
Report of the Assistant Chief Executive (Corporate Governance)

Licensing Committee

Date: 15th March 2011

Subject: Sexual Entertainment Venues Public Consultation
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. The council adopted the provisions at the January Council meeting with effect from 1st October 2011

This report updates members of the Licensing Committee about the progress the working group have made in developing a policy and standard conditions and presents the draft report and consultation methodology for approval.

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. This report presents the draft policy (appendix 1) and consultation methodology (appendix 2) for approval and members are asked to consider authorising the start of the public consultation.

2.0 Background Information

- 2.1 On 22nd June 2010 Licensing and Regulatory Panel (now Licensing Committee) resolved 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.
- 2.2 The Panel also resolved to develop a policy and set of standard conditions relating to sexual establishments, in particular sexual entertainment venues, sex shops and sex cinemas.
- 2.3 The Panel formed a cross party working group to work with officers of Entertainment Licensing to develop the policy and conditions.
- 2.4 In January 2011 the Council made a resolution to adopt the provisions of Sch 3 of the Act, effective from 1st October. This timescale was agreed to provide enough time for the council to consult with existing operators, the public and interested parties on the new policy. However this timescale also means that the council must have a policy in place by the beginning of October.

3.0 Main Issues

- 3.1 Since June 2010, the working group has undertaken the following:
- Met monthly to develop the policy and conditions
 - Met with interested groups such as West Yorkshire Police
 - Met with existing sexual entertainment venue operators
 - Undertaken site visits to four sites to gain an understanding of the style of operation in Leeds
 - Pre-consulted with partner agencies on the draft policy
 - Pre-consulted with the sex shop operators
 - Reviewed the fees relating to sex establishments.
- 3.2 It is planned to undertake a public consultation process on the draft policy from 4th April to 24th June 2011. This consultation will include:
- A postal consultation to the trade, support groups, religious groups, ward members and local MPs.
 - A press release
 - Poster advertisement placed in libraries, one stop shops and leisure centres.
 - A webpage on the Leeds City Council website which provided the consultation documents and online questionnaire.
 - Attendance at Area Committee meetings to bring the matter to the attention of the public and ward members.

3.3	<u>Timetable</u>	
	4 April to 24 June 2011	Public consultation
	19 July 2011 (provisional)	Final Policy to Licensing Committee for approval and referral to Council
	14 Sept 2011 (provisional)	Council
	1 October 2011	Licensing regime comes into effect

3.4 Once the policy is in place and the licensing regime comes into effect on the 1st October, existing operators of lap dancing venues will be given the opportunity to apply for a sex establishment licence. These applications will be determined together in April 2012 and will come into effect on 1st October 2012.

4.0 Implications for Council Policy and Governance

4.1 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.

5.0 Legal and Resource Implications

5.1 Legal advice will be required to advise the council on the proposed policy.

5.2 It is expected that the public 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. The Licensing Committee will need to determine at least eight licence applications at the same time in April 2012 which will apply pressure during the busy pre-election period.

6.0 Conclusions

6.1 The working group formed by the Licensing Committee has developed a policy and standard conditions, and has sought advice from partners in relation to the contents of the policy.

6.2 The next stage is to undertake a public consultation process on the draft policy which is due to be undertaken over 12 weeks from 4th April to 24th June.

7.0 Recommendations

7.1 That Members note the contents of the report.

7.2 That Members are asked to approve the draft policy and the consultation methodology and authorise the commencement of the public consultation on the 4th April.