

Dear Members

**Community Wellbeing Scrutiny Committee**

A meeting of the Community Wellbeing Scrutiny Committee will be held in the **Craddock Room, Civic Centre, Riverside Stafford** on **Tuesday 18 July 2023 at 6.30pm** to deal with the business as set out on the agenda.

Members are asked to note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.



Head of Law and Governance

# COMMUNITY WELLBEING SCRUTINY COMMITTEE

18 JULY 2023

Chair - Councillor A P Edgeller

## AGENDA

- 1 Minutes of 23 March 2023 as previously published on the Council's website.
- 2 Apologies
- 3 Public Question Time - Nil
- 4 Councillor Session - Nil
- 5 Members' Items
  - ITEM NO 5(a) **Health and Care Overview and Scrutiny Committee** 4 - 8  
COUNCILLOR A P EDGELLER
- 6 Called-In Items - Nil
- 7 Officers Reports
  - ITEM NO 7(a) **Draft Sex Establishment Policy** 9 - 48  
INTERIM HEAD OF REGULATORY SERVICES
  - ITEM NO 7(b) **2022/23 Performance Reporting** 49 - 63  
HEAD OF WELLBEING
  - ITEM NO 7(c) **Health Scrutiny: Joint Working Arrangements** 64 - 74  
HEAD OF LAW AND GOVERNANCE
  - ITEM NO 7(d) **Business Planning Report** 75 - 78  
HEAD OF LAW AND GOVERNANCE
  - ITEM NO 7(e) **Work Programme - Community Wellbeing Scrutiny Committee** 79 - 84  
HEAD OF LAW AND GOVERNANCE

## **Membership**

### **Chair - Councillor A P Edgeller**

K M Aspin  
J A Barron  
A P Edgeller  
A D Hobbs  
P W Jones

P A Leason  
J A Nixon  
L Nixon  
J T Rose  
J Thorley

## Agenda Item 5(a)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Councillor A P Edgeller
<b>Contact Officer:</b>	Ian Curran
<b>Telephone Number:</b>	01785 619220
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing Scrutiny 18/07/2023 (Only)
<b>Key Decision:</b>	N/A

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## Health and Care Overview and Scrutiny Committee

### 1 Purpose of Report

- 1.1 To note the report of Councillor J Hood on matters considered by the Health and Care Overview and Scrutiny Committee at their previous meeting held on 20 March 2023.

### 2 Recommendation

- 2.1 That the report of Councillor A P Edgeller be noted.

### 3 Key Issues and Reasons for Recommendation

- 3.1 The following report details the various matters considered by the Health and Care Overview and Scrutiny Committee at their meeting held on 20 March 2023.

### 4 Relationship to Corporate Business Objectives

- 4.1 This report is most closely associated with the following Corporate Business Objective 2:-

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.

## **5 Report Detail**

- 5.1 As part of the devolved Health Scrutiny arrangements, the Council's representative on the Health and Care Overview and Scrutiny Committee is requested to provide a brief written report on meetings of the Health and Care Overview and Scrutiny Committee for noting.
- 5.2 Accordingly, the digest of the meetings of the Health and Care Overview and Scrutiny Committee are attached for noting as follows:-

### **APPENDIX - 20 March 2023**

## **6 Implications**

### **6.1 Financial**

Nil

### **6.2 Legal**

Nil

### **6.3 Human Resources**

Nil

### **6.4 Human Rights Act**

Nil

### **6.5 Data Protection**

Nil

### **6.6 Risk Management**

Nil

## **6.7 Community Impact Assessment Recommendations**

### **Impact on Public Sector Equality Duty:**

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

### **Wider Community Impact:**

Detailed above.

## **7 Previous Consideration**

Nil

## **8 Background Papers**

File available in Law and Administration.

## APPENDIX

**Committee:** Community Wellbeing Scrutiny Committee

**Date of Meeting:** 18 July 2023

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### Health and Care Overview and Scrutiny Committee

#### Health and Care Overview and Scrutiny Committee 20 March 2023

Under the Health Scrutiny Code of Joint Working with District and Borough Councils, Authorities have undertaken to keep relevant Partners informed of their consideration of health matters having regard to the general working principle of co-operation and the need to ensure a co-ordinated Staffordshire approach. Therefore, the following is a summary of the business transacted at the meetings of the Health and Care Overview and Scrutiny Committee held on 20 March 2023.

#### Social Care Workforce Update

The Committee considered the Social Care Workforce Update and were informed that the Strategy detailed key actions as a collective partnership to support the on-going challenges faced by the Staffordshire social care workforce. The Committee were advised that in 2021/22 there were 21,000 filled posts in Staffordshire:

- 11,500 employees working in residential and nursing care settings (marking a reduction of approx. 500 staff),
- 7,200 providing home care (marking a reduction of approx. 700 staff)
- 950 working in community-based care (including day opportunities).
- 1,400 personal assistants (providing support to both children and adult, and on behalf of the NHS).

By 2024 it was projected that a workforce of 23,983 would be required.

The Committee noted the progress made to date and agreed to host a focussed session on social care education in colleges and host a round table discussion with care providers to seek their views on the strategy.

#### Staffordshire and Stoke-on-Trent ICB update on 2023/24 Operational Plan

The Committee received the ICB update 2023/24 Operational Plan and were informed that the ICS was required to agree three planning documents:

- A plan for the financial year 2023/24 (reflecting local and national priorities)
- A five year 'Joint Forward Plan'
- A Strategy

The Committee were advised that the financial position had been challenging. Over COVID the ICB broke even and it was expected to break even this year (22/23). It was reported that four priorities had been identified in 2023/24:

- Urgent and emergency care
- Tackling backlogs
- General practice
- Complex individuals.

The Committee noted the ICBs approach and current position in the development of the Operational Plan and requested the first quarter performance at a future meeting.

To see the reports in full and view the webcast of the meeting see the links below:

[Agenda for Health and Care Overview and Scrutiny Committee on Monday 20th March 2023, 10:00am - Staffordshire County Council](#)

There is a training session on 22 May 2023 TBC.

The next meeting will be held on Monday 12 June 2023 at 10.00 am, County Buildings, Stafford.



## Agenda Item 7(a)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Interim Head of Regulatory Services
<b>Contact Officer:</b>	Julie Wallace
<b>Telephone Number:</b>	01785 619605
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing Scrutiny 18/07/2023 Cabinet 08/06/2023
<b>Key Decision:</b>	N/A

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The following matter was considered by Cabinet at its meeting held on 8 June 2023 and is submitted to the Community Wellbeing Scrutiny Committee as required.

## Draft Sex Establishment Policy

### 1 Purpose of Report

- 1.1 To seek approval of this draft Sex Establishment Policy for consultation purposes (noting that adoption of the Policy would be a decision of full Council).

### 2 Recommendation

- 2.1 That the draft Policy be approved for consultation purposes.

### 3 Key Issues and Reasons for Recommendation

- 3.1 At Full Council on 24 February 2011 the Council resolved:
- (a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment establishments shall apply; and
  - (b) That the new powers took effect from 1 April 2011

The amended Schedule 3 gives local authorities more powers to control the number and location of sex establishments in their area.

For the purposes of this report and the draft policy, sex establishments include:

1. Sex Shops
2. Sex Cinemas
3. Sexual Entertainment Venues

- 3.2 There is no legal requirement for the policy, however it is considered to be best practice to have such a policy, in order to provide more detail as to how the Council will consider applications under Schedule 3 of the Act.
- 3.3 A draft policy attached as an **APPENDIX** has been devised based upon the principles of Schedule 3 of the Act.
- 3.4 A policy gives the Council and local people a greater say over where and how many sexual establishments may open and operate in their neighbourhoods.

## 4 Relationship to Corporate Business Objectives

### 4.1 Corporate Business Objective 2

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

## 5 Report Detail

- 5.1 At Full Council on 24 February 2011 Council resolved:
- (a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment establishments shall apply; and
  - (b) That the new powers took effect from 1 April 2011
  - (c) The amended Schedule 3 gives local authorities more powers to control the number and location of sex establishments in their area.
- 5.2 Members will note that the Council has not previously developed a Sex Establishment Licensing Policy; it has been guided by the contents of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to previous applications for sex establishments.
- 5.3 There is no legal requirement for the Policy, however it is considered to be good practice to have such a policy, to explain how the Council will consider applications under Schedule 3 of the Act. A draft policy, attached as an **APPENDIX**, has been devised based upon the principles of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

- 5.4 Adoption of Schedule 3 allows the Council to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area (which may be nil).
- 5.5 The draft Policy sets out the Council's guidance, application procedure, terms and conditions relating to the regulation of sex establishments and will guide current licence holders, potential licence holders, the public and the Council when considering applications for sex establishments.
- 5.6 The draft Policy sets out the Council's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where decision-making powers of the Council are engaged, each application will be considered on its own merits.
- 5.7 The outcome of the proposed 6-week consultation period (which will include seeking the views of the relevant Scrutiny Committee) will be fed back to Cabinet, and a final version of the policy will then be recommended to Full Council for approval and implementation. At that stage any necessary changes to the Council's Constitution, Scheme of Delegations and terms of Reference for Committees, will also be explained.
- 5.8 The following timetable demonstrates the steps in the decision-making process in order to achieve approval of the Policy at the Council meeting in September:
- 18 April - Leadership Team
  - Mid-May - Cabinet preview
  - 31 May - Cabinet agenda publication
  - 8 June - Cabinet
  - 14 June to 26 July - Public consultation for 6 weeks
  - 10 July - Scrutiny Committee agenda publication
  - 18 July - Community Wellbeing Scrutiny Committee
  - 26 July - Cabinet agenda publication
  - 3 August - Cabinet
  - 4 September - Council agenda publication
  - 12 September – Council

## **6 Implications**

### **6.1 Financial**

The cost of placing an advertisement relating to the consultation would be about £200 and this can be found from the existing Service budget.

## **6.2 Legal**

Having a policy which is clearly detailed and compliant with the legislation, fit for purpose and clear to Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review, with associated costs defending the same.

## **6.3 Human Resources**

None

## **6.4 Human Rights Act**

None

## **6.5 Data Protection**

There are no specific data protection issues arising from this report.

## **6.6 Risk Management**

The most significant risk lies in the Council not having a Policy framework in place because it could expose the Council to a risk of making unsound decisions on Licence applications.

## **6.7 Community Impact Assessment Recommendations**

### **Impact on Public Sector Equality Duty:**

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act: advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For example: If sex establishment licences were granted the Authority would be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons moving around or undertaking other lawful activities in the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions.

### **Wider Community Impact:**

None arising from the completed CIA.

## **7 Previous Consideration**

Cabinet - 8 June 2023 - Minute No CAB3/23

## **8 Background Papers**

Community Impact Assessment (dated March 2023); and general research of relevant legislation and similar policies in other Local Authorities.

# **Sex Establishment Venue Licensing Policy 2023**

**Schedule 3 Local Government  
(Miscellaneous Provisions Act 1982), as  
amended by Section 27 Policing and Crime  
Act 2009**

**Draft**

## Contents

1	Introduction	1
2	Definitions	3
3	Policy Considerations and Relevant Locality	6
4	Waivers	7
5	The Application process	7
6	Application for the Grant of a Licence	7
7	Plans	8
8	Public Notices	10
9	Variation of a Licence	11
10	Renewal of a Licence	11
11	Transfer of Licence	12
12	Determination	12
13	Granting a Licence	16
14	Representations/Objections	17
15	Hearings	17
16	Appeals	18
17	Fees	18
18	Standard Conditions	18
19	Specific Conditions	18
20	Duration of Licence	19
21	Exempt Sexual Entertainment Code of Practice	19
22	Enforcement	19
23	Licensing Act 2003	20
24	Immigration Act 2016	20
25	Policy Review	20
	APPENDIX 1	21
	Standard Conditions Regarding Sexual Entertainment Venues	21
	APPENDIX 2	28
	Sexual Entertainment Code of Practice.	28
	APPENDIX 3	30
	Consultees	30

## 1 Introduction

- 1.1** This Policy sets out the Authority's requirements for premises to be licensed as Sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") as amended by Section 27 of the Policing and Crime Act 2009.
- 1.2** Adoption of Schedule 3 enables Stafford Borough Council, 'the Authority', to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area (which may be nil).
- 1.3** The Authority adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops in 1995 and the new provisions for sex establishments under the amendments of the Policing and Crime Act 2009, in 2011.
- 1.4** The aforementioned amendments provide local authorities and communities greater power in determining whether sex establishments are permitted in their locality and increase the controls available to be imposed on them. The policy reflects the view of the Authority that local citizens and businesses should be able to determine whether sex establishments should be permitted in any particular area, whilst allowing flexibility to consider the potentially conflicting needs of commercial interests, patrons, employees, residents and communities.
- 1.5** A six-week public consultation to seek the views of Stafford Borough Citizens, elected SBC Members, bodies determined by the Authority to be 'responsible authorities' (Licensing Authority, Staffordshire Police, Fire Authority, Public Health, Environmental Health, Trading Standards, Planning), relevant night-time economy bodies and current sex establishment licence holders, will be undertaken to inform this policy.
- 1.6** This policy statement sets out the Authority's guidance, application procedure, terms and conditions relating to the regulation of sex establishments and will guide current licence holders, potential licence holders, the public and the Authority when considering applications for sex establishments.
- 1.7** This policy statement applies to every type of sex establishment (as defined in the Act) unless an exemption applies.
- 1.8** Whilst each application will be considered on its individual merits, this policy statement is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when
-



determining any such application. This policy statement also sets out the expectations of the Authority on the applicant when receiving an application.

**1.9** Applications for grant or variation and opposed applications to renew and/or transfer, will be determined by the Authority's Licensing Committee or a sub-Committee appointed for the purpose. Unopposed applications to renew and/or transfer will be determined by the relevant Head of Service in accordance with the Authority's constitution and scheme of delegation.

**1.10** The Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009, makes provision for the control of sex establishments through the Council's Licensing function. The provisions allow the Authority to take into account a broader range of considerations than the Licensing Act 2003 permits before making decisions about licences. It also gives local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

**1.11** This Policy sets out the Authority's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where the decision-making powers of the Authority are engaged, each application will be considered on its own merits.

In formulating this Policy, consideration has been given to the relevant legislation and guidance issued by the Home Office.

**1.12** Consultation on this policy will be carried out for a six-week period between 14 June 2023 and 26 July 2023 (or such other dates as may be determined by Cabinet).

Consultation will take place with:

- The Chief Officer for Staffordshire Police.
- Persons who appear to the authority to represent the interests of persons carrying or proposing to carry on the business of a sex establishment in the Authority's area.
- Persons who appear to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment.
- Persons who appear to the Authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. These include regulatory authorities such as

Staffordshire Police, the Fire Authority, Ward members and Parish Councils as considered necessary.

- Resident associations and trade associations and others as considered appropriate.
- Local people who live or work within the Stafford Borough area.

**1.13** A list of those to be consulted is attached at **APPENDIX 3**.

**1.14** The draft Policy will be published on the Authority's website and interested parties will be invited to respond using the following link:  
[www.staffordbc.gov.uk/sex-establishment-policy-consultation](http://www.staffordbc.gov.uk/sex-establishment-policy-consultation)

Hard copies are available upon request from the Authority's Licensing Section, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **2 Definitions**

### **2.1 The Act**

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

### **2.2 The Policy Statement**

This refers to this Policy.

### **2.3 Sex Shop**

A sex shop is any premises, vehicle, vessel, or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- (a) sex articles
- (b) other things intended for use in connection with or for stimulating or encouraging: -
  - (i) sexual activity;
  - (ii) acts of force or restraint which are associated with sexual activity.

## 2.4 Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging:

- (a) sexual activity;
- (b) acts of force or restraint which are associated with sexual activity;
- (c) anything: -
  - (i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - (ii) to any recording of vision or sound, which:
- (d) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (e) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

## 2.5 Sexual Entertainment Venues

Further to amendments provided by section 27 Policing and Crime Act 2009, a Sexual Entertainment Venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer unless an exemption applies”. The exemptions are defined fully in the legislation.

This includes any vessel, vehicle, or stall but not a private dwelling to which the public are not permitted.

## 2.6 Relevant Entertainment

Relevant entertainment is “any live performance or 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 an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g., where the entertainment takes place in private booths).

Relevant entertainment includes, but is not limited to:

- lap dancing,

- pole dancing,
- table dancing,
- strip shows,
- Peep shows,
- live sex shows
- topless bars

**2.7** Although this list is not exhaustive, it is the relevant entertainment itself and not the name that defines the activity. For example, a fitness class, based upon the actions of pole dancing would not normally be considered a relevant entertainment requiring a sex establishment licence.

**2.8** A display of nudity would not automatically be provided solely or principally for the purpose of sexually stimulating any member of the audience. If a display of nudity forms part of a drama or dance performance in a theatre, then it would be unlikely to be classified as relevant entertainment. Such displays would be considered on a case-by-case basis.

## **2.9 Sex Cinema**

A sex cinema is defined as premises used to a significant degree for the exhibition of moving pictures concerned with relevant images:

- (a) Relevant images are defined as images which deal with or relate to or are intended:
  - i. to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity.
  - ii. are concerned primarily with the portrayal of, or primarily deal with or relate to genital organ or urinary or excretory functions.
- (b) Whether premises provide a significant degree of relevant images is determined quite simple in that any premises showing British Board of Film Classification R18 film (a legally restricted classification primarily for the explicit works of consenting sex or strong fetish material involving adults) images to a public audience will require a sex cinema licence.

**2.10 The Organiser**

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

In most cases this will refer to the manager of the premises concerned but on occasion it may also refer to someone who organises the relevant entertainment on behalf of those who are responsible for the management of the premises.

**2.11 Display of Nudity**

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- in the case of a man: exposure of his pubic area, genitals or anus.

**2.12 Relevant Locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment.

**2.13 Character of the Relevant Locality**

The character of the Relevant Locality, where the premises is situated will be instrumental in determining whether the grant of a licence will be appropriate. This is a proper matter for the Authority to consider based on local knowledge, factors, and circumstances.

**2.14 Permitted Hours**

These are the hours of activity and operation that have been authorised under a sex establishment licence. These may vary from premises to premises and will be considered on individual circumstances.

**2.15 Authority**

Means Stafford Borough Council.

**3 Policy Considerations and Relevant Locality**

**3.1** The locality and the area that this covers, is a matter for the Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence. The decision will be based upon

the principle of reasonableness but may not be a clearly defined area or have precise boundaries.

- 3.2** In accordance with Section 17 of the Crime and Disorder Act 1998, the Authority is under a duty to exercise its functions with due regard to the likely effects on crime and disorder. It aims to do all it can to prevent crime and disorder in its area. The possible impact of crime and disorder are clearly relevant factors in the consideration of all applications. In giving due regard to these possible implications, Members will consider all the information available to them and any representations made by Staffordshire Police, the applicant, and any objectors.

## **4 Waivers**

- 4.1** The Authority will not normally grant a waiver for a sex establishment licence but will consider applications on their individual merits. Applicants will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived.
- 4.2** Waiver applications will be considered by the Licensing and Appeals Committee, or delegated sub-committee thereof, and reasons shall be given of the decision taken.

## **5 The Application process**

- 5.1** An application for the grant, variation, renewal or transfer of a sex establishment licence must be made in writing on the relevant application form to the Authority in accordance with the requirements set out below.
- 5.2** The address at which the Authority will accept applications and notices is:
- (a) By post/personal service to: Licensing Section, Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ.
  - (b) By email to [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk).
- 5.3** For all enquiries you can contact the Licensing team on 01785 619745.

## **6 Application for the Grant of a Licence**

- 6.1** The Authority may grant to any applicant a licence for the use of premises as a sex establishment on such terms and conditions as specified by the Authority.
- 6.2** A licence will only be granted for a maximum of one year at a time.

**6.3** The Authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

**6.4** To apply for the grant of a sex establishment licence an applicant must submit:

- (a) A completed application form;
- (b) The Rules and Code of Conduct relating to both customers and performers;
- (c) The relevant fee (please note that there is a fee payable upon application and a further fee payable should the licence be granted);
- (d) A site plan (scale 1:1250 or 1:500) showing the whole curtilage of the premises (edged in black) (see Section 7 below);
- (e) A layout plan (scale 1:50 or 1:100) of the premises to which the application relates (see Section 7 below);
- (f) Plans or drawings (scale 1:50 or 1:100) showing the public-facing elevations of the Premises as existing and as proposed (see Section 7 below);
- (g) Display a notice on or near the premises (see section 8 below);
- (h) Advertise the application in a local newspaper no later than 7 days after the date of the application; and
- (i) Send a copy of the application and plan to the Chief Officer of Police for the area within 7 days of making the application to the Authority.

**6.5** Application forms, sample advertisements and site notices are available on request from the Licensing Section at [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)

**Note:** Applications may take 8-12 weeks to determine.

## 7 Plans

**7.1** Any Application for a Licence to operate a Sex Establishment Venue must be accompanied by the following plans, unless agreed in writing beforehand:

- 1 A site plan, drawn at a scale of 1:1250 or 1:500 showing:

- (a) The whole curtilage of the Premises (edged in black) in the context of its setting; and
  - (b) The proposed sex establishment in relation to other premises within 100 metres of any part of the Premises' curtilage.
- 2 A layout plan of each floor of the Premises, drawn at a scale of 1:50 or 1:100, including a legend through which the matters mentioned below are sufficiently illustrated using symbols on the plan, showing:
- (a) The area(s) to be licensed must be clearly identified by outlining these areas in red.
  - (b) All external and internal walls of the building and, if different, the perimeter of the Premises;
  - (c) The location of points of access to and exits from the premises, any parts used in common with any other building and indicating how the premises lie in relation to the street;
  - (d) If different from paragraph (2)(b), the location of escape routes from the Premises;
  - (e) In a case where the premises is used for more than one existing activity, the area within the Premises used for each activity.
  - (f) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - (g) In a case where the Premises includes a stage or raised area, the location and height of each stage or area, relative to the finished floor level of each floor of the building or Premises;
  - (h) In a case where the premises includes any steps, stairs, elevators, or lifts, the location of the steps, stairs, elevators, or lifts;
  - (i) The dressing room(s) of performers;
  - (j) The designated area(s) where performances take place;



- (k) Any private screened area where performances may take place;
  - (l) In a case where the premises includes any room or rooms containing public conveniences, the location of such room or rooms;
  - (m) Any areas designated for staff use only including offices, storage, and toilets;
  - (n) The location and type of any fire safety and any other safety equipment; and
  - (o) The location of any kitchen or food preparation areas on the premises.
- 3 Elevation plans or drawings (scale 1:50 or 1:100) of the Premises, showing all public-facing elevations of the Premises as existing and as proposed. Such plans shall be amplified by larger scale plans or drawings, as necessary, to show any proposals for window displays or marketing / promotional information relating to the proposed use of the Premises.

## **8 Public Notices**

- 8.1** A notice, must be displayed at or on the premises to which the Application relates for a period of no less than 28 consecutive days beginning with the date of the application, where it can be easily and conveniently read from the exterior of the premises by any passing member of the public.
- 8.2** Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 8.3** The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 8.4** The notice must state:
- (a) the details of the application and activities that it is proposed will be carried on or from the premises;
  - (b) the full name of the applicant;

- (c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;
- (d) the date, being 28 days after that on which the application is given to the Authority, by which objections may be made to the Authority and making clear that any such objections should be made in writing;
- (e) that it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.

**8.5** A similar notice must be published in a local newspaper circulating in the area within 7 days of giving the application to the authority **(proofs of this must be supplied to the authority as part of the bundle of Application documents).**

**8.6** A copy of the notice must also be served on the Chief Officer of Police at Police Licensing Unit, Ground Floor, Block 9, Staffordshire Police Headquarters, Weston Road, Stafford, ST18 0YY.

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

## 9 Variation of a Licence

**9.1** The holder of a sex establishment licence may apply at any time for any variation of the terms, conditions, or restrictions on or subject to which the licence is held.

**9.2** The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the Premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.

**9.3** Dependant on the scope of the variation, public advertisement may, or may not, be required. Applicants should check the advertisement requirement by contacting [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)

## 10 Renewal of a Licence

**10.1** The holder of a sex establishment licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

- 10.2** A licence will only be granted for a maximum of one year at a time.
- 10.3** The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.
- 10.4** The authority will not accept applications for the renewal of a sex establishment licence more than 3 months in advance of the renewal date.
- 10.5** The authority will determine renewal applications on their individual merits taking into account the facts of the application and any objections received. Opposed applications will be referred to the Authority's licensing committee for determination. Applicants should note that the Courts have confirmed that Authorities are entitled to look afresh at renewal applications and, accordingly, it is open to the Authority to refuse to renew a licence even where there has been no change in the character of the relevant locality, or in the use to which any Premises in the locality are put.

## **11 Transfer of Licence**

- 11.1** A person may apply for the transfer of a licence at any time.
- 11.2** The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required provided that there have been no changes to the layout or external appearance of the Premises since the granting of the Licence.

## **12 Determination**

### **12.1 Mandatory Grounds for Refusal**

Under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, an application must not be granted:

- (a) to any person under the age of 18 years.
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the appropriate authority within the last 12 months.
- (c) to any person, other than a body corporate, who is not resident in the United Kingdom.; or

- (d) to a corporate body which is not incorporated in the United Kingdom; or
- (e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made unless the refusal has been reversed on appeal.

## **12.2 Discretionary Grounds for Refusal**

**12.2.1** The Authority may also refuse a licence where:

- (a) The applicant is unsuitable to hold a licence because they have been convicted of a criminal offence or some other reason associated with the Council's Licensing Objectives.
- (b) If the licence were to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of another person who would have been refused the grant, renewal or transfer of the licence if he/she had made the application him/herself;
- (c) 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 considers to be appropriate for that locality (nil may be an appropriate number for these purposes);
- (d) The grant or renewal of the licence would be inappropriate, having regard;
  - to the character and/or nature of the relevant locality; and/or
  - to the use to which any premises in the vicinity are put; and/or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

**12.2.2** Applications for the transfer of an issued sex establishment licence may only be refused on grounds (a) and (b) above.

**12.2.3** Any decision to refuse a licence must be relevant to one or more of the above grounds.

**12.3** In circumstances such as those given in 12.2.1 (b) above, where the application for a licence to be granted, renewed or transferred and the business to which it relates would be managed or carried on for the

benefit of a person other than the applicant and that person would have been refused a licence if they had applied themselves, the Local Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. Each application will be considered on its own merits and the Authority shall normally consider:

- comments/observations of the Police and the Authority's personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- the suitability and fitness of an applicant/operator to hold a licence.
- the determination of the business benefit is a matter for the Local Authority to decide at the time the application is made.

**12.4** In 12.2.1 (d) above, the character and/or nature of the relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter for the Authority to decide at the time the application is made. Each application will be considered on its own merits, and it should be noted that some localities may be considered as suitable for sex shops but not for sexual entertainment venues and vice versa or, furthermore, none at all.

**12.5** In determining the character and/or nature of the relevant locality and the appropriate number of sex establishments in that relevant locality, the Authority will take into account, but not limit its determination to:

- (a) the use to which any premises in the vicinity are put;
- (b) the number of existing sex establishments both in total and in respect of each type (i.e., sex shops, sexual entertainment venues and sex cinemas);
- (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment or associated with an adult or sexual nature;
- (d) the proximity of residents to the premises. In particular, any sheltered housing or accommodation for vulnerable persons;
- (e) the proximity of educational establishments to the premises;
- (f) the proximity of places of worship to the premises, or any other religious establishment;

- (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- (h) the proximity to shopping centres;
- (i) the proximity to community facilities/halls and public facilities such as swimming pools, leisure centres, public parks, youth centres/clubs;
- (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
- (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated.
- (l) a Conservation Area within the meaning of the Town and Country Planning Acts and any associated legislation;
- (m) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
- (n) any evidence of complaints about noise and/or disturbance caused by activities undertaken at the Premises;
- (o) any current planning permission (including any relevant conditions) or Lawful Development Certificate relating to the authorised use of the premises;
- (p) any relevant local or national planning policy considerations; and/or
- (q) any current permissions relating to other nearby premises in respect of licensable activities and operating hours etc.

**12.6** When determining an application for the grant of a sex establishment licence, the Authority shall have regard to the policy statement, the relevant guidance issued by the Home Office and provisions set out above, but subject to the overriding principle that each application will be determined on its own merits.

The Authority will take into account:

- previous demonstrable knowledge and experience of the applicant and their managerial competence;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other administrative area of the British Isles;

- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant;
- that the operator is proposing a management structure which will deliver compliance with operating conditions, and policies detailing the training of staff and welfare of performers as well as means to protect the public; and
- any other relevant reason.

**12.7** Applications in respect of premises must state the full address of the premises.

**12.8** Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

**12.9** The Authority would normally expect that applications for licences for permanent commercial premises would be supported by evidence of the lawful use of the Premises by either having the appropriate Planning Permission or Lawful Development Certificate for the property concerned.

## **13 Granting a Licence**

**13.1** All applications for the grant of a new sex establishment licence will be referred to the Authority's Licensing Committee or relevant sub-committee for determination.

**13.2** In determining the application, the said Committee will have regard to this policy statement, any limitation on the number of permitted sex establishments, the merits of the application and any objections, if any, that have been made.

**13.3** Any licence approved does not constitute any approval under any other Acts such as the Town and Country Planning Act 1990 (as amended), or Byelaws. The applicant should note that sex establishments fall within a particular Planning land use category and that they must ensure that all necessary permissions and approvals are obtained prior to bringing any licensed activity into operation.

## 14 Representations/Objections

- 14.1** When considering an application for the grant, renewal, variation or transfer of a sex establishment licence the authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections/representations that have been received from anyone else within the statutory consultation period.
- 14.2** Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 14.3** Objections must not be frivolous, vexatious or malicious and should not be based on moral grounds or values but must be on those grounds which the Authority may properly consider. These grounds are outlined at paragraphs 12.1 and 12.2. of this document.
- 14.4** Objectors must give notice of their representations in writing, stating the general terms of the objection and any specific or detailed points of concern. Valid representations must be made within 28 days of the application being submitted. Representations made, up to 3 months, before the Application is submitted can be considered.
- 14.5** Where the authority receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Authority shall not, without the consent of the person making the objection, reveal the name or address of the objector to the applicant.

## 15 Hearings

- 15.1** Where applications are referred to a Licensing Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made, or such other timescale that shall have been agreed in writing with the applicant.
- 15.2** Where a Hearing is required to determine an application, it is the Policy of this Authority to disclose the names and addresses of objectors unless there are clear reasons to depart from the Policy, since this supports the objective of transparency in decision making. The Head of Regulatory Services (or other appropriate Chief Officer) will make the final decision on whether details of objectors are to be disclosed.
- 15.3** The Hearing provides all parties to the application, including those making objections, the opportunity to air their views openly and those views will be considered by the Licensing Committee.



**15.4** Upon refusal of an application on one or more grounds, the Licensing Committee will provide the applicant with reasons for the refusal in writing within 7 days.

## **16 Appeals**

**16.1** There is no right of appeal:

- (a) Against the mandatory grounds for refusal as detailed in section 12.1.1 (a), (b), (c), (d), and (e) above, unless the applicant can prove that the ground of refusal does not apply to them, and
- (b) Against the grounds as detailed in Section 12.2.1 (c) and (d) which can only be challenged by the applicant by way of judicial review.

**16.2** All relevant grounds for appeal, other than these detailed at point (a) and (b) above can be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision.

**16.3** There is no right of appeal for objectors.

## **17 Fees**

**17.1** The fees set are deemed to be reasonable to cover the cost of administration, enforcement in relation to licensed operators, inspections, and any hearings and are not refundable. The fees are set annually and are published in the Authority's Table of Fees and Charges.

## **18 Standard Conditions**

**18.1** The Standard Conditions for Sexual Entertainment Venues are attached at **APPENDIX 1**.

## **19 Specific Conditions**

**19.1** Under schedule 3(8) of the Local Government (Miscellaneous Provisions) Act 1982 the Authority may grant to an applicant, and from time to time renew, a licence for a sex establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of sex establishment licence.

## 20 Duration of Licence

- 20.1 Unless there are exceptional circumstances for doing otherwise, the Authority shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

## 21 Exempt Sexual Entertainment Code of Practice

- 21.1 The Government has seen fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the Authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime and disorder and an inability of regulatory bodies to respond accordingly.
- 21.2 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an Exempt Sexual Entertainment Code of Practice. The intention of the Code of Practice is to promote responsible and properly managed exempt sexual entertainment. The Authority expects any Premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.
- 21.3 A copy of the Code of Practice is attached at **APPENDIX 2** of this policy statement.

## 22 Enforcement

- 22.1 In general, action will only be taken in accordance with agreed enforcement procedures and principles in line with the Authority's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.
- 22.2 Other Authorities and/or Regulatory Bodies who consider enforcement appropriate remain operationally independent and will act as they deem necessary.

NOTE: No conditions will be attached to a licence that duplicates primary legislation such as Health and Safety or Fire Regulations. It is expected that there will be compliance with primary legislation, always, and failure to do so will result in enforcement action.

## 23 Licensing Act 2003

- 23.1 The provision of dancing and associated background live/recorded music which is integral to the provision of relevant entertainment, such as lap dancing will not require a license under the Licensing Act 2003, providing an authorisation under this policy is in force.
- 23.2 If the premises wishes to provide other licensable activities such as sale of alcohol, late night refreshment or the provision of music to allow members of the audience to dance, then a Premises Licence under the Licensing Act 2003 will be required.

## 24 Immigration Act 2016

- 24.1 Under the Immigration Act 2016, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. Licence holders and applicants are required to check the residency status and right to work of anyone who is employed to trade under a sex establishment licence. For more information on the Immigration Act 2016, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any licence holder found to allow an illegal worker to work as part of their activities is likely to have their licence reconsidered at renewal.

## 25 Policy Review

- 25.1 This policy statement will be reviewed periodically and at any time when significant legislative changes occur. Any significant amendments will be subject to public consultation and endorsed by the Authority's Executive.
- 25.2 Any minor amendments or textual changes to this Policy, which do not alter the substantive content, may be authorised by the Head of Service responsible for Licensing and undertaken in accordance with the Authority's Constitution.
- 25.3 The Standard Conditions appended to this policy (**APPENDIX 1**) do not form part of the policy document, although may be referred to within the policy. These Standard Conditions could be subject to change during the duration of this policy, but such amendment may not result in review of this policy.

**Standard Conditions Regarding Sexual Entertainment Venues**

In these conditions:

‘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).

‘Authority’ means Stafford Borough Council.

‘Borough’ or ‘Town’ means the administrative area of Stafford Borough Council in its entirety, including the towns of Stafford, Stone and Eccleshall.

‘Premises’ means any vessel, vehicle, stall, building, forecourt yard, place of storage or any part of any of these where Relevant Entertainment takes place and is the subject of a licence.

‘Plans’ means any or all of the Plans or Drawings as defined in section 7 of the Policy.

In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

**General Conditions:**

- 1 The premises shall only permit adult entertainment between the hours stated on the licence as determined by the Authority.
- 2 Only activities which have previously been agreed in writing by the Authority shall take place.
- 3 The agreed activities shall take place only in designated areas approved by the Authority.
- 4 There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Borough any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
- 5 Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the Premises.

- 6** No person(s), providing they are of relevant age, should be excluded from entering the Premises on the grounds of gender, race, disability or sexual orientation.
- 7** A copy of the licence is to be displayed prominently at the Premises at all times.

**Advertisements, solicitation and displays**

- 8** There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the respective Town or overall Borough, advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the Premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including in any of the following ways:
  - (a) by means of personal solicitation in the locality of the licensed premises;
  - (b) by means of leafleting in the locality;
  - (c) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Authority’s administrative area; and/or
  - (d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

**Premises**

- 9** Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the Plans, including any change in the permitted signs on display shall not be made except with the prior approval of the Authority.
- 10** A clear Notice shall be displayed inside the entrance to the premises in the following terms:

“Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises.”
- 11** Any Relevant Entertainment or performance carried out at the Premises must not be visible from adjacent or nearby public places (e.g. highways), and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not be present in the entrance area or in the vicinity of the premises.

- 12** When the premises are open for Relevant Entertainment no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 25 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

**Management and Licensee**

- 13** Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change.
- 14** The premises shall maintain a refusals log whereby on any occasion a person is refused entry it shall be recorded, and such a log made available upon request by the Police or an authorised officer of the Authority.

**Conditions regarding performers**

- 15** Relevant Entertainment may only take place in 'designated areas' that are marked on the Plans of the Premises.
- 16** The customers and/or members of the audience must, at all times, remain fully clothed.
- 17** Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.
- 18** A 'Signing-in' Register shall be kept at the Premises that records the time that the performer starts and finishes at the Premises. This shall be made available for immediate inspection by a Police Officer or authorised officers of the Authority.
- 19** During any performance there must be no physical contact between the performer and any customer or member of the viewing public.
- 20** Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
- 21** No performances shall include any sexual act with objects.
- 22** No performances shall include animals.

- 23** There shall be no nudity by performers in public areas of the premises, unless the Authority has agreed in writing that the area may be used for performances of Relevant Entertainment.
- 24** At the completion of the Relevant Entertainment the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any public area of the Premises in a state of undress.
- 25** Performers are not to solicit, exchange addresses, telephone numbers or social media contact details with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
- 26** An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only, whilst the performers are on the Premises and shall be marked on the Plans of the Premises.
- 27** There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of Relevant Entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can, always, be easily and conveniently read by persons inside the Premises.
- 28** Literature and contact details of organisations that provide advice and counselling on matters relating to:
- (a) Modern slavery;
  - (a) Domestic abuse;
  - (b) Coercive control; and
  - (c) Rape and sexual assault,
- shall be made available to performers free of charge in their designated changing room / area.

**Briefing**

- 29** Prior to performers carrying out any Relevant Entertainment on the Premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

**Door-Supervisors**

- 30** Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the Premises whilst Relevant Entertainment is taking place.
- 31** The licence holder, or his nominated deputy who is authorised in writing, or door- supervisors, shall carry out regular monitoring of all areas of the Premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.
- 32** Door-supervisors shall regularly monitor the area immediately outside the Premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.
- 33** A dedicated SIA-registered door supervisor shall remain, at all times, in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.
- 34** When performers leave the Premises they are to be escorted to their cars or taxi by a door- supervisor or member of staff.

**CCTV System**

- 35** A digital CCTV system shall be installed and be maintained in good working order, shall record, at all times, the Premises are open, and recordings shall be kept for 28 days. The CCTV system is to be installed in all areas as recommended by the Staffordshire Police Licensing team.
- 36** The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.
- 37** Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Authority (who will carry identification).
- 38** No CCTV footage is to be copied, given away or sold (except as required by Police/Authority for investigation/enforcement purposes).
- 39** Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.



**40** Notices shall be displayed informing customers of the presence of CCTV.

**Goods available in Sex Establishments**

- 41** Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging, sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned, or demonstrated in a Sex Cinema or Sexual Entertainment Venue.
- 42** All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment Venue.
- 43** No film or video film shall be exhibited, sold, or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

**Sexual Entertainment Code of Practice.**

- 1 Operators/licenseses will notify the Authority and Police Licensing Sections of events where sexual entertainment is due to take place.
- 2 All sexual entertainment should only take place in one designated area inside the Premises, and this shall not be visible from any public place (e.g. highway) outside of the Premises.
- 3 Private performances should only take place inside screened-off private booths. However, the front of these booths must not be covered or obstructed, so that managers and SIA door- supervisors are able to monitor activity inside the booths.
- 4 A clear notice should be displayed inside the entrance to the designated area stating:  
  
    "Sexual entertainment takes place on these premises. No persons under 18 shall be admitted."
- 5 Scantily clad individuals performing in the premises must not be present in the entrance to or in the vicinity of the Premises and individuals not performing shall not remain in any area of the Premises in a state of undress.
- 6 Customers must, at all times, remain fully clothed.
- 7 During any performance there must be no physical contact between the performer and any member of the viewing public/private customer.
- 8 No performance shall include any sexual act with other performers, customers or viewing public.
- 9 An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only.
- 10 A minimum of one SIA registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with these rules.
- 11 The area in which sexual entertainment is to take place shall be covered by CCTV from which footage shall be stored for a minimum of 28 days and produced to Police or Authority officers on request.
- 12 A list of all performers shall be available on the premises for immediate production if requested by Police or Authority officers. This list shall contain full names, dates of birth and contact details (address or telephone number).

- 13** Rules 2, 3, 5,7,8,9 and 10 shall be drawn to the attention of all performers and promoters prior to activity commencing.

Rules 6, 7 and 8 shall be prominently displayed to customers at appropriate locations within the premises.

**Consultees**

**Staffordshire Police Licensing**

Police Licensing Unit  
Ground Floor, Block 9  
Staffordshire Police Headquarters  
Weston Road  
Stafford  
ST18 0YY

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

**Fire Safety Officer - Licensing Application**

Western Service Delivery Group  
Staffordshire Fire and Rescue Service  
Cannock Community Fire Station  
Old Hednesford Road  
Cannock  
WS11 6LD

[wsdg.firesafety@staffordshirefire.gov.uk](mailto:wsdg.firesafety@staffordshirefire.gov.uk)

**Chief Officer of Police**

Police Licensing Unit  
Ground Floor, Block 9  
Staffordshire Police Headquarters  
Weston Road  
Stafford  
ST18 0YY

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

**Licensing Authority**

**Julie Wallace - Licensing Manager**

Regulatory Services  
Stafford Borough Council  
Civic Centre, Riverside  
Stafford  
ST16 3AQ

[jwallace@staffordbc.gov.uk](mailto:jwallace@staffordbc.gov.uk)

**The Officer in Charge**

Children and Lifelong Learning  
The Walton Building  
Martin Street  
Stafford  
ST16 2LH Health and Safety

**Regulatory Services Manager**

Regulatory Services  
Stafford Borough Council  
Civic Centre, Riverside  
Stafford  
ST16 3AQ

[ehtechsupport@staffordbc.gov.uk](mailto:ehtechsupport@staffordbc.gov.uk)

**Richard Harling**

**Director of Public Health at Staffordshire County Council**

Number 1, Staffordshire Place,  
Stafford  
ST16 2LP

[richard.harling@staffordshire.gov.uk](mailto:richard.harling@staffordshire.gov.uk)

**Economic Development and Planning**

Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

[planning@staffordbc.gov.uk](mailto:planning@staffordbc.gov.uk)

**Staffordshire Trading Standards**

First Floor, Staffordshire Place 1  
Stafford  
ST16 2DH

[licensing@staffordshire.gov.uk](mailto:licensing@staffordshire.gov.uk)

Local businesses, licensed premises and residents will also be informed.

- Stafford Borough Council's responsible authorities
- Representatives of local businesses, including the Chamber of Commerce
- Local residents and their representatives
- Local town and parish councils, plus surrounding local authorities
- Local Member of Parliament
- Local Community Safety Partnership
- Elected members and departments of the Council





## Agenda Item 7(b)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Head of Wellbeing
<b>Contact Officer:</b>	Anna Nevin
<b>Telephone Number:</b>	01785 619176
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing Scrutiny 18/07/23 (Only)
<b>Key Decision:</b>	N/A

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## 2022/2023 Performance Reporting

### 1 Purpose of Report

- 1.1 To provide an update for Members on performance for Quarter 4 in 2022-2023.

### 2 Recommendation

- 2.1 That the information be noted.

### 3 Key Issues and Reasons for Recommendation

- 3.1 The Corporate Business Plan 2021-2024 sets out the Council's priorities and actions to deliver these. This report presents the performance information for Quarter 4 2022 - 2023.
- 3.2 All 15 deliverables in the plan are on target. Of the performance indicators, 9 exceed the targets, 2 are on target and 6 below target. Improvement reports are provided for those below target.

### 4 Relationship to Corporate Business Objectives

- 4.1 The indicators and actions deliver all priorities in the Corporate Business Plan. Community Wellbeing Scrutiny focusses particularly on Corporate Objective Two, "To improve the quality of life of local people by providing a safe, clean

attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.”

## **5 Report Detail**

- 5.1 The report provides an overview of the performance for Quarter 4 2022-2023 for the Community Wellbeing Scrutiny Committee. The performance report is detailed in the attached **APPENDIX**.
- 5.2 Of the narrative updates to the delivery plan, all 15 of the actions are on target. There have been a number of successes including, £3,000 of small grants being awarded to 3 groups in the Borough and, £2,820 to 5 groups. The evaluation of the Warm Space scheme has shown that the initiative has been successful and has supported over 600 residents through the winter, with one venue seeing around 90 visitors a day. The Stafford Half Marathon and Fun Run saw over 2,000 runners taking part.
- 5.3 All new CCTV cameras were in place in Quarter 4 taking the total number of cameras in operation to 122, with around 147 images being monitored. The Community Safety Team have also been proactive in tackling anti-social behaviour by issuing a number of notices.
- 5.4 9 of the performance indicators for the end of 2022-2023 exceeded the target, 2 were on target and 6 below target. Those that were below target have an improvement report.

## **6 Implications**

### **6.1 Financial**

### **6.2 Legal**

### **6.3 Human Resources**

### **6.4 Human Rights Act**

### **6.5 Data Protection**

**6.6 Risk Management**

**6.7 Community Impact Assessment Recommendations**

**Impact on Public Sector Equality Duty:**

**Wider Community Impact:**

**7 Previous Consideration (Part)**




Cabinet - 8 June 2023 – Minute No CAB6/23



**8 Background Papers**

Corporate Business Plan 2021-2024






## Priority 2 - Community


## Delivery Plan - Progress Report for 2022-23 Year End

KEY	Description	Number of Actions
	Action completed	0
	Work on Target	15
	Work behind schedule	0

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
	<b>Work in partnership to sustain support for vulnerable residents</b>			
2.1.1	To work in partnership to provide support to our communities and the voluntary sector	March 2024		Stafford Borough Small Grants Panel awarded a total of £3,000 to 3 groups in the Borough and Stafford Borough Sports Grants awarded a total of £2,820 to 5 groups in the Borough.
	<b>Keep the streets and parks clean and attractive for everyone to enjoy</b>			
2.2.1	Investigate appropriate enviro crime complaints within 72 hours of receipt	31.03.2023 (annual target which is monitored quarterly)		248 reports investigated within the quarter, 223 dealt within the time frame.

2.2.2	Deliver high quality Neighbourhood Services to ensure that town centres, parks and open spaces are clean, tidy, and attractive	31.03.2023 (annual target which is monitored quarterly)	✓	81 Land Audit Management Systems (LAMS) inspections were carried out in the period with the following results: Streets Cleansing achieving 89.8*% Grade B or better and Grounds Maintenance achieving 92.1% Grade B or better. Customer Satisfaction Survey carried out by the Customer Contact Centre with residents who called in specifically for Streetscene related issues. Response from 226 residents was 97.8% positive in the range of 'satisfactory to excellent' regarding the cleanliness of the town centres.
2.2.3	Monitoring of construction works associated with major infrastructure eg M6 Smart Motorways and HS2	From April 2021 and then on-going	✓	Discussions are continuing with the HS2 Phase 2a Planning Forum – Environmental Health Subgroup, of which our officers are members. The purpose of the group is to discuss any potential air quality, noise, vibration and contaminated land issues associated with the construction and operation of HS2 Phase 2a, and appropriate mitigation measures. The Council continues to receive further section 61 applications for works.
2.2.4	Encourage households to increase recycling and minimise residual waste because this will be good for the environment and reduce collection and disposal costs	31.03.2023 (annual target which is monitored quarterly)	✓	Continuing to work with Veolia to identify contamination issues, visit to the Materials Recovery Facility planned to monitor and understand sampling process outcomes. Ongoing work with Housing Associations, landlords and schools to improve awareness and encourage proper use of all; bins provided. Awaiting delayed response outcome from the Resources & Waste Strategy for further guidance on waste and recycling acceptance criteria and possible future service changes.
<b>Support and promote community health and wellbeing to all our residents and businesses</b>				

2.3.1	Support partners to set up initiatives to improve and enhance health and wellbeing of residents	On-going		The Warm Space Scheme has been successful. Half the venues supplied data and this showed they supported over 600 residents. The central hub saw close to 90 visitors every day. The majority of people who attended the Warm Spaces were aged over 65 and single, with one venue reporting a high number of visitors aged over 90. Over 30% of visitors attended every session highlighting the importance of the session to them. The most common concerns of residents related to physical and mental health, accounting for 46% of issues raised by visitors. Other issues of concern among attendees were debt, rent arrears and energy bills, all of which will have an adverse impact on a person's health. A series of webinars were recorded for volunteers on some of these key issues being raised so they were able to advise visitors where appropriate and signpost people to the relevant services.
2.3.2	Support the co-ordination of high profile events run by Freedom Leisure	31.03.2023 (annual target which is monitored quarterly)		The Stafford Half Marathon and Fun Run took place on 12th March, with over 2,000 runners taking part. The Shakespeare production also took place.
2.3.3	Support the promotion of and use of town centres in the borough	31.03.2023 (annual target which is monitored quarterly)		Due to the refurbishment of Market Square some events have been curtailed however alternative arrangements have been made for Stafford's monthly Farmers Markets, and Greengate Street is being used until the completion of the works. Stone's monthly markets are continuing. There have been no Stafford Walking Street events this quarter. Victoria Park held a Half Term Event, in February, called Craft and Meet the Keeper Activities.
2.3.4	Work towards all businesses being compliant with environmental regulations	From April 2021 and then on-going		Programmed inspections continue to be undertaken in accordance with the Recovery Plan laid out by the Food Standards Agency.
<b>Work with partners to ensure the borough is a safe place to be at all times</b>				
2.4.1	To assist in the operational delivery of,	March 2024		At the end of this quarter the CWP received the strategic assessment for Stafford Borough which will inform the

	and lead on, the implementation of specific initiatives that support the reduction of crime and vulnerability in the Borough (as per the recommendations in the Community Safety Strategic Assessment)			partnerships priorities. Discussions are underway on the use of the locality deal funding. Further funding has been secured to extend the taxi marshal service to a Friday night. The service has shown to reduce incidents of ASB/Crime on a Saturday night, has encouraged taxi drivers to operate during the night time economy and has increased public confidence. Work on the new Public Spaces Protection Order is underway. Consultation with partners was the first step in moving this forward. All new CCTV cameras have now been installed and are operational taking the total number of cameras in operation by SBC to 122 with circ 147 images being monitored. A new outreach hub has been developed and will be piloted in the coming weeks to support early intervention around ASB and vulnerable persons. A new ASB email address has been set up and a new reporting form has been developed to ensure that ASB is easily reported by victims and risk is appropriately addressed by officers. Communications are being developed to promote this.
2.4.2	To ensure that the authority adheres to its statutory responsibility in respect of the Prevent, Safeguarding and Domestic Abuse (DHR's)	March 2024		No safeguarding referrals have been received this quarter. Officers continue to engage in and contribute to cases on channel panel and attend the prevent board. Safeguarding training is being reviewed with Cannock to look at a shared policy and training package. We are working to ensure that new & expected legislation & government strategies are built in to our working practices such as the Modern Slavery Bill, Domestic Abuse Plan and Martyns Law.




2.4.3	Utilise procedures and processes to investigate reported incidents of anti-social behaviour	March 2024	✓	<p>During Q4 37 new reports of ASB were received by the council. This is higher than the previous two quarters and that of Q4 last year. These complaints have been a mixture between housing provider properties, private rented and owner occupied dwellings.</p> <p>The vulnerabilities hub held each week provides an opportunity to discuss any concerns and collaborate with multiple agencies to problem solve at an early stage.</p> <p>To assist in tackling the ASB reported within this Quarter, the following have been served by the Council.</p> <ul style="list-style-type: none"> <li>• 1 Community Protection Notice Warning (CPNW)</li> <li>• 2 Community Protection Notices</li> <li>• 13 Community Protection Notice Warnings following section 35 dispersal notices issued by the Police</li> <li>• 1 Fixed Penalty Notice for breaches of the PSPO</li> <li>• 3 Fixed Penalty Notices for breaches of current CPNs</li> </ul> <p>We have also been involved in developing a draft CPNW which has been distributed around Stafford Police, so that should officers witness ASB this can be used as an effective early intervention tool.</p>
<b>Work towards everyone having access to safe and suitable accommodation</b>				
2.5.1	Provide a comprehensive housing options service to prevent homelessness and support people into sustainable accommodation	On-going	✓	<p>Quarter 4 has been the third quarter this year that has seen unprecedented demand through the Housing Options Service. Although there has been an increase in prevention cases, the majority of cases approach at crisis point requiring complex multi-agency interventions and often emergency accommodation. A Housing Options Assistant has recently been recruited to support the team and a temporary full-time senior officer is assisting with the more complex cases.</p>




















2.5.2	Ensure good housing standards are delivered in the private sector	On-going	✓	The team returned to full strength by the end of the period, and have been able to undertake proactive work as well as responding to resident concerns. A project ensuring licenced HMOs continue to be safe and meet required standards has been undertaken. The externally funded Minimum Energy Efficiency Standards project has formally finished but work continues with landlords to bring the energy efficiency of properties up to standard. 47 Compliance Notices were issued this quarter, a number of which are likely to lead to further enforcement action.
2.5.3	Provide an effective and efficient service to deliver Disabled Facilities Grants	On-going	✓	Quarter 4 saw final preparations put in place for the new shared DFG service. This was the culmination of a year-long programme of work to design and deliver a new service. As much work as possible was completed during the final quarter of Millbrook's contract. People in urgent situations had key items of work prioritised, for example those receiving palliative care or with life limiting conditions. Others had part-works completed, for example a stairlift installed, whilst works like bathroom adaptations and extensions were passed over to the new service to progress.

## Priority 2 - Community




### Performance Indicators for 2022-23 - Year End Report



Description	Symbol	Number of KPIs
Performance exceeds target		9
Performance on target		2
Performance below target		6

No	Indicator	Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Year End Actual	Year End Rating
LI3	No of Enviro-crime complaints dealt with promptly and no longer than 72 hours after receipt	94%	99.7%	99.4%	99%	90%	97%	
LI4	No of residents who think the town centres are clean and tidy (%)	90%	100%	96.4%	98.4%	97.79%	98% (est)	
LI5	Kgs Residual Household Waste Collected per household	110	108.12	101.66	104.89	112.96	107 (est)	
LI6	% of household waste sent for reuse, recycling and composting	51%	52.8%	50.52%	45.10%	41%	47% (est)	
LI7	% of homeless cases resolved through prevention	35%	22%	18%	20%	30%	23%	


LI8	% of homeless cases resolved through relief	65%	78%	82%	80%	70%	77%	
LI9	No of DFGs completed	100	34	16	19	37	106	
LI10	No of households referred for energy efficiency measures	50	20	24	22	9	75	
LI11	Empty Homes brought back into use following Officer interventions	50	8	18	7	8	41	
LI12	No of households given advice on energy efficiency	90	113	210	137	199	659	
LI13	Days taken to process new HB/CT Claims	20 Days	18.42 Days	14.34 days	18.43 days	23.36 days	18.7	
LI14	Days taken to process new HB/CT change of circumstances	9 Days	7.29 Days	3.31 days	3.82 days	5.34 days	5.1	
LI41	No of sites with green flag status	6					6	
LI43	No of entries in the Community Awards	30					44	
LI52	Overall reported crime in the Borough	6849					8410	
LI53	Reported incidents of domestic abuse	2755					2959	
LI54	Reported incidents of ASB	2739					2031	

## Year End Improvement Report

No	Measure Detail	Target	End of Year	Performance	Context for current performance	Improvement Actions Taken
L15	Kgs Residual Household Waste Collected per household	110	107 (est)		Q4 performance is an estimate and it is considered the actual may be higher which will improve the position in relation to the target, if not achieving it.	The annual figure is only just below the target (3kgs) and is an estimate (see current context); it may still be achieved when actual figures become available.
LI6	% of household waste sent for reuse, recycling and composting	51%	47% (est)		Q4 figure is an estimate (as above). The quarter change is largely due to a reduction in garden waste due to time of year. This may improve when actuals figures are available.	Garden waste tonnages balance out across the year and the growing seasons. Nationally there is a trend in the reduction of recycling, as regulations and markets have tightened, and packaging has changed, in recent years.
LI7	% of homeless cases resolved through prevention	35%	23%		Demand on the Housing Options Team has continued to increase in Q4, which is traditionally our busiest time	Although staffing has been increased within the Housing Options Team, case loads remain above the national

LI8	% of homeless cases resolved through relief	65%	77%		<p>following the Christmas period and with Cold Weather Provision frequently being triggered. More households this quarter have presented earlier - at the Prevention stage - which improves our ability to resolve homelessness and obtain positive outcomes. Despite the increased number of preventions, there continues to be a high number of people experiencing complex needs being referred into the Housing Options Service that require multi-agency interventions.</p>	<p>average and team staffing and structures are being reviewed. The contract for exclusive use of the Bailey Guesthouse has been extended to protect the provision of emergency accommodation. The team continue working with commissioned specialist providers Turning Point and Humankind to provide high level supported accommodation for single homeless people with support needs. The existing arrangements with Eagle House (32 bed supported accommodation) have been reviewed to increase the level of support provided where required.</p>
LI11	Empty Homes brought back into use following Officer interventions	50	41		<p>The Empty Homes Officer (EHO) has been in post for 6 months and is picking up new and historical cases. As the post was vacant for a period of time there is now a lag in bringing properties back into use as interventions tend to</p>	<p>A programme of work is in place, properties are being prioritised and interventions are under way. There has been a successful application for a warrant of entry for a property which has received many complaints. The EHO</p>

					<p>take some time to lead to properties being reoccupied. The EHO is working closely with empty home owners and has a programme of proactive work underway. The owners are currently identifying the main barriers to bringing properties back into use as rising costs and higher interest rates. This is especially true for properties that require large amounts of work as the cost of materials is high. Despite this the officer continues to work closely with owners to find ways to bring the property into use.</p>	<p>has had appropriate training and has visited another local authority to understand how they bring properties back into use, this enables the sharing of good practice.</p>
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L152	Overall reported crime in the Borough	6849	8410		Recorded crime has increased compared to the period of the pandemic. Nationally overall recorded crime has returned to pre-pandemic levels While the increases in crime in the 2021-22 financial year were slower than those seen at a national level, the following six months of data (April 2022 to end of October 2022) shows that levels of reported crime have continued to steadily increase in Stafford. By the end of October 2022, monthly reported crime in Stafford has risen in line with the upper limit of 'normal' monthly levels; showing an increase on the previous 12 months which is slightly above the force-wide increase although similar to that seen across Staffordshire County overall.	The CWP will continue to work in partnership to address these issues
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## Agenda Item 7(c)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Head of Law and Governance
<b>Contact Officer:</b>	Ian Curran
<b>Telephone Number:</b>	01785 619220
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing Scrutiny Committee 18/07/23, Council 25/07/23
<b>Key Decision:</b>	N/A

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## Health Scrutiny: Joint Working Arrangements

### 1 Purpose of Report

- 1.1 To consider the revised Code of Joint Working Arrangements with Staffordshire County Council in respect of Health Scrutiny.

### 2 Recommendation

- 2.1 That Committee note the revised Code of Joint Working Arrangements with District and Borough Councils for Health Scrutiny attached as an **APPENDIX** (“the Joint Code”).

### 3 Key Issues and Reasons for Recommendation

- 3.1 The statutory responsibility for Health Scrutiny lies with Staffordshire County Council as the social care authority.
- 3.2 In practice, the County Council take the lead in scrutinising health matters that have a Staffordshire wide theme, while District Scrutiny arrangements are intended to deal with matters that have a local theme.
- 3.3 A Joint Code of Working Arrangements between the County Council and the 8 Staffordshire District Councils enables health matters to be scrutinised in the correct forum and helps reduce any duplication in scrutiny.



## **4 Relationship to Corporate Business Objectives**

- 4.1 Effective scrutiny arrangements will promote health and wellbeing (CBO 2).

## **5 Report Detail**

- 5.1 Social care authorities are given statutory responsibility to scrutinise health functions in their area. In Staffordshire this responsibility rests with Staffordshire County Council Health and Care Overview and Scrutiny Committee. It is important that any scrutiny of matters relating to health by district councils is co-ordinated with the functions of the County Council scrutiny to avoid any confusion or duplication.
- 5.2 A Joint Code has been in operation since 2003 and was last updated in 2015 in response to the introduction of the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013, implications of the Francis report and changes to the structure of the Health Service. In essence the code seeks to ensure that matters having a Staffordshire wide theme are scrutinised by the County Council, while district councils deal with matters with a local theme.
- 5.3 In order to enhance co-ordination of scrutiny, a County Council scrutiny member is also appointed as a member of each district health scrutiny committee and the Chair of the district health scrutiny committee is appointed as a member of the County Health and Care Overview and Scrutiny Committee.
- 5.4 The Staffordshire Leaders Board met on 9 March 2023, to consider the revised code, and agreed that the revised code should be adopted by each of the district councils. The code will be considered for adoption by Council at its meeting on 25 July 2023.

## **6 Implications**

### **6.1 Financial**

Nil

### **6.2 Legal**

Nil

### **6.3 Human Resources**

Nil

### **6.4 Human Rights Act**

Nil

**6.5 Data Protection**

Nil

**6.6 Risk Management**

Nil

**6.7 Community Impact Assessment Recommendations**

**Impact on Public Sector Equality Duty:**

Nil

**Wider Community Impact:**

Nil

**7 Previous Consideration**

Nil

**8 Background Papers**

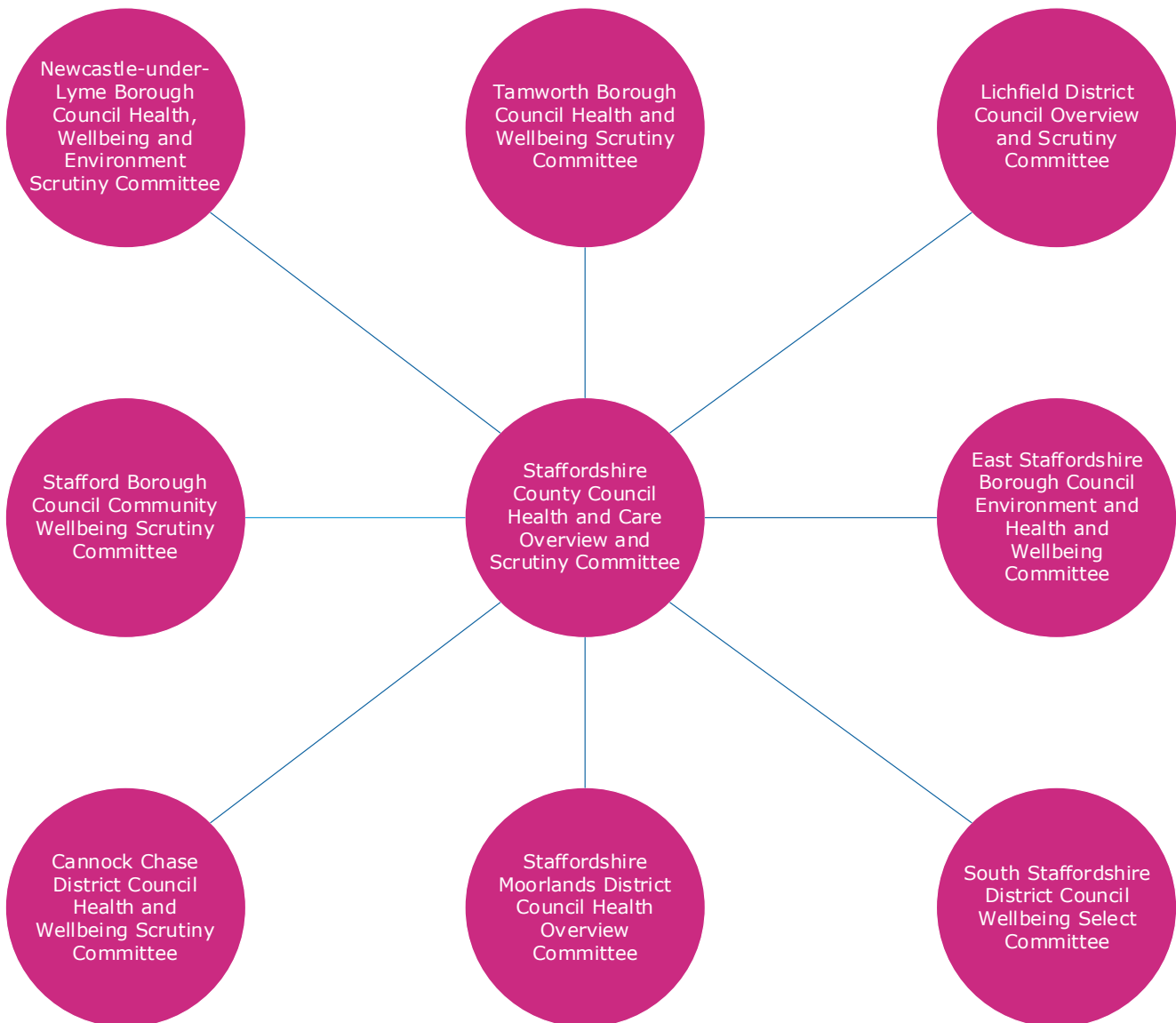
Nil

# **Staffordshire Health and Care Overview and Scrutiny Committee**

The Code of Joint Working – Local Authorities

## 1. Background

- 1.1 The Health and Social Care Act 2001 (“the Act”), as amended by the National Health Service Act 2006, provides local authorities with social services functions and powers to undertake scrutiny of health matters as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (The Regulations).
- 1.2 The remit of the Health and Care Overview and Scrutiny Committee can be found in Staffordshire County Councils constitution.
- 1.3 The County Council and the eight District/Borough Councils in the county agreed to operate joint working arrangements for health scrutiny in 2003 (amended in 2014).



## 2. General Principles

- 2.1 The Health and Social Care Overview & Scrutiny Committee carries out Health Scrutiny activity in Staffordshire on the basis of the following working principles (and meeting statutory requirements where applicable):
- a. **Scope of Health Scrutiny** - The intended outcome of health scrutiny activity is the improvement of the health and wellbeing of the people of Staffordshire. The Staffordshire County Council Health and Care Overview & Scrutiny Committee (HCOSC) may review and scrutinise any matter relating to the planning, provision, and operation of health services in its area.
  - b. **Co-operation** - The authorities involved must be willing to share knowledge, respond to requests for information, initiatives and reports as appropriate. The County and District Councils will work together and mutually agree who will scrutinise each topic to ensure that nothing is overlooked and to avoid duplication of effort.
  - c. **Accountability** - The process of health scrutiny will be open and transparent. The HCOSC cannot delegate its statutory power to Districts/ Boroughs (paragraph 1.1).
  - d. **Code ownership** - The document will be owned by the County Council and will be reviewed annually in partnership with District and Boroughs.

## 3. Governance

- 3.1 Health and Care Overview and Scrutiny Committee:
- a. The **County Council** will lead on matters that can best be dealt with at a county wide level.
  - b. 21 Members appointed annually: 13 County Councillors and a councillor from each District/ Borough (8) (see point 3.3a).
  - c. The District/Borough Councillor can nominate a substitute if they are unable to attend a meeting. The County Council should be notified prior to the meeting and the substitute will have full voting rights.
  - d. The **County Council may ask a lead District / Borough Council** to carry out scrutiny of an issue, which the County Council believes can be best dealt with at a district level which is specific to their geographical area. This may be singly or jointly with other District/Borough Councils. The capacity of committees and partners



to carry out scrutiny activity should be taken into consideration when planning scrutiny of an issue.

- e. **District and Borough Councils may ask the County Council** to carry out scrutiny of an issue that is of a strategic nature or is county-wide.

### 3.2 District and Borough Committees:

- a. Each District and Borough Committee operates in line with their terms of reference in their constitutions. As per 3.1 d The HCOSC may ask it to consider:
  - i. Locality specific commissioning proposals that solely affect health and wellbeing activities within that district/ borough, whoever they are provided for;
  - ii. matters which have been agreed with the Health and Care Overview and Scrutiny Committee.
  - iii. District/Borough services that interface with planning for and providing health services - for example, but not exclusively, housing, leisure and environmental health service; and relevant locality specific partnerships

### 3.3 Appointment of representatives:

- a. The Chair from each District/ Borough Scrutiny Committee which holds the remit for Health and Wellbeing matters will be appointed to the HCOSC and will have full voting rights. Their role is to:
  - i. Provide updates from their relevant Committee to the HCOSC.
  - ii. Report back on any issue which the HCOSC has requested the relevant Committee to scrutinise.
- b. One County Councillor will be appointed to each District/Borough Committee with full voting rights on the respective Committee. The appointment will be made by the County Council annually. The representative will provide updates from HCOSC to the District/Borough Committee.

### 3.4 Health Scrutiny Officers Group:

- a. The terms of reference is appended to this code.



## Appendix 1 – FAQs

- 1. Why does the County Council scrutinise the big issues such as the ICS Transformation Programme and ambulance waiting times? Borough/Districts also want to look at how these issues affect services in our area and our residents.**

*The Transformation Programme covers services across Staffordshire County. The joint code ensures that representatives from all 8 District Councils have a seat on the Health and Care Overview and Scrutiny Committee to raise local issues and that a representative from the County Committee has a seat on the District Committees to report back to District Councils on matters discussed. Any specific questions can be channelled through the local representatives on the committee.*

- 2. Should Borough/District Councils invite NHS providers to their meeting to scrutinise a particular issue?**

*Largely no unless the Health and Care Overview and Scrutiny Committee has agreed with the Borough/District Council that it should be the lead authority for scrutiny. The reason for this is to avoid NHS providers attending 8 Borough/District Council meetings, Staffordshire Council has the responsibility for health scrutiny under the Health and Social Care Act and to avoid duplication of effort.*

- 3. Can a Borough/District Council scrutinise the performance of a local GP surgery?**

*The performance of a GP Surgery does not fall under the scrutiny remit. GPs are commissioned under contract by the ICS and the quality management of their contract is through NHS England. There are other ways for local members to discuss concerns about local surgeries directly with the ICS, but a public scrutiny meeting is not the appropriate forum.*

- 4. Can a Borough/District Council scrutinise access to GP surgeries in their area?**

*The Primary Access Plan is a countywide plan and includes access to GP surgeries. This is scrutinised by the Staffordshire Health and Care Overview and Scrutiny Committee. Representatives from District and Borough Councils have equal opportunity to question witnesses about progress of actions in the plan to improve access to GP surgeries across the region.*



**5. Can a Borough/District Council scrutinise issues such as NHS Dentistry provision?**

*The provision of NHS Dentistry is a countywide contract, currently led by NHS England, this will change in April 2023 when the ICS takes on the contractual role. This should be looked at in a strategic nature by the Health and Care Overview and Scrutiny Committee.*

**6. What should a Borough/District Council do if their Committee wants to scrutinise a health issue that was the responsibility of the Health and Care Overview and Scrutiny Committee?**

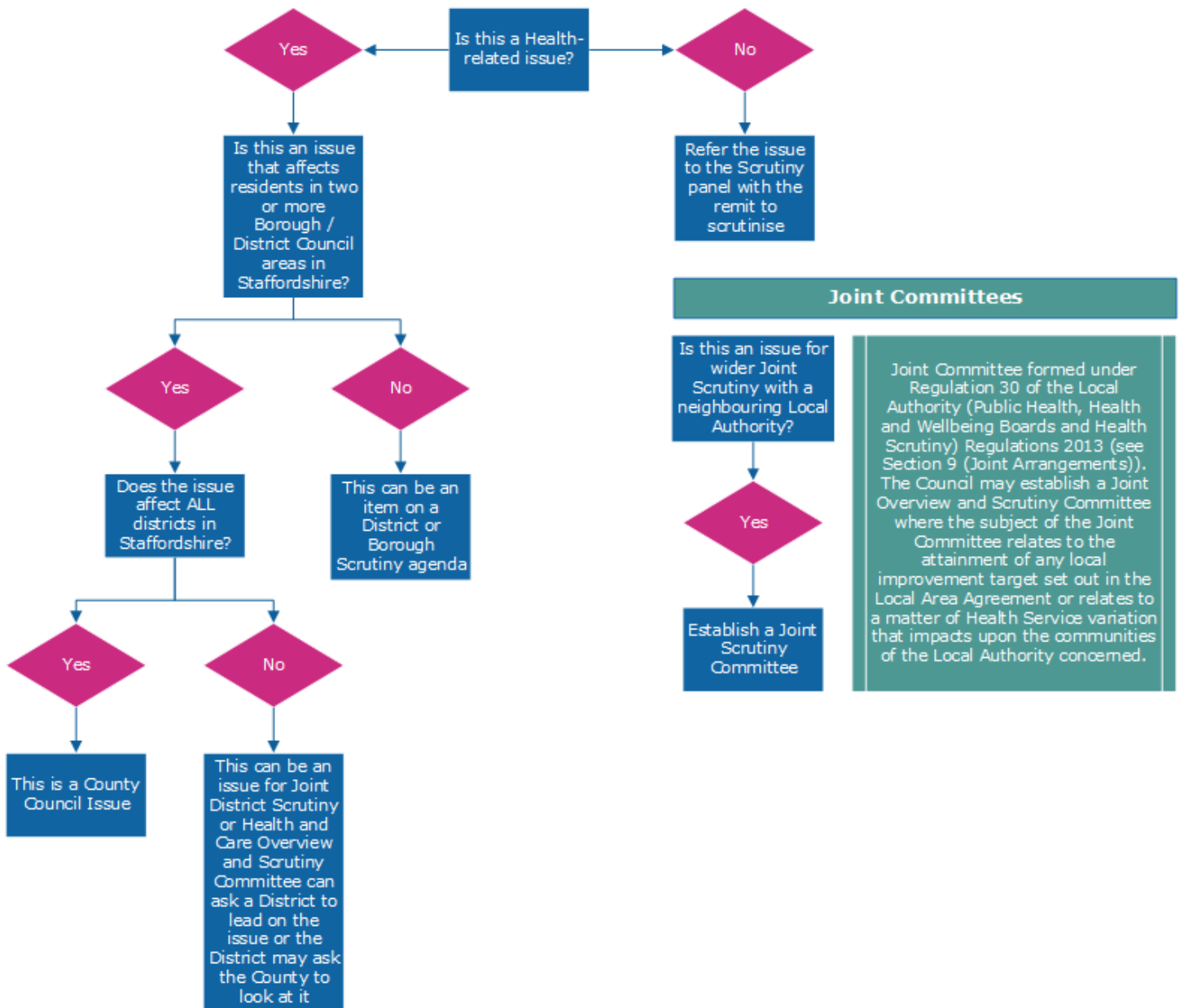
*The Borough/ District Member appointed to the Health and Care Overview and Scrutiny Committee (i.e. the chairman of the Borough/District committee) should bring the matter to the attention to the Chairman of the Health and Care Overview & Scrutiny Committee under the terms of this Joint Code of Working.*





## Appendix 2 – Joint Code of Working with Districts and Boroughs

Plan for where scrutiny of an issue takes place, as determined by the County Health and Care Overview and Scrutiny Committee Chairman in consultation with the relevant Committee Members and agreed by the Committee in the Work Programme.



## Appendix 3 – Health Scrutiny Officers Group

### Terms of Reference

#### 1. Introduction

1.1 The Health Scrutiny Officers Group (HSOG) has been formed to support the Staffordshire County Council Health and Care Overview and Scrutiny Committee (HCOSC) and District and Borough Scrutiny arrangements.

#### 2. Membership

2.1 The membership will consist of:

- a. Officer representatives from Staffordshire County Council
- b. At least one officer representative from each District / Borough

2.2 Other advisers and partners may be invited to the Group on an ongoing or ad-hoc basis as appropriate.

#### 3. Terms of Reference

3.1 The main aims of the Group is to mutually support the Health and Care Overview and Scrutiny Committee and the Health and Wellbeing function in achieving its aims and objectives.

3.2 The group may:

- a. Put forward items of business to the Health and Care Overview and Scrutiny Committee;
- b. Inform the process of work programme planning and delivery;
- c. Discuss and report on matters of note on health and care across Staffordshire; and
- d. Establish an appropriate mechanism to carry out the scrutiny function and consider the scrutiny arrangements at Districts and Boroughs.

#### 4. Ways of Working

4.1 The Group will meet twice annually as a minimum. Meetings will be organised and administered by the County Council. Meetings will be chaired by the County Council.



## Agenda Item 7(d)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Head of Law and Governance
<b>Contact Officer:</b>	Ian Curran
<b>Telephone Number:</b>	01785 619 220
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing 18/07/2023 (Only)
<b>Key Decision:</b>	N/A

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## Business Planning Report

### 1 Purpose of Report

- 1.1 To review the programme of business considered by the Community Wellbeing Scrutiny Committee in 2022/23 with a view to the report being submitted to the Council.

### 2 Recommendation

- 2.1 The Committee approve this report as its Annual Report to the Council.

### 3 Key Issues and Reasons for Recommendation

- 3.1 During the past Municipal Year, the Community Wellbeing Scrutiny Committee has considered a wide variety of issues supporting the Council's Corporate Business Objective to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.
- 3.2 The Committee has maintained its close links with the Staffordshire Health and Care and Overview and Scrutiny Committee receiving regular updates.
- 3.3 The Committee continues to control its own Work Programme which is populated with a range of issues for the forthcoming Municipal Year.

## **4 Relationship to Corporate Business Objectives**

- 4.1 This report is most closely associated with the following Corporate Business Objective 2:-

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.

## **5 Report Detail**

- 5.1 During the past 2022/23 Municipal Year, the Community Wellbeing Scrutiny Committee considered a wide variety of issues supporting the Council's Corporate Business Objective to improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.

- 5.2 In order to achieve this, the Committee have considered a wide variety of issues, including:-

- Air Quality Annual Status Report 2022
- Food Safety Annual Report 2021-2022
- Food Safety Service Plan 2022-2025
- Health and Safety Annual Report 2021-2022
- Community Portfolio - General Fund Revenue Budget 2022/2023 - 2025/2026 and Capital Programme 2022/2023 - 2025/2026
- Environment Portfolio - General Fund Revenue Budget 2022/2023 - 2025/2026 and Capital Programme 2022/2023 - 2025/2026
- Leisure Portfolio - General Fund Revenue Budget 2022/2023 - 2025/2026 and Capital Programme 2022/2023 - 2025/2026

- 5.3 The Committee sustained its close links with the Staffordshire Health and Care and Overview and Scrutiny Committee by receiving regular reports on the work of the Committee, which was accordingly reciprocated.

- 5.4 The Committee have considered an item that was Called-in for further scrutiny that was related to Stafford Borough Council Climate Adaptation Strategy.

- 5.5 The Committee have considered the following items that were referred to it directly from the Cabinet:-

- Community Wellbeing Partnership Update
- Fees and Charges Review 2023

- 5.6 The Committee considered a Members' Item related to the need for a review of collection frequencies and the number and size of bins.

5.7 The Committee have received presentations concerning the following:-

- Anti-Social behaviour
- Support Staffordshire
- Disabled Facilities Grants

5.8 Under its Terms of Reference, the Committee has received regular reports that monitored both operational and financial performance.

5.9 The Committee continues to control its own Work Programme, regularly making appropriate adjustments and is already populated for the forthcoming Municipal Year with a variety of issues.

5.10 It is intended that this report, with the addition of any appropriate information concerning the current meeting, be taken to the next available meeting of the Council as the report back from this Scrutiny Committee in accordance with Article 6, Paragraph 6.3 of the Constitution whereby the Committee is required to report annually to the Council on its workings and future Work Programme.

## **6 Implications**

### **6.1 Financial**

Nil

### **6.2 Legal**

Nil

### **6.3 Human Resources**

Nil

### **6.4 Human Rights Act**

Nil

### **6.5 Data Protection**

Nil

### **6.6 Risk Management**

Nil

## **6.7 Community Impact Assessment Recommendations**

### **Impact on Public Sector Equality Duty:**

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

### **Wider Community Impact:**

Detailed above.

## **7 Previous Consideration**

Nil

## **8 Background Papers**

File available in Law and Administration.

## Agenda Item 7(e)

<b>Committee:</b>	Community Wellbeing Scrutiny Committee
<b>Date of Meeting:</b>	18 July 2023
<b>Report of:</b>	Head of Law and Governance
<b>Contact Officer:</b>	Ian Curran
<b>Telephone Number:</b>	01785 619220
<b>Ward Interest:</b>	Nil
<b>Report Track:</b>	Community Wellbeing 18/07/2023 (Only)
<b>Key Decision:</b>	N/A

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## Work Programme - Community Wellbeing Scrutiny Committee

### 1 Purpose of Report

- 1.1 The purpose of this report is to present the Community Wellbeing Scrutiny Committee's Work Programme

### 2 Recommendation

- 2.1 That the report be noted.

### 3 Key Issues and Reasons for Recommendation

- 3.1 The first stage in achieving a Member-led Overview and Scrutiny process is to develop a Work Programme for the Members of the Committee to own.
- 3.2 Accordingly, an up-to-date copy of the Community Wellbeing Scrutiny Committee's Work Programme is provided for Members to consider or amend as appropriate

### 4 Relationship to Corporate Business Objectives

- 4.1 This report is most closely associated with the following Corporate Business Objective 2:-

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities and promote health and wellbeing.

## 5 Report Detail

5.1 Members will recall that one of the fundamental philosophies behind the creation of Overview and Scrutiny is that the process should be Member-led and the first stage in achieving this is to develop a Work Programme that is:-

- Owned by all Members of the Scrutiny Committee;
- Flexible to allow the Committee to react to urgent items;
- Contain aspects of both Overview and Scrutiny.

5.2 Therefore, at each scheduled meeting of the Community Wellbeing Scrutiny Committee, an up-to-date copy of the Work Programme will be provided for Members to consider or amend as appropriate.

5.3 The Work Programme includes provision for the Committee to scrutinise appropriate items delivered through the Council's Service Delivery Plan up to twelve months in advance, whilst maintaining the flexibility to respond to any issues that may arise.

5.4 Accordingly, attached at **APPENDIX** is the Community Wellbeing Scrutiny Committee's current Work Programme to consider or amend as appropriate.

## 6 Implications

### 6.1 Financial

Nil

### 6.2 Legal

Nil

### 6.3 Human Resources

Nil

### 6.4 Human Rights Act

Nil

### 6.5 Data Protection

Nil



## **6.7 Risk Management**

Nil

## **6.8 Community Impact Assessment Recommendations**

### **Impact on Public Sector Equality Duty:**

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

### **Wider Community Impact:**

Detailed above.

## **7 Previous Consideration**

Nil

## **8 Background Papers**

File available in Law and Administration.

## Appendix

**Committee:** Community Wellbeing Scrutiny

**Date of Meeting:** 18 July 2023

### **Work Programme - Community Wellbeing Scrutiny Committee**

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#### **Tuesday 5 September 2023 at 6.30pm**

Minutes of Last Meeting: Tuesday 18 July 2023

Officer Items by: Friday 18 August 2023

Call-in Deadline: Tuesday 15 August 2023

Member/Public Items by: Wednesday 23 August 2023

Agenda Despatch on: Friday 25 August 2023

Officer Reports: **Health and Care Overview and Scrutiny Committee**  
Chair of Community Wellbeing Scrutiny Committee

**Freedom Leisure Annual Report**

Head of Wellbeing

**Performance Update**

Head of Transformation and Assurance

**Work Programme**

Head of Law and Governance

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#### **Thursday 16 November 2023 at 6.30pm**

Minutes of Last Meeting: Tuesday 5 September 2023

Officer Items by: Wednesday 1 November 2023

Call-in Deadline: Tuesday 14 November 2023

Member/Public Items by: Monday 6 November 2023

Agenda Despatch on: Wednesday 8 November 2023

Officer Reports: **Health and Care Overview and Scrutiny Committee**  
Chair of Community Wellbeing Scrutiny Committee

**Veolia Annual Report**

Head of Operations

**Performance Update**

Head of Transformation and Assurance

**Work Programme**

Head of Law and Governance

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**Tuesday 16 January 2024 at 6.30pm**

Minutes of Last Meeting: Thursday 16 November 2023

Officer Items by: Friday 22 December 2023

Call-in Deadline: Tuesday 19 December 2023

Member/Public Items by: Thursday 4 January 2024

Agenda Despatch on: Monday 8 January 2024

Officer Reports: **Health and Care Overview and Scrutiny Committee**  
Chair of Community Wellbeing Scrutiny Committee

**Disabled Facilities Grants – Presentation**

Head of Wellbeing

**Work Programme**

Head of Law and Governance

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**Thursday 21 March 2024 at 6.30pm**

Minutes of Last Meeting: Tuesday 16 January 2024

Officer Items by: Wednesday 6 March 2024

Call-in Deadline: Tuesday 19 March 2024

Member/Public Items by: Monday 11 March 2024

Agenda Despatch on: Wednesday 13 March 2024

V1 18/5/2023 15:00

Officer Reports:

**Health and Care Overview and Scrutiny Committee**  
Chair of Community Wellbeing Scrutiny Committee

**Performance Update**  
Head of Transformation and Assurance

**Work Programme**  
Head of Law and Governance

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**Future Items:**