

Committee: Licensing Committee	Dated: 5 February 2020
Subject: Sex Establishments – Consultation Document	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

Summary

The City of London Corporation intends to update its Sexual Entertainment Venue (SEV) policy, which was drafted in 2010, so that it takes account of all types of sex establishments.

This will help the City Corporation's Elected Members to deal more effectively with licensing requests from a range of applicants.

Although not a statutory requirement, it is recommended that, prior to the update of the policy, we consult with a range of stakeholders.

Recommendation(s)

Members are asked to:

1. Agree that prior to the introduction of a new Sex Establishments' Policy in 2020 a consultation is carried out to seek the views of stakeholders.
2. If recommendation 1 is agreed then agree the details of the consultation as outlined in paragraphs 8,9, 10 and appendix 1.

Main Report

Background

1. The Policing and Crime Act 2009 made changes to the licensing of sex establishments, essentially creating the category of Sexual Entertainment Venues (SEVs) and classifying them as sex establishments along with sex shops and sex cinemas.
2. A person wishing to operate a sex shop, sex cinema or SEV requires a sex establishment licence. The various categories of sex establishment are defined as follows:

- Sex Shop – premises used for a business consisting to a significant degree selling, hiring, exchanging, lending, displaying, or demonstrating sex articles. A sex article being anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity. This includes certain reading or recorded material.
 - Sex Cinema – premises used to a significant degree for the exhibition of moving pictures, by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity.
 - Sexual Entertainment Venue – premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. Relevant entertainment being any live performance or live display of nudity which is of such a nature that it can be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (e.g. a lap dancing club).
3. The City Corporation introduced an SEV policy in 2010, which concluded that there was no area within the City of London suitable for such a premises to operate. However, this does not remove the responsibility of the local authority to consider any applications that may be received.
 4. The updated policy will continue to state the suitability, or otherwise, of a sex establishment to operate in a specific location in the City. If it is still considered that there are no such areas that are suitable, the policy will state that. The updated policy will also consider why certain areas may not be suitable and if there are any types of premises close to which a sex establishment should not operate.
 5. Currently, the City of London does not have any licensed sex establishments.

Current Position

6. The current policy, which only considers SEVs and not sex shops and sex cinemas, is now almost 10 years old.
7. In order to update the policy and incorporate all types of sex establishments, the licensing service is in the process of producing an updated policy for 2020 for your Committee's consideration.

Proposals

8. The updated sex establishment policy is likely to receive interest from a number of stakeholders and it is therefore intended that a consultation is carried out to receive views on various aspects of the policy. A copy of the consultation questionnaire can be seen as Appendix 1.
9. Officers intend to begin a 12-week consultation in February 2020. All views will be considered and used to inform the policy prior to its introduction to this committee and subsequently the Court of Common Council.

10. The consultation will be distributed to a number of stakeholders including:

- All Members
- A sample of licensed premises
- A sample of churches and other historical buildings
- A sample of residents
- A sample of businesses
- All schools
- Sample of premises currently holding a sex establishment licence
- Sample of livery companies

Options

11. There is no statutory requirement to carry out a consultation and members may want to consider the forthcoming updated policy without the views of various stakeholders. However, the question of the number of sex establishments that are deemed suitable for the City of London is likely to be re-visited and as such, the views of stakeholders would be helpful.

Corporate & Strategic Implications

12. This report supports the City's Business Plan 'to Contribute to a Flourishing Society' and in particular:

- Protect consumers and users of buildings
- Safeguard children, young people and adults at risk

Implications

13. All costs associated with carrying out the consultation can be met from existing budget provisions.

Conclusion

14. In order to assist in the production of an updated Sex Establishment policy in 2020 it is considered necessary to consult various stakeholders in order to inform that policy. An outline of the consultation document to be used can be seen in the appendix attached to this report.

Appendices

- Appendix 1 – Consultation Questionnaire

Background Papers

City of London Corporation Sexual Entertainment Venue Licensing Policy
Home Office Guidance on Sexual Entertainment Venues

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