

MEMBERS UPDATE ON SEX ENCOUNTER VENUES

Committee	Licensing Committee
Officer Contact	Stephanie Waterford Tel: 01895 277232
Papers with report	None
Ward(s) affected	All

SUMMARY

For members to receive an update on the legislative changes concerning the regulation of adult entertainment

RECOMMENDATION

That members note the report

INFORMATION

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

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.

The Licensing Service and Legal Services have begun work on formulating a licensing policy and formulating procedures under the new provisions.

The policy will include our guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. This list is not exhaustive and may be subject to change.

At the moment we are anticipating the following timetable for implementation:

May – Aug 2010 Draft licensing policy
 Carry out fees exercise

Sept – Oct 2010 Draft policy to full Licensing Committee to approve prior to public
 consultation

Oct – Dec 2010	Convene working party Start full consultation on policy
Jan – Feb 2011	Convene working party to discuss consultation results Finalise policy RESPOC/Cabinet/Council adopt policy Set fees
Feb – Mar 2011	Committee Training Produce application forms etc
April 2011	Start 12 month transitional period
April 2012	Provisions come fully into force

Committee members will each be part of the consultation exercise.

FINANCIAL IMPLICATIONS

None at present

LEGAL IMPLICATIONS

Members will recall from previous Reports that Schedule 3 of the Policing and Crime Act 2009 (“the 2009 Act”) inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 (the “1982 Act”).

Section 27 of the 2009 Act allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the 1982 Act and gives local authorities powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, the provisions of Schedule 3 will allow the Authority the power to refuse an application on potentially wider grounds than is currently permitted under the Licensing Act 2003 and will potentially give residents a greater say over the regulation of lap dancing in pubs and similar venues in their area.

If the full Council does not make a resolution to adopt Schedule 3 of the 1982 Act within one year of the legislation coming into force (05 April 2011), then a consultation with residents must be held as soon as reasonably practicable about whether the provisions should be adopted.

In the event that the full Council resolves to adopt the provisions, a public consultation must be held on matters related to any regulatory policy and fees that the Council is minded to apply to sexual entertainment venues.

BACKGROUND PAPERS

- The Licensing Act 2003
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
- Part 2 of the Policing and Crime Act 2009

