



Report of the Assistant Chief Executive (Corporate Governance)

Executive Board

Date: 9th December

Subject: Consultation Response - Transitional Arrangements for Regulation of Lap Dancing Clubs

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Eligible for Call In



Not Eligible for Call In

(Details contained in the report)



Executive Summary

The Home Office has issued a consultation on the transitional arrangements relating to the regulation of lap dancing clubs. This report seeks approval for the council's response to this consultation.

This is the first step in a longer process that may include adopting the provisions of Sch 3 to the Local Government (Miscellaneous Provisions) Act 1982, as well as formulating and consulting upon a policy which could include restrictions on the location and numbers of sexual entertainment venues.

The amendment of the 82 Act is likely to commence in April 2010, with the formulation and consultation of a policy occurring mid 2010.

1.0 Purpose of This Report

- 1.1 This report introduces the topic of the reclassification of lap dancing establishments, and seeks the approval of Executive Board for the response to the public consultation on the transitional arrangements. The consultation document is attached at Appendix 1 and the response is attached at Appendix 2.

2.0 Background Information

- 2.1 The increase in the number of lap dancing clubs in recent years has become an issue of concern for many local communities. Currently these premises are licensed under the Licensing Act 2003 for providing facilities for dancing and the performance of dance. This effectively treats a lap dancing club the same as a nightclub or late night bar. This does not adequately provide members of the public the opportunity to make representation about premises which are primarily in the business of providing sex as entertainment. It also does not allow councils to control the number or location of such establishments in their area.
- 2.2 As part of the Policing and Crime Bill introduced in Parliament on the 19 December 2008, the Government included provisions to reclassify lap dancing clubs and similar establishments as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 2.3 The Policing and Crime Bill received Royal Assent on 11th November 2009. Once the public consultation is complete the Government will finalise the transitional arrangements. This will provide the framework and timescales the council will use to introduce the regulation of sex encounter venues.
- 2.4 Once the details are confirmed, the council will decide whether to adopt the provision of Schedule 3 to the 82 Act, and to determine if it wishes to formulate a policy restricting numbers and locations of premises. If this is the case there will be a full consultation with stakeholders and the general public on this policy. This consultation process is likely to take place mid 2010.

3.0 Main Issues

- 3.1 The Government proposes to introduce a new category of premises under schedule 3 of the 1982 Act called "sexual entertainment venue". This new category covers venues that provide "relevant entertainment". Relevant entertainment is defined as any live performance or 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 verbal or other means)*". There is an exemption for premises which provide such entertainment infrequently.

3.2 This new classification will:

- Allow local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because, for example, if the area was primarily a residential area.
- Require licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with their local authority.
- Allow a local authority to reject a licence application if they believe that to grant a licence for 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 lap dancing clubs than they are currently able to under the 2003 Act.

3.3 The main proposals for the transitional arrangements are as follows:

- Any operator – new or existing – who wishes to provide “relevant entertainment” at the end of the transitional period will be required to apply for a sex establishment licence.
- Existing operators will be allowed to continue to provide “relevant entertainment” under their existing permission without interruption for the duration of the transitional period or until their application for a sex establishment licence has been determined, whichever is the later.
- The transitional period will start on the date Schedule 3 to the 1982 Act comes into force in that area. It will last for 12 months.
- For the first 6 months applicants will be able to submit applications, all of which will be considered together by the local authority. This is pertinent if the local authority has decided to set a limit on the number of licences.
- Applications received after the first 6 months will be considered on a case by case basis but only after the applications received in the first six months have been determined
- Licences granted for sexual entertainment venues will not take effect until the conclusion of the transitional period.

3.4 The Government has issued a consultation on the transitional arrangements (Appendix 1). Officers have provided a response which is attached at Appendix 2.

4.0 Implications for Council Policy and Governance

- 4.1 There are no implications for council policy and governance in relation to the consultation response.
- 4.2 There will be ramifications for both council policy and governance on the transitional process itself. If council decides to adopt Sch 3 to the Local Government (Miscellaneous Provisions) Act 1982, the council may decide to adopt a policy on the location and numbers of licensed sexual entertainment venues in the district. Before the adoption of the policy the council may decide to consult with stakeholders and the public. The timescale for this is likely to be mid 2010.

5.0 Legal and Resource Implications

- 5.1 Legal support has been provided in the drafting of this consultation response. There will be no further resource implications with regards to this consultation response.

6.0 Conclusions

- 6.1 That Members should consider the consultation response and decide if this response is to be approved as the Council's response.

7.0 Recommendations

- 7.1 Members are requested to consider the responses to the consultation and endorse the proposed responses to the consultation that these be approved as the Council's response.

Appendices

- Appendix 1 Regulation of Lap Dancing Clubs – Consultation on Transitional Arrangements
- Appendix 2 Leeds City Council's Response to the Consultation on Transitional Arrangements

Background Papers

Policing and Crime Act 2009
Local Government (Miscellaneous Provisions) Act 1982