation on behalf of Herefordshire Women's Equality Group. We are a group campaigning on issues of Equality, which we believe benefits everyone regardless of gender. We believe that sex entertainment, where women are providing entertainment for men's sexual gratification embeds and promotes inequality. It normalises non-consensual sex and sexual violence. Sex establishments pose a risk to women's safety.</p> <p>We believe that this goes against the Council's aim of reducing sexual violence in Herefordshire.</p> <p>We attach our comments which explain our views in detail. We also make some specific comments on the proposed policy.</p> <p><i>Direct Comments made in relation to the Policy Document</i></p> <p><u>Within the parameters of the document, we submit the following comments:</u></p> <ul style="list-style-type: none"> Paras 6.12 and the following paras talk about staff training. The Council should make it mandatory for staff working in a licensed sex establishment to have the Purple 	<p>Please see attached document.</p> <p>The policy has been amended to read: The council requires that all staff employed on licensed premises shall be trained to raise awareness of their responsibilities in relation to running such establishments and</p>

	<p>Leaf training which is targeted at the nighttime economy. The training records should be kept by the employer on each member of staff and the cost of providing the training covered by the proprietor.</p> <ul style="list-style-type: none"> • 6.18 refers to “feigned violence and horrific incidents” HC should take a stand on this as unacceptable. • 7.4 deals with Modern Slavery and Human Trafficking. It should also include any coercion of employees. • 7.5 states noncompliance would “not automatically exclude” the operator. It should. • Para 46 in Appendix 1 states staff should be aware of domestic abuse, coercive control, rape and sexual assault. This should be included in staff training. The training records should be kept by the employer on each member of staff and the cost of providing the training covered by the proprietor. 	<p>particularly of the offences contained within the Local Government (Miscellaneous Provisions) Act 1982. Such training shall be agreed with the licensing authority and a record shall be kept of all staff trained, which shall be immediately produced to an officer of the licensing authority on demand.</p> <p>This is the definition of ‘adult entertainment’ given in the Licensing Act guidance and therefore should not be amended.</p> <p>This has already been amended as part of the consultation.</p> <p>Each application should be dealt with on its own merits, and we should not have a blanket refusal condition. This has already been amended as part of the consultation.</p> <p>This has already been included following comments from other consultees.</p>
A member of the public	<p>Absolutely definitely NO NO NO What are you thinking!! Outraged You have been voted in & its not happening here.</p>	<p>The legislation allows Sex Establishments</p>
A member of the public	<p>I believe that sex entertainment, where women are providing entertainment for men’s sexual gratification embeds and</p>	<p>- Ditto -</p>

	<p>promotes inequality. It normalises non consensual sex and sexual violence. Sex establishments pose a risk to women's safety.</p> <p>I believe that this goes against the Council's aim of reducing sexual violence in Herefordshire and strongly oppose.</p>	
A member of the public	<p>Quite frankly, I find it depressing that we are still being asked about this. It should be entirely apparent by now that "sex entertainment" has no place in our society. It unequivocally demeans women, objectifying them and normalising violence and aggression.</p> <p>In the era of #MeToo and "influencers" like Andrew Tate, our leaders should be doing everything possible to ensure clear messaging that the objectification of women has no place in our society and that boys and girls should be afforded equal opportunities to thrive.</p> <p>Our children should be free to grow up healthy, happy and respectful of others and themselves. A society that normalises pornography jeopardises their rights to do this.</p> <p>I hope my children aren't still having to protest against this sort of thing when they become adults.</p>	- Ditto -
A member of the public	<p>I believe that sex entertainment, where women are providing entertainment for men's sexual gratification embeds and promotes inequality. It normalises non consensual sex and sexual violence.</p>	- Ditto -

	<p>Sex establishments pose a risk to women's safety.</p> <p>I believe that this goes against the Council's aim of reducing sexual violence in Herefordshire.</p>	
<p>A member of the public</p>	<ul style="list-style-type: none"> - sex entertainment, where women are providing entertainment for men's sexual gratification embeds and promotes inequality. It normalises non-consensual sex and male sexual violence. - Sex establishments pose a risk to women's safety and I believe that they run counter to the Council's (and its partners') stated aim of reducing sexual violence in Herefordshire. - The Herefordshire Community Safety Strategy recognises Herefordshire already has one of the highest rates of male violence against women compared with similar policing areas and it's not getting any better. - I understand that the Council has to have a licensing policy in place as required by legislation, but it needs to go further to recognise and reflect the local context. - the policy needs to include The Herefordshire Community Safety Partnership as a consultee group. - the policy needs to reference the CSP strategy to tackle male violence against women. 	<p>No comment</p> <p>The legislation allows them.</p> <p>Noted</p> <p>It already reflects the area.</p> <p>They have been consulted.</p> <p>There is another policy in place.</p>

	<ul style="list-style-type: none"> - consultee groups need to specifically include WMRSASC, and West Mercia Women's Aid and reflect their views. - the policy needs to include a reason for refusal on the grounds of levels of sexually motivated incidents/crimes (including domestic violence) in the area. - the policy needs to include a reading for refusal on the grounds of seeking to promote sex equality under the Equalities Act, linking to the Council own Equality policy. This isn't about morals, it's about ensuring the Council is able to promote equality as enshrined in the Equalities Act and it's own EQ Policy, and it helps embed that role in every policy (not just having it listed at the end). - the policy needs to do more to recognise that such establishments do not promote women's equality, rather they promote and continue men viewing women as objects of sexual gratification. As sex i.e. the female sex is a protected characteristic in the Equalities Act, the licensing policy needs to be much clearer as to how it relates to and supports this Act, and the Councils own local Equalities policy . At present this draft licencing policy contradicts both and does not assist the Council to further these aims. 	<p>They have been consulted.</p> <p>Location is a ground to refuse.</p> <p>Each application is considered on its own merits.</p> <p>This is what the legislation allows.</p>
A Pub Licensee	<p>Thank you. I did not understand any of that. Is this a recent sex establishments Licensing act?</p> <p>I mean within the last 2 years. It was hard enough getting a drinks license. I don't think I will allow any kissing in my establishment. But feel free to ask my opinions any time.</p>	No comment

<p>A member of the public</p>	<p>Hereford is a country town, I am against the above because it's not going to attract the kind of people that our county deserves. Why can't we stand out with Country Arts and Crafts just as Hay is known for its books? Why was the cattle market removed and shops you find everywhere put in its place. Where is the niche that will draw people to us? Children love animals as do a lot of grownups. More and more shops are empty and the heart of the town is being destroyed. What benefits will sex establishments bring us? Is this really what we want to be known for.</p>	<p>- Ditto -</p>
<p>A member of the public</p>	<p>In response to the above licensing I agree with the views of Hereford Women's Equality Group as follows:</p> <p>"We believe that sex entertainment, where women are providing entertainment for men's sexual gratification embeds and promotes inequality. It normalises non consensual sex and sexual violence. Sex establishments pose a risk to women's safety.</p> <p>We believe that this goes against the Council's aim of reducing sexual violence in Herefordshire."</p> <p>I would be very surprised if Herefordshire Council would encourage the growth of a sex business, it would be a massive step backwards in our social history.</p>	<p>- Ditto -</p>
<p>A member of the public</p>	<p>I wholly endorse the objections raised by HWEG in the attached document. Sexual entertainment is exploitative to women and girls, perpetuates gendered roles that disadvantage women, is incompatible with</p>	<p>- Ditto -</p>

	<p>efforts to reduce violence against women and girls. This is my response to your consultation speaking as a Herefordshire resident, council tax payer, member of local community in Hereford.</p>	
<p>Hilary Hall - Corporate Director Community Wellbeing On behalf of Herefordshire Community Safety Partnership</p>	<ul style="list-style-type: none"> • On paragraph 2.5, to be strictly accurate, should we be referring to Health Trusts that operate in the county. The H&W NHS Trust is not based in the county. • On section 6, there is no specific reference to safeguarding legislation (either children's or adults) although modern slavery and human trafficking is reference in paragraph 7.4. I think it would be good to include reference to the legislation. 	<p>Amended to read 'County'.</p> <p>Amended to include the legislation which covers this.</p>