



Walsall Council

REPORT OF THE INTERIM REGULATORY MANAGER

LICENSING AND SAFETY COMMITTEE

20 JULY 2011

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

POLICING AND CRIME ACT 2009, SECTION 27

SEX ESTABLISHMENT POLICY/GUIDELINES

1.0 Summary of report

- 1.1 To advise members of an updated policy/guidelines in relation to sex shops, sex cinemas and sexual entertainment venues (collectively known as sex establishments).

2.0 Recommendations

- 2.1 That members consider the report and agree to the implementation of a new sex establishment policy/guidelines for the Borough.

3.0 Background information

- 3.1 Section 27 of the Policing and Crime Act 2009 created a new category of sex establishment called a sexual entertainment venue.
- 3.2 Section 27 gives local authorities more powers to control the number and location of sexual entertainment venues. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003. Section 27 of and Schedule 3 to, the 2009 Act came into force on the 6th April 2011 within the Walsall Borough.
- 3.3 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment'.
- 3.4 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'.

- 3.5 The meaning of 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. An audience can consist of just one person (e.g. where the entertainment takes place in private booths)
- 3.6 It is expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood.
- Lap Dancing
 - Pole Dancing
 - Table Dancing
 - Strip shows
 - Peep shows
 - Live Sex shows
- 3.7 The Council already had a policy in place that prescribed standard conditions that are attached to licences issued for sex shops and sex cinemas, these conditions will remain unchanged.
- 3.8 Following consultation with potential licence holders, licensing solicitors and West Midlands Police a set of standard conditions to be attached to sexual entertainment venues has been developed and will be incorporated into the policy.
- 3.9 No adverse comments were received from the consultation period that took place between 1 March 2011 and 6 May 2011.
- 3.10 The revised Sex Establishment Policy is given as **Appendix 1**.

4.0 Resource considerations

- 4.1 **Financial:** None, fee levels for such premises have already been set previously by committee
- 4.2 **Legal:** Legal services have been consulted. Any person aggrieved by a condition attached to their licence would have right of appeal to magistrates court.
- 4.3 **Staffing:** Nothing arising from this report

5.0 Citizen impact

- 5.1 Residents of the Borough will be aware of written policy guidelines in respect of sex establishments that operate within the Borough

6.0 Community safety

- 6.1 These guidelines protect and enhance public safety in licensed sex

establishments.

7.0 Environmental impact

7.1 The guidelines define any advertisement restrictions

8.0 Performance and risk management issues

8.1 Nothing arising from this report

9.0 Equality implications

9.1 None arising from this report.

10.0 Consultation

10.1 Consultation has taken place with interested parties as detailed in 3.8 of the report.

11.0 Contact Officer:

11.1 Steve Knapper, Principal Licensing Officer. 01922 652221