

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

21 JUNE 2017
ALL WARDS

SEX ESTABLISHMENTS POLICY PRE-CONSULTATION REPORT

1. **Summary**

- 1.1 Sex Establishments are regulated by the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, and include Sexual Entertainment Venues (SEV's), Sex Shops and Sex Cinemas.
- 1.2 This legislation allows the Council to set a Policy, conditions and fees for the grant, variation, renewal and transfer of Sex Establishment licences.
- 1.3 The current Sexual Entertainment Venue (SEV) Policy is required to be regularly reviewed. The purpose of this report is to commence the review process and invite comment from members of the Licensing and Public Protection Committee and other interested parties which will then be considered when revising the document.
- 1.4 It is proposed to integrate all Sex Establishments into a single policy document, which incorporates separate standard conditions for the different types of premises. There is currently no specific Policy relating to Sex Shops or Sex Cinemas.
- 1.5 The consultation extends to the Standard Conditions associated with each type of Sex Establishment, as well as the policy document itself.

2. **Recommendations**

- 2.1 That Officers commence the primary consultation process immediately.
- 2.2 That any responses to the Primary Consultation should be submitted to the Licensing Manager before 27th July 2017.

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3. Background

- 3.1 The current Sexual Entertainment Venue Policy has been in effect since November 2014.
- 3.2 Previously, a working group comprising Members of your Committee and Officers considered expanding the scope of the existing SEV Policy. The recommendation of the working group was to consider implementing a single Sex Establishments Policy, with separate Standard Conditions for each type of Establishment (as at Paragraph 4).
- 3.3 Members of your Committee are invited to consider the existing Policy and conditions attached at Appendix 1-3.
- 3.4 This is the start of the consultation process. Suggestions or proposals put forward by the Committee will, where appropriate, be included within the revised document(s).
- 3.5 All consultees will be requested to make any suggestions for amendments before 27th July 2017 in order that they may be considered when producing the revised documents.
- 3.6 Consultation will also take place with other stakeholders, including (but not limited to) existing licence holders, West Midlands Police and by posting the consultation on our website and BeHeard.
- 3.7 The revised Policy and conditions will then be subject to further public consultation in the same manner.
- 3.8 A proposed timetable is attached at Appendix 4 which outlines the expected progression of this matter. This timetable may be subject to change, dependent upon the results of the consultation.

4. Proposed Initial Amendments

- 4.1 It is proposed to integrate all Sex Establishments into one policy document, for consistency and completeness. Such a document to incorporate standard conditions for each different type of Sex Establishment.

5. Matters for Consideration

- 5.1 The majority of the existing Sexual Entertainment Venue policy consists of procedural matters regarding the application stage and other matters which may arise through the term of the licence, i.e. variation, revocation, renewal etc.

- 5.2 In March 2010, the Home Office produced Guidance for local authorities carrying out their functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 5.3 A link to this guidance can be found at <http://www.birmingham.gov.uk/sexualentertainmentvenues> but for ease of reference, the sections on Licensing Policies, and on the European Convention on Human Rights have been replicated at Appendix 2 to this report.
6. Consultation
- 6.1 Consultation will be carried out with other interested parties, including, but not limited to: existing licence holders and their representatives, Licensing Officers and Licensing Enforcement Officers, Business Improvement Districts, Elected Members, partner enforcement agencies such as West Midlands Police and relevant third sector organisations.
- 6.2 Responses to the initial consultation will be used to inform revisions to be made to the Policy and associated conditions. A revised version(s) will be brought before your Committee in September 2017 that takes account of the results of the consultation, as far as is practicable.
7. Implications for Resources
- 7.1 The cost of administration and compliance activity for Sex Establishment licences is met through licence fees. This includes the cost of devising and reviewing Policies.
8. Implications for Policy Priorities
- 8.1 The issues addressed in this report relate to the City Council priorities associated with creating a cleaner, greener and safer city and providing excellent services.
9. Public Sector Equality Duty
- 9.1 The benefit of an agreed Policy is to ensure a consistent approach.
- 9.2 Consultation will be carried out with other interested parties, as detailed in Paragraph 6 to this report.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil