

LICENSING OF SEX ESTABLISHMENTS – REQUEST’S REGARDING THE VARIATION OF EXISTING STANDARD CONDITIONS

REPORT OF THE ASSISTANT DIRECTOR OF NEIGHBOURHOODS

1. Reason for report

As part of its overall licensing framework Calderdale Council wishes to establish a policy of Licensing of Sex Establishments.

When consulting on the proposed policy three requests were submitted to substantially amend the existing approved conditions. This report is for members to consider the requests. These are shown and highlighted in brief at Appendix 1.

2. Need for a Decision

The requests are to amend current approved conditions and were not relating to the proposal to establish a policy of Licensing of Sex Establishments.

The amendment to any existing approved conditions will require Full Council Approval.

3. Recommendation

Members are asked to consider the requested amendments to existing standard conditions resulting from the consultation responses received when consulting on the draft policy of licensing sex establishments:-

1. In relation to the Standard Conditions for Sexual Entertainment Venues (Appendix 3) there has been a request to remove conditions 6. This states that “the performers at all times shall wear a non-transparent g-string or similar piece of clothing on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus.”
2. In relation to the Standard Conditions for Sexual Entertainment Venues (Appendix 3) the request to remove Condition 7. This condition states that “A minimum distance of 300 millimetres must be maintained between performers and customers.” This will also result in the removal of condition 10. b.
3. In relation to the Standard Conditions for Sex Establishments (Appendix 2) the request to amend Condition 7. This condition states “there shall be no window display of sex articles.” The request is for this condition to state “there shall be no window display of licenced sex articles and no seductive images on the windows”.

4. Background

- 4.1 The Local Government (Miscellaneous Provisions) Act 1982 referred to “Sexual Establishment” as sex cinema or sex shop. The Police and Crime Act 2009 amended this Act to introduce a new classification of sex establishment, namely sexual entertainment venues.
- 4.2 Calderdale Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 on 28th April 2010.
- 4.3 The legislation provides for local authorities to adopt a policy and standard conditions relating to sex establishments (sex shops and cinemas) and sexual entertainment venues these adopted standard conditions can be seen at Appendix 2 and Appendix 3.
- 4.8 At their meeting on 7th August 2017 members of the Licensing and Regulatory committee resolved that formal consultation be carried out in relation to the draft Licensing of Sex Establishments Statement of Licensing Policy.
- 4.9 One of the questions that members asked for during the consultation for the draft Sexual Entertainment Policy was Should there be a condition attached to the sexual entertainment venue licence which requires that “performers at all times shall wear a non-transparent g-string or similar on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus”. The results of the on street survey can be found at appendix 4, as you can see the majority of those who completed the survey responded by stating the condition should stay, however, in Brighouse the majority responded with remove the condition.
- 4.10 In the responses to the consultations carried out there were the 3 requests for amendments to the conditions. These conditions are the current adopted standard conditions.

5. Consultation

No consultation has been carried out in relation to the requests to amend the standard conditions, these requests were received whilst consulting on the draft licensing of Sex Establishments Statement of Licensing Policy.

6. Financial Implications

There are no financial implications to any changes made to existing standard conditions.

7. Corporate Implications

None

8. Equality and Diversity

The Equality Impact Assessment has been attached at appendix 4.

9. Conclusion

Members Can:-

- a) Remove Condition 6 of the Councils Standard Conditions for Sexual Entertainment venues;
- b) Remove Condition 7 of the Councils Standard Conditions for Sexual Entertainment venues;
- c) Amend Condition 7 of the Councils Standard Conditions for Sex Establishments to add "there shall be no window display of licenced sex articles and no seductive images on the windows" (as explained in 3. above);
- d) Refuse to amend one or more of the requested amendments to the conditions, stating clear reasons for doing so.

9. Appendices

Appendix 1 – Requests for amendments to existing conditions following consultation of the draft policy.

Appendix 2 – Standard Conditions for Sexual Entertainment Venues

Appendix 3 – Standard Conditions for Sex Establishments

Appendix 4 – Equality Impact Assessment

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

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DOCUMENTS USED IN THE PREPARATION OF THE REPORT:

Police and Crime Act 2009

Home Office Guidance

Combined Authorities Sexual Entertainment Policies

Local Government Miscellaneous Provisions Act 1982

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

Licensing Unit, Town Hall, Halifax. HX1 1UJ