
Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 15th February 2011

Subject: Sexual Entertainment Venues Update
Local Government (Miscellaneous Provisions) Act 1982

Electoral Wards Affected:

Specific Implications For:

Ethnic minorities

Women

Disabled people

Executive Summary

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. Potentially, this brings to lap dancing, pole dancing and other “relevant entertainment” within a new licensing regime.

The Licensing Committee previously resolved to recommend adoption of the new powers to Council and set up a cross party working group to develop a policy and standard conditions.

This report updates members of the Licensing Committee about the progress the working group have made in developing a policy and standard conditions.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to provide an update to members of the Licensing Committee about the progress the working group have made in developing a policy and standard conditions

2.0 Background Information

- 2.2 On 22nd June 2010 Licensing and Regulatory Panel (now Licensing Committee) decided to recommend to Council to adopt the provisions of Sch 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- 2.3 The Panel also decided to develop a policy and set of standard conditions relating to sexual establishments, in particular sexual entertainment venues, sex shops and sex cinemas.
- 2.4 The Panel formed a cross party Working Group to work with officers of Entertainment Licensing to develop the policy and conditions.

3.0 Main Issues

- 3.1 In January 2011 the Council made a resolution to adopt the provisions of Sch 3 of the Act, effective from 1st October.
- 3.2 The Working Group continues to meet monthly to progress development of the policy and conditions.
- 3.3 Since the last update to the Licensing Committee in November the working group have developed a first draft of the Policy.
- 3.4 The Working Group has met with existing lap dancing operators and their legal representative to pre-consult on the policy. This meeting was very productive.
- 3.5 The Working Group is arranging a site visit to a number of lap dancing establishments to gain understanding of the premises and the business to inform the next draft of the policy.
- 3.6 The Working Group is planning a review of the fee structure and to pre-consult with the sex shop operators and multi-agency partners prior to the public consultation.

3.7 Timetable

February 04/02/2011 to 28/02/2011	Site visits Second draft of policy, fee review and pre-consultation with sex shop operators.
15/03/2011	Public consultation draft to Licensing Committee for approval
04/04/2011 to 24/06/2011	Public consultation
July or August 2011	Final Policy to Licensing Committee for approval and referral to Council

Sept 2011
01/10/2011

Council
Licensing regime comes into effect

4.0 Implications for Council Policy and Governance

- 4.1 This report is to advise members on the work undertaken to develop a policy, therefore any implications for Council Policy and governance will be identified and addressed during the presentation of the policy itself.
- 4.2 The development of a policy under the Local Government (Miscellaneous Provisions) Act 1982 is a responsibility delegated to the Licensing Committee under the Council's constitution.
- 4.3 After the public consultation, when the policy is ready for adoption it should be referred back to Council by Licensing Committee with a recommendation to adopt.

5.0 Legal and Resource Implications

- 5.1 Legal advice will be required to advise the council on the proposed policy.
- 5.2 Once a policy has been developed the subsequent consultation is likely to attract a large number of responses, both from the trade, members of the public and interested action groups. This will have resource implications for Entertainment Licensing who will need to handle enquiries from the public and written responses to the consultation.
- 5.3 The transitional arrangements will also apply pressure on the council with a high number of representations expected for each of the applications.

6.0 Conclusions

- 6.1 The Government has provided local authorities with a way of controlling the number and location of lap dancing clubs in their area. It has also given the Council great latitude in deciding the policy relating to sex establishments in the Leeds area.
- 6.2 The Working Group formed by the Licensing Committee is currently developing a policy and standard conditions, and has sought advice from partners in relation to the contents of the policy.

7.0 Recommendations

- 7.1 That Members note the contents of the report.