
Report of the Head of Licensing and Registration

Licensing Committee

Date: 26th July 2011

**Subject: Sex Establishment Statement of Licensing Policy
Consultation Report and Policy**

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 presents to Licensing Committee the results of the public consultation and the final version of the policy, for endorsement and referral to Executive Board.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to update Members of the results of the public consultation, to request that Members endorse the Report of the Working Group (appendix 1) as the Council's response to the consultation and recommend the policy (appendix 2) and report be referred to the council Executive Board for approval.

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 A public consultation on the draft policy ran from 4th April to 24th June 2011. This consultation included:
- 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.

- 3.3 The public consultation received 23 responses. A list of the responses is included in Annex A to the Report of the Working Group.
- 3.4 The working group undertook the Equality, Diversity, Cohesion and Integration Screening Process (appendix 3).
- 3.5 Timetable
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|-------------------------|------------------------------------|
| 4 April to 24 June 2011 | Public consultation |
| 1 October 2011 | Licensing regime comes into effect |
- 3.6 Once the policy is in place and the licensing regime comes into effect on the 1st October, operators of lap dancing venues will be given the opportunity to apply for a sex establishment licence. These applications will be determined together in June 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 an executive function. On referral from Licensing Committee, the policy has to be approved by Executive Board and is available for call in by the Resources and Council Services Scrutiny Board. It has been placed on the Forward Plan and has been placed on the agenda for the Executive Board on the 7th September. Should Scrutiny exercise the right to call in, it will need to return to Executive Board on the 12th October 2011.

5.0 Legal and Resource Implications

- 5.1 Legal advice will be required to advise the council on the proposed policy.
- 5.2 The transitional arrangements will 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 June 2012.

6.0 Conclusions

- 6.1 The working group formed by the Licensing Committee has developed a policy and standard conditions, has sought advice from partners in relation to the contents of the policy and has taken the policy out to public consultation.
- 6.2 A report which provides a response to the comments received through the public consultation has been compiled and is attached for members information. The draft policy has been amended where necessary and the latest draft is attached.
- 6.3 The report and final draft policy require endorsement from Licensing Committee and referral to Executive Board for approval.

7.0 Recommendations

- 7.1 That Members are asked to endorse the report of the working group and the draft policy and refer these documents to Executive Board for approval.

Appendix 1 - Report of the Working Group

Appendix 2 - Sex Establishments Statement of Licensing Policy

Appendix 3 - Equality, Diversity, Cohesion and Integration Screening