

Item 3 – Sexual Entertainment Venues Policy

Since the report was printed, the Director of Environmental Services received the advice from Leading Counsel that he referred to in Paragraph 21, so we have set out below his revised paragraph 21 and attached a new version of Appendix 4(i).

21. The results would be used to determine a numbers policy based on the options outlined in paragraph 10 above. Leading Counsel has been consulted on this proposal but his advice was only received after the main report had been printed. He recommended some minor amendments to the letter and these have been incorporated in a revised version at Appendix 4 (i) , which is attached. He also stated that there is nothing wrong in consulting merely on an appropriate number of premises per locality, but this could be misunderstood and could potentially be challenged if a wider policy was then adopted, dealing e.g. with layout, character and condition of the premises without having consulted upon it. A numbers only policy could be an "interim SEV policy" that could be followed in the fullness of time with a more comprehensive policy dealing with other grounds of refusal, other types of sex establishment, enforcement, procedures, standard conditions etc. In essence, his comment was that there is nothing unlawful about consulting only on numbers of SEVs, but it would be a risk then to adopt a policy which dealt with other grounds of refusal as well without having consulted upon it.