

WIRRAL COUNCIL

LICENSING, HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

21 MARCH 2011

SUBJECT:	DRAFT SEXUAL ENTERTAINMENT VENUE POLICY
WARD AFFECTED:	ALL WARDS
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR SUE TAYLOR – COMMITTEE CHAIR
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek Members approval of the Draft Sexual Entertainment Policy in order that it may be circulated for consultation.

2.0 RECOMMENDATION

- 2.1 To seek Members approval of the Draft Sexual Entertainment Policy in order that it may be circulated for consultation.

3.0 REASONS FOR RECOMMENDATION

- 3.1 Whilst there is no statutory requirement to have a Sex Licensing Policy, such a policy could be relied upon should there be a legal challenge in respect of decisions made relating to licensing sex establishments.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 On 10 January 2011, Members of the Health and Safety and General Purposes Committee approved the adoption of the amendments to Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982, made by Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009, so that the provision will come into force on the 1 April 2011.
- 4.2 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 allows the Council to control by way of its licensing regime, sex establishments in the form of sex cinemas and sex shops.
- 4.3 The Policing Crime Act 2009, Section 27, defines a new category of sex establishment namely 'sexual entertainment venue' which provides the means for local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 and gives local authorities more powers to control the number and location of these type of premises.

- 4.4 Upon resolving to adopt the amendments of Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 Members of the Health and Safety and General Purposes Committee have agreed to put in place an appropriate policy to deal with applications for both sex establishments and sexual entertainment venues. A draft Sexual Entertainment Venue policy can be found at appendix 1 for Members consideration.
- 4.5 If Members approve a draft policy then prior to the determination and adoption of the policy the Licensing Authority will consult with the following:
- a) Chief Officer of Merseyside Police
 - b) Fire Authority
 - c) Local Safe Guarding Children Board
 - d) Local Weights and Measures Authority
 - e) Planning Authority
 - f) Environmental Health Division
 - g) Local Residents
 - h) Existing and future potential holders of sex establishment licences
 - i) Holders of Premises Licences under the Licensing Act 2003

8.0 RELEVANT RISKS

- 8.1 If a policy is not agreed then this could result in a lack of transparency, accountability, certainty and consistency in respect of decision making.

9.0 OTHER OPTIONS CONSIDERED

- 9.1 There is no provision for other options to be considered.

10.0 CONSULTATION

- 10.1 Should Members agree a draft the consultation referred to in paragraph 4.5 will be undertaken.

11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 11.1 There are no specific implications arising from this report but such groups may make objections in relation to licensing applications for such premises.

12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 13.1 There are no specific implications arising from this report. The consultation process will be undertaken within budget and current resources.

14.0 LEGAL IMPLICATIONS

- 14.1 There is no statutory requirement to have a Sex Licensing Policy, however such a policy could be relied upon should there be a legal challenge in respect of decisions made relating to licensing sex establishments. The decision of this Committee may be subject to legal challenge.

15.0 EQUALITIES IMPLICATIONS

- 15.1 There are no specific implications arising from this report.

15.2 Equality Impact Assessment (EIA)
Is an EIA required?

Should Members approve a draft policy then an Equality Impact Assessment will be undertaken.

16.0 CARBON REDUCTION IMPLICATIONS

16.1 There are no specific implications arising from this report.

17.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

17.1 There are no specific implications arising from this report.

REPORT AUTHOR: **Margaret O'Donnell**
Licensing Manager
telephone: 0151 691 8606
email: margaretodonnell@wirral.gov.uk

APPENDICES

Draft Sexual Entertainment Policy

REFERENCE MATERIAL

Draft Sexual Entertainment Policy

SUBJECT HISTORY (last 3 years)

Council Meeting	Date