



LICENSING, HEALTH AND SAFETY, AND GENERAL PURPOSES COMMITTEE

19 SEPTEMBER 2018

REPORT TITLE	DRAFT SEXUAL ENTERTAINMENT VENUE POLICY AND STANDARD CONDITIONS
REPORT OF	CORPORATE DIRECTOR FOR BUSINESS MANAGEMENT

REPORT SUMMARY

The purpose of this report is to seek Members approval of the draft Sexual Entertainment Venue Policy. Members are also asked to approve standard conditions to be placed on all Sexual Entertainment Venue Licences.

RECOMMENDATION/S

That the draft Sexual Entertainment Venue Policy and Standard Conditions be approved.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 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.

2.0 OTHER OPTIONS CONSIDERED

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

3.0 BACKGROUND INFORMATION

- 3.1 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 came into force on the 1 April 2011.
- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 The Local Government (Miscellaneous Provisions) Act 1982 also permits Local Authorities to prescribe standard conditions applicable to Sexual Entertainment Venue Licences. A draft list of Standard Conditions can be found at Appendix 2. If these conditions are approved, every licence granted, renewed or transferred will be subject to these conditions. An applicant who does not wish to have any of these conditions, must communicate this to the Authority at the time of making the application.
- 3.6 Local Authorities are also entitled to attach individual conditions where concerns have been identified.
- 3.7 On 24 May 2018 Members of the Licensing, Health and Safety, and General Purposes Committee approved a draft Sexual Entertainment Venue Policy so that it may be circulated for consultation.
- 3.8 The consultation period began on 25 May 2018 and closed on 6 July 2018.

- 3.9 During this consultation, the draft Policy was circulated to the Chief Officer of Merseyside Police as well as existing and future potential holders of sex establishment licences. Details of the consultation were also published on the Council's website.
- 3.10 In response to this consultation, comments have been received from Merseyside Police and from an applicant who currently has an application pending for a Sexual Entertainment Venue Licence. Merseyside Police advise that they have no specific comments in respect of the Policy or conditions but request that they be consulted in respect of specific applications. The comments received from the current applicant relate directly to their application.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The costs incurred in undertaking this consultation will be recovered from Licence fees.

5.0 LEGAL IMPLICATIONS

- 5.1 A decision of this Committee can be subject to legal action.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

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

7.0 RELEVANT RISKS

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

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Consultation has been undertaken in respect of this application. See paragraphs 3.7, 3.8, 3.9 and 3.10 of this report.

9.0 EQUALITY IMPLICATIONS

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

REPORT AUTHOR: *Richard Leyland*
Licensing Team Leyland
telephone: (0151) 691 8478
email: richardleyland@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Sexual Entertainment Venue Policy

Appendix 2 - Draft list of Standard Conditions

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Licensing, Health and Safety, and General Purposes Committee	24 May 2018

