

## MEMBERS UPDATE ON SEX ESTABLISHMENTS

<b>Committee</b>	<b>Licensing Committee</b>
<b>Officer Contact</b>	Stephanie Waterford 01895 277232
<b>Papers with report</b>	Memo to the Licensing Committee Regulation of lap-dancing premises consultation document Consultation response letter
<b>Ward(s) affected</b>	All

### RECOMMENDATION

#### That the Committee:

note the recent Home Office consultation

note the update on the legislation.

decide whether or not to adopt the provisions to control sex establishments.

### SUMMARY

For members to note the recent consultation on the regulation of lap dancing premises by the Home Office.

For members to receive an update on the current legislative changes to sex establishment licensing.

For members to decide whether or not the Council should adopt the provisions in order to control sex establishments.

### INFORMATION

#### **Home Office Consultation – Regulation of Lap Dancing Clubs**

On 21<sup>st</sup> September 2009, a consultation document was launched by the Home Office to seek views on the proposed transitional arrangements for the regulation of lap dancing establishments.

The Licensing Service was made aware of the consultation on 3<sup>rd</sup> October 2009, which was after the last full licensing committee meeting.

With the consultation closing on 14<sup>th</sup> December 2009, there was insufficient time in which to present a full report to the next Licensing Committee scheduled for 19<sup>th</sup> January 2010,

It was decided that the best course of action would be to consult each member of the Licensing Committee via email and seek their views on the consultation.

A memo was sent to all members of the Licensing Committee on 15<sup>th</sup> October 2009 (Appendix A), which also included a copy of the Home Office consultation document (Appendix B).

A meeting was then convened on 25<sup>th</sup> November 2009 between Cllr Josephine Barrett (Chair of the Licensing Committee), Cllr Sandra Jenkins (Cabinet member for Environment), Kathy Sparks (Deputy Director, Environment & Consumer Protection), Norman Stanley (Licensing Service Manager) and Stephanie Waterford (Licensing Officer leading on Sex Establishments) to draft a response.

A response was drafted and submitted to the Home Office (Appendix C)

### **Update on Legislation**

The Policing and Crime Bill received Royal assent and became the Policing and Crime Act 2009 on 12<sup>th</sup> November 2009. There are provisions within the Act which amend the Local Government (Miscellaneous Provisions) Act 1982 to broaden the definition of 'sex establishment', however the provisions have to be adopted.

The Provisions introduce a new category of sex establishment - 'Sexual Entertainment Venue'.

Sexual entertainment venues have been introduced in order to control, by licensing, adult entertainment in lap-dancing/pole-dancing/striptease and similar establishments.

Although the Licensing Act 2003 offers some control of these premises with regard to opening hours and conditions relating to children and crime etc, it is unable to control the location or number of new premises.

Adoption of the provisions would mean that the Licensing Authority would be able to licence adult entertainment venues in the same way as sex shops under the Local Government (Miscellaneous Provisions) Act 1982. This would enable the Licensing Authority to consider applications having regard to the appropriateness of the locality of the proposed premises and the number of premises in any area.

Sex Establishment Licences would last for a one year period unless otherwise decided by the Authority. Conditions may be also be imposed which control hours of operation, displays, advertising and visibility of the interior of a premises.

Local Authorities will also need to develop a licensing policy for the regulation of sex establishments within the borough.

### **Adoption of the Provisions**

The Local Government (Miscellaneous Provisions) Act 1982 is an adoptive Act.

The Licensing Service are seeking the instructions from full Licensing Committee as to whether or not a recommendation should be submitted to Cabinet to adopt the provisions.

If Hillingdon were to decide not to adopt the provisions, a full consultation will need to be conducted within a year to seek the views of residents, stakeholders and interested parties as to whether or not there is a preference to adopt/not adopt the provisions.

## **FINANCIAL IMPLICATIONS**

None at present

**LEGAL IMPLICATIONS**

None

**BACKGROUND PAPERS**

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982  
Part 2 of the Policing and Crime Bill