

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE 9th SEPTEMBER 2010**

Background Papers, if any, are specified at the end of the Report

SEXUAL ENTERTAINMENT VENUES

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RECOMMENDATIONS

- 1 To resolve that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 shall apply to Chiltern District area.**
- 2 To delegate to the Head of Health and Housing, in consultation with the Head of Legal Services, the necessary public consultation.**
- 3 To delegate the responsibility to determine applications for sexual entertainment venues to a sub-committee of the Licensing and Regulation Committee.**
- 4 That fees are set to recover all reasonable expenses incurred in processing a sex establishment licence application. The setting of the level of fees to be delegated to the Head of Health and Housing in consultation with the Head of Finance.**

Relationship to Council Objectives

2d Safe, healthy and cohesive communities - using licensing and regulation to promote health and safety.

Implications

- (i) This is a key decision within the forward plan.*
- (ii) It is within the policy and budgetary framework*

Financial Implications

A Public Notice must be published in a local newspaper for two consecutive weeks.

Although not mandatory, prior to deciding whether to pass a resolution, local authorities may wish to seek the views of local people and businesses. This will have a cost in terms of officer time.

Risk Implications

If a local authority has not made a resolution to adopt the new provisions within one year of it coming into force, it must, as soon as reasonably practicable consult local people about whether they should make such a resolution.

Equalities Implications

None

Sustainability Implications

None

Report

- 1 Under the Licensing Act 2003, regulated entertainment, including dancing or entertainment of a similar nature, requires a relevant licence. However, under this regime, there is no control as to the nature of that entertainment. However since, April 2010, the Policing and Crime Act 2009 (Section 27) provides for the regulation of sexual entertainment venues and relevant entertainment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2 A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer" and relevant entertainment is defined as "any live performance or live display of nudity which is of a nature that, ignoring financial gain, it must reasonably be 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 entertainment includes lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.
- 3 In adopting Schedule 3 as amended, local authorities would be able to control the number and location of lap dancing clubs and similar venues in their area and be able to refuse an application on potentially wider grounds than is permitted by the Licensing Act 2003. These provisions are not mandatory and will only apply where adopted.
- 4 These provisions do not apply to sex shops and cinemas already regulated by Schedule 3 and premises used on an infrequent basis i.e. where relevant entertainment has been provided on less than 11 occasions within a 12 month period. Those premises not covered by the new provisions will continue to be regulated under the Licensing Act 2003. Premises for which a sexual entertainment licence is required would not also need a premises licence, club premises licence or Temporary Event Notice issued under the Licensing Act 2003.

However if other licensable activities are provided under the 2003 Act, then the relevant licence will also be required.

- 5 Any person wishing to operate a sex establishment will require a sex establishment licence. Following an application for waiver by the applicant, the requirement for a licence can be waived by the local authority if it considers that to require a licence would be unreasonable or inappropriate.
- 6 Chiltern District Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 1st April 1983. Therefore the process for adopting the amendments is that a resolution must be passed specifying the amendments made by section 27 and the day on which they come into force. The specified day must be more than one month after the day on which the resolution is passed. A public notice stating that such a resolution has been passed must also be published in a local paper for two consecutive weeks. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force.
- 7 The application process is detailed in Government guidance and the Act. A local authority can charge a reasonable fee for the grant, renewal, variation or transfer of a sex establishment licence although this not expanded upon. Therefore it is recommended that a fee is set to recoup all reasonable expenses incurred in processing an application. The setting of the level of fees to be delegated to the Head of Health and Housing in consultation with the Head of Finance.

Background Papers: None
