

**Licensing and Safety Sub-Committee 3 – 7<sup>th</sup> September 2010**

**Report of the Director of Corporate Resources**

**Licensing of Sex Establishments**

**Purpose of Report**

1. For the Sub-Committee to confirm the decisions in relation to the licensing of sex establishments made in principal by the Licensing and Safety Committee on the 5<sup>th</sup> July 2010.

**Background**

2. The Licensing and Safety Committee resolved on the 27<sup>th</sup> of May recommend that Council agree to adopt with effect from the 1<sup>st</sup> of September 2010 the amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as a consequence of the coming into force of Section 27 of the Police and Crime Act, 2009 on the 6<sup>th</sup> of April 2010, giving local authorities in England and Wales the power to regulate sexual entertainments venues as sex establishments.
3. On the 5<sup>th</sup> of July 2010 the Licensing and Safety Committee agreed in principal that there shall be no more than 1 sex establishment in Dudley town centre and that there shall be no more than 1 sex establishment in Stourbridge town centre. It was also decided that any new applications for Sex Establishment licence be determined by a Licensing Sub-Committee and that the Licensing Sub-Committee consider amongst other issues the issue of proximity of sex establishments to schools, nurseries, youth clubs and religious establishments when determining an application.
4. On July 19<sup>th</sup> 2010 full Council approved the adoption of the amended section 3 to the Local Government (Miscellaneous Provisions) Act 1982 as set out in paragraph 2 of this report.
5. This report has a direct link to the Council's priority for safety as the principal reason for submission is safeguarding the public.

## **Finance**

6. There are no financial implications.

## **Law**

7. The Local Government (Miscellaneous Provisions) Act 1982 schedule 12 3(c)A local authority may refuse an application for a sex establishment if the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.
8. 3.35 of the Home Office Guidance for Sexual Entertainment Venues states that it is reasonable and potentially useful to future applicants for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishments. Nevertheless, all applications must be considered on their individual merits.

## **Equality Impact**

9. This report takes into account the Council's policy on equal opportunities.
10. The licensing of premises for sexual establishments will not impact on children and young people as they will be unable to attend these premises.
11. There has been no consultation or involvement of children and young people in developing these proposals.

## **Recommendation**

12. That the Committee confirm the decision of the Licensing Committee of the 5<sup>th</sup> July 2010 as set out in paragraph 3.



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## **List of Background Papers**