



Policy and Resources Committee - 11 October 2010

Licensing of Sexual Entertainment Venues

Summary

To adopt provisions under the Local Government (Miscellaneous Provisions) Act 1982 as amended to allow the licensing of sexual entertainment venues.

Attachment(s)

None

1.0 Introduction

The Policing and Crime Act 2009 amended Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 to include sexual entertainment venues. This will alter the existing arrangement of licensing under the Licensing Act 2003, where decisions about licences could only be made based on the four licensing objectives.

2.0 Sexual Entertainment Venues

- 2.1 Section 26 of the Policing and Crime Act introduces a new category of 'Sex Establishment' under Schedule 3 to the 1982 Act called a 'Sexual Entertainment Venue' which is defined as – 'any premises at which Relevant Entertainment is provided before a live audience for financial gain of the organiser or the entertainer'. This new category covers venues that provide 'Relevant Entertainment' which is defined as – 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'. Such venues will require a Sex Establishment Licence.
- 2.2 In summary the amendments to Schedule 3 to the 1982 Act will, in particular:
- allow local people to oppose an application for a Sex Establishment licence if they have legitimate concerns that a Sexual Entertainment Venue would be inappropriate given the character of an area, for example, if the area was primarily a residential area;
 - require licences to be renewed at least annually, at which point local people will have the opportunity to raise objections (if any) with their local authority;
 - allow a local authority to reject a licence application if they believe that to grant a licence for a Sexual Entertainment Venue (including a lap dancing club) would be inappropriate given the character of a particular area;
 - allow a local authority to set a limit on the number of Sexual Entertainment Venues that they think is appropriate for a particular area;
 - allow a local authority to impose a wider range of conditions on the licences of Sexual Entertainment Venues than they are currently able to under the Licensing Act 2003.
- 2.3 This Council originally adopted the previous provisions of the LGMPA 1982 on 29 November 1982 and the Council will now need to adopt the new provisions which have been inserted into Schedule 3.
- 2.4 If the Council chooses to adopt the new provisions officers will need to develop a policy and set fees to deal with sexual entertainment venues. The policy developed

following the original adoption stated that the number of sexual establishment venues would be nil. The new policy would require full consultation and would involve the setting of fees for these venue types. The fees and policy would be the subject of a further Policy and Resources Committee report.

- 2.5 There are grandfather right provisions under the new legislation, however, as we have no existing premises licensed this will not apply.

3.0 Recommendation

- 3.1 It is recommended that the Committee resolves to recommend that Council adopt the provisions for Sexual Entertainment Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and that a further report is produced following consultation for a Sexual Entertainment Venues Policy and associated licence fees.

Implications:	
Corporate Outcomes or Other Policy/Priority/Strategy	
Good Quality of Life	<input checked="" type="checkbox"/> Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery <input checked="" type="checkbox"/>
Effective Partnership Working	<input checked="" type="checkbox"/> Strong Community Leadership <input type="checkbox"/>
Effective Management	<input type="checkbox"/> Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input type="checkbox"/>
Other:	<input type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval <input checked="" type="checkbox"/>	
Financial	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
Risk Management	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score - <input type="checkbox"/>
Staff	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
Equalities and Human Rights	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
Legal	Power: Local Government (Miscellaneous Provisions) Act 1982 and the Police and Crime Act 2009
	Other considerations: Licensing Act 2003
Background Papers: None	
Person Originating Report: Julia Smith Commercial Health Manager 01832 742066 jsmith@east-northamptonshire.gov.uk	
Date: 19 August 2010	
CFO	MO
	CX

(Committee Report Normal Rev. 21)