

SUBJECT:	Regulation of Sexual Entertainment Venues
REPORT OF:	Officer Management Team - Director of Services Prepared by - Head of Health and Housing

1. Purpose of Report

- 1.1 To allow members to consider approving the carrying out of an eight week consultation exercise concerning the requirement for Sexual Entertainment Venues (SEVs) to be licensed within the South Bucks area.

2. Links to Council Policy Objectives

- 2.1 There is a link between an effective licensing regime for sexual entertainment venues and the council's policy objective for safer and stronger communities.

3. Background

- 3.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") allows local authorities to adopt provision requiring sex shops and sex cinemas to be licensed. South Bucks District Council adopted these provisions and licensing requirements came into force in the district on 1 March 1983. There are currently no licensed sex shops or sex cinemas licensed within the South Bucks District Council area.
- 3.2 Section 27 of the Policing and Crime Act 2009 ("2009 Act") amended Schedule 3 of the 1982 Act to allow local authorities to adopt provisions allowing SEVs such as lap dancing clubs to be licensed under the 1982 Act to bring them in line with other licensed sex establishments i.e. sex shops and sex cinemas.
- 3.3 On 3 November 2010 the Licensing Committee resolved to recommend to Council the adoption of the amended legislation requiring licensing of SEVs within the South Bucks District Council area as of 31 January 2011. On 14 December 2010 full Council resolved to accept the Licensing Committees recommendation of 3 November 2010.
- 3.4 Schedule 3 of the 1982 Act requires that where a local authority resolves to adopt the licensing requirement for SEVs they shall publish notice that they have passed such a resolution in a local newspaper circulating in their area for at least two consecutive weeks. The first of these notices shall be published at least 28 days before the day on which the licensing requirements come into force.
- 3.5 If a local authority did not make a resolution to require SEVs to be licensed within one year of these new powers coming into force paragraph 4 of Schedule 3 of the 2009 Act required the local authority as soon as reasonably practicable to consult local people about whether the local authority should adopt the SEV licensing requirements.

4. Discussion

- 4.1 South Bucks District Council has now been operating its current approach of requiring SEVs to be licensed for three years. Since the adoption of this legislation only one application for a licence for an SEV premises has been received. This application was refused and currently there are no licensed SEVs within the South Bucks District.

- 4.2 It has recently come to light that although the Council resolved to adopt licensing requirements for SEVs, the requirement for notice of this resolution to be advertised in a local paper circulating in the local authority area was not met.
- 4.3 Whilst the Council's resolution adopting the legislation remains valid, in light of this advertising oversight, legal advice is that to avoid potential future challenge a consultation, as required under paragraph 4 to Schedule 3 of the 2009 Act, should be undertaken to seek the views of local people as to whether the resolution adopted on 14 December 2010 should stand. If, having considered any consultation responses, a resolution is made that licensing of SEVs should continue under the 1982 Act then the appropriate newspaper notices will be posted following this.
- 5. Resource, Risk and other Implications**
- 5.1 The cost of carrying out this consultation process will involve staff time and resources, but these costs will be met within the existing budget. In the event that a resolution is made to the effect that SEVs should continue to be licensed the costs of publishing the required two newspaper notices will also be met from within the existing budget.
- 5.2 If any prosecution was to be brought under Schedule 3 it could be a defence for a person charged to attempt to show that amendments to Schedule 3 of the 1982 Act arising from the 2009 Act had not been lawfully adopted. Matters which could be the subject of prosecution include a person using premises for SEV purposes without a licence being in force, employing a person who is disqualified from holding a licence, contravening licence conditions or giving a false statement in connection with an application.
- 6.0 Recommendation**
- 6.1 It is recommended that members approve the undertaking of an 8 week consultation exercise taking place between July and September 2014 seeking the views of people living and working in the local authority area as to whether the adoption of the amendments to Schedule 3 of the 1982 Act relating to licensing of SEVs should continue.
- 6.2 If the Licensing Committee approves option 6.1 above the results of the consultation exercise will be reported back to a further meeting of the Licensing Committee on 8 October 2014.

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Background Papers:	Local Government (Miscellaneous Provisions) Act 1982. Policing and Crime Act 2009. Report to Environmental Control Committee 10 November 1982 Report to Licensing Committee 3 November 2010