

# REPORT TO COUNCIL

**REPORT OF: Chairman of Licensing Committee**

**REPORT NO: ENV 516**

**DATE: 3 March 2011**

<b>TITLE:</b>	<b>REGULATION OF SEXUAL ENTERTAINMENT VENUES</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Adoption of statutory provision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	<b>CLLR RAY AUGER – ACCESS &amp; ENGAGEMENT</b>	
<b>CONTACT OFFICER:</b>	<b>PAM ROBINSON – 01476 406138</b> <b>p.robinson@southkesteven.gov.uk</b>	
<b>INITIAL IMPACT ASSESSMENT:</b>	N/A	Full impact assessment Required:
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Local Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Policing and Crime Act 2009 Local Government (Miscellaneous Provisions) Act 1982 Licensing Act 2003	

## 1. RECOMMENDATIONS

- 1.1 That Council resolve to formally adopt the amendments to the provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009, and
- 1.2 That where a resolution is made to adopt the new provisions, the statutory notice of the resolution is published with the specified time periods as outlined within this report, and
- 1.3 That the date for the new provision to take effect should be at least one month from the date of the formal resolution of the adoption.

## 2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 The purpose of this report is to provide members with background information in relation to the amendments of the provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009 concerning 'Sexual Entertainment Venues' and seek approval to adopt as per the recommendation above.

### 3. DETAILS OF REPORT

- 3.1 On 1 February 1983, Council adopted the provision of Part II Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 relating to the Control of Sex Establishments.
- 3.2 The Licensing Act 2003 introduced Premises Licences and Club Premises Certificates that superseded the Public Entertainment Licences and were capable of regulating 'adult entertainment' by means of compliance with the four licensing objectives.
- 3.3 On 6 April 2010, the provisions contained in section 27 of the Policing & Crime Act 2009 relating to sexual entertainment venues came into effect.
- 3.4 These provisions amend Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called a 'sexual entertainment venue' into the existing legislation. These venues are defined to include:

- a Lap dancing
- b Pole dancing
- c Table dancing
- d Strip shows
- e Peep shows
- f Live sex shows

A licence will be required under this legislation for these specific activities. These provisions will apply to new venues and to existing venues that are currently licensed for these particular activities under the Licensing Act 2003.

We currently have one premise that would be captured under the new provisions.

- 3.5 The wider powers available under the 1982 Act include the power to impose conditions e.g. relating to opening hours, adverts and the visibility of interiors to passers by. Councils will also be able to refuse to grant or renew a licence on the grounds that such an establishment would be inappropriate having regard to the character of the area, the use of other premises in the area (e.g. local schools).
- 3.6 The grounds for objecting to a licence under the new legislation are wider than currently applies under the Licensing Act 2003.
- 3.7 If it is decided to adopt the amendments, the local authority must pass a resolution specifying that the amendments made by Section 27 to Schedule 3, shall apply to their area and the day on which it shall take effect in the local authority area.

The specified date must be at least one month after the day on which the resolution was passed.

- 3.8 The local authority will be required to publish a statutory notice that a resolution has been passed which explains the effect of the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in a local newspaper circulating in their area in two consecutive publications.
- 3.9 There is no statutory duty to consult on the adoption of the amendments made by Section 27 to Schedule 3.
- 3.10 Premises that provide relevant entertainment on an infrequent basis are not classed as sexual entertainment venues. These are defined as:
- a No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
  - b no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - c no such occasion has lasted longer than 24 hours.
- 3.11 Timescale
- A resolution adopting the amended 1982 Act provisions must state the date when it comes into effect, which must be at least one month after the resolution. It would be possible for the Council to pass the appropriate resolution at the meeting on 3 March 2011. The resolution must be advertised in a local newspaper for two consecutive weeks, with the first advertisement being published at least 28 days before commencement. To facilitate this advertising, it would be recommended that the resolution has effect from 8 April 2011.
- 3.12 Decision of Licensing Committee – 3 December 2010, Minute number: 24
- i Licensing Committee unanimously agreed to recommend that Council adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.
  - ii At the same hearing the Committee agreed to recommend that Council delegate the licensing function to the Alcohol, Entertainment and Late Night Refreshment Committee.

#### **4. OTHER OPTIONS CONSIDERED**

##### **4.1 NOT TO ADOPT**

If the Council does not adopt the amendments made by Section 27 to Schedule 3, the local authority would not have as much power to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, the provisions will allow local authorities to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

**5. RESOURCE IMPLICATIONS**

5.1 The adoption of the provision would need to be advertised in local newspapers.

5.2 The costs involved would be met from existing resources.

**6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

None

**7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

N/A

**8. CRIME AND DISORDER IMPLICATIONS**

None

**9. COMMENTS OF SECTION 151 OFFICER**

I have no specific financial comments to make in respect of this report

**10. COMMENTS OF MONITORING OFFICER**

The amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as introduced by Policing and Crime Act 2009 has the effect of extending the types of venues covered by the 1982 Act. Should the Council decide to adopt the provisions introduced by the 2009 Act, such venues must be regulated by licence by the District Council. Council delegates licensing functions to the Alcohol, Entertainment & Late Night Refreshment Licensing Committee. The adoption of the provisions of the legislation must be considered by and can only be effected by full Council.

**11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER**

Health & Safety – No comments

Planning – No comments received so far

**12. APPENDICES:**

**None**