

SEX ESTABLISHMENT POLICY

Committee	Licensing Committee
Officer Contact	Stephanie Waterford Tel: 01895 277232
Papers with report	Appendix 1 - Draft Sex Establishment Licensing Policy
Ward(s) affected	All

SUMMARY

For members to approve the draft policy for full consultation.

RECOMMENDATION

That Members approve the draft policy

INFORMATION

The Licensing Service and Legal Services have been working a licensing policy and formulating procedures under the government's new provisions to control sex establishments.

The policy includes our guiding principles/objectives, appropriateness of the location of sex establishments, waivers, expectations of the applicant, objections, determination of applications, conditions, inspection/enforcement etc. The policy may be subject to change depending on the outcome of the full consultation.

We proposed the following timetable for implementation and we are currently on target;

May – Aug 2010	Draft licensing policy
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

All members will be consulted individually as part of the full consultation.

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