

**SEX ESTABLISHMENT LICENSING
POLICY AND CONDITIONS**

Executive Summary

This report is to update Members on new regulations in relation to sexual entertainment venues.

These regulations are referred to as conditions in this report.

It outlines the progress and actions that have so far been agreed and taken.

It recommends that the Licensing Committee agrees to the adoption and implementation of the Sex Establishment Licensing Policy, Standard Conditions for Sexual Entertainment Venues and Sex Cinemas and Standard Conditions for Sex Shops.

Recommendations

It is recommended:

The Licensing Committee agrees to the adoption and implementation of the Policy and Regulations prescribing Conditions for Sex Establishments from 1st March 2012.

The Licensing Committee delegate authority to the Service Director Public Protection Services to instigate proceedings under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

Reason for Proposal

To allow Wiltshire Council, as the Licensing Authority to effectively control the number, locality and management of sexual entertainment venues within Wiltshire's communities.

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Purpose of Report

1. This report is to update Members on new regulations in relation to sexual entertainment venues.
2. These regulations are referred to as conditions in this report.
3. It outlines the progress and actions that have so far been agreed and taken.
4. It recommends that the Licensing Committee agrees to the adoption and implementation of the Sex Establishment Licensing Policy, Standard Conditions for Sexual Entertainment Venues and Sex Cinemas and Standard Conditions for Sex Shops. These are attached at Appendices 1 – 3.

Background

5. On the 26th May 2010, a report was presented to the Licensing Committee updating Members on the new provisions relating to the regulation of sexual entertainment venues.
6. Section 27 of the Policing and Crime Act 2009 amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow Licensing Authorities to licence sexual entertainment venues where relevant entertainment is provided before a live audience for financial gain of the organiser or the entertainer.
7. On 26th May 2010 the Licensing Committee recommended the adoption of the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Council for approval at its meeting on 13th July 2010.
8. On 13th July 2010 Council adopted the amendment to the Local Government (Miscellaneous Provisions) Act 1983, Schedule 3 by Section 27 of the Policing and Crime Act 2009.
9. Currently there is only one existing establishment located in Salisbury which is affected by the new legislation. A new licence under the new regime will be required in March 2012, hence the request for implementation by 1st March 2012.
10. The new legislative controls available to the Licensing Authority will strengthen the role that local communities can play in deciding whether a lap dancing premises is appropriate in the locality.
11. This will bring the licensing of lap dancing premises in line with other sex establishments such as sex shops and sex cinemas and to recognise the legitimate concerns of local people.

Environmental Impact

12. The introduction of the new legislative controls under Schedule 3 of the 1982 Act gives the Council new powers to tackle issues of local concern to

communities around the crime and disorder and anti-social behaviour associated with sex establishments.

Equality and Diversity

13. One of the aims of the new legislation is to give communities the chance to comment on applications both at application and renewal stage, therefore giving the public a greater voice.

Risk Assessment

14. To not agree the adoption and implementation of this policy and conditions and maintain the status quo would allow prospective sexual entertainment venues to take advantage of a perceived loophole in the Licensing Act 2003.

Financial Implications

15. The cost of a new licence for a sex shop or cinema is £1380.00 and the cost at renewal or transfer of a licence is £690.00.

It is proposed to charge a fee of £2700 for a new application for a sexual entertainment venue and £1200 for a renewal. These proposed fees have been calculated on the cost of the procedures including the cost of holding a Licensing Committee meeting.

Legal Implications

None

Conclusion

16. It is recommended:-

The Licensing Committee agrees to the implementation of the Policy and Regulations prescribing Conditions for Sex Establishments from 1st March 2012.

Background Papers

- Minutes of the Licensing Committee – 26th May 2010
- Minutes of the Council Committee – 13th July 2010
- Policing and Crime Act 2009 – Section 27
- Local Government (Miscellaneous Provisions) Act 1982 – Schedule 3

Appendices

Appendix 1 – Sex Establishment Licence Policy

Appendix 2 – Conditions – Sexual Entertainment Venues and Sex Cinemas

Appendix 3 – Conditions – Sex Shops