

 Regulatory Committee 29th July 2010		Agenda Item No.
Title	Sex Encounter Licences	
For further information about this report please contact	David Davies, Licensing Services Manager, Community Protection. Tel: 01926 456113. david.davies@warwickdc.gov.uk	
Service Area	Community Protection	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006		
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	27/05/2010	Roger Jewsbury
Chief Executive		
CMT		
Section 151 Officer		
Legal		
Finance	27/05/2010	Andy Crump
Portfolio Holder(s)	27/05/2010	Councillor Kirton
Consultation Undertaken		
None		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
Recommendation to Council in report.		

1. **SUMMARY**

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 (The Act) Schedule 3 has been amended by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing Regime for "sexual entertainment venues".

2. **RECOMMENDATION**

That the Regulatory Committee recommends to the Council that it re-adopts Schedule 3 of the Act which will incorporate the amendments made to it since its original adopting; and, at the same time, formulates a policy that clearly states the Council's position with regards to sex encounter establishments.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 In July 1983, the Council adopted Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which are the provisions for dealing with the licensing of sex establishments which, at that time were sex shops and sex cinemas only. No licences currently exist with this council under this legislation.
- 3.2 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 Local Government (Miscellaneous Provisions) 1982 to permit the Licensing Authority to license "sexual entertainment venues", where "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer.
- 3.2 'Sexual entertainment venues', are clearly defined within the amendment to the Act, and includes definitions to limit, so far as possible, any ambiguities.
- 3.3 This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act. This Licensing Authority has one such establishment at present, licensed under the Licensing Act 2003. There are no grandfather rights available for existing operators, so they will have to apply for a sex encounter licence within a prescribed timeframe, should the Council adopt the new provisions.
- 3.4 Section 27 of the Policing and Crime Act 2009 came into force on 6th April 2010. Following this date local authorities are able to resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area. Adoption is a matter for the Council on recommendation from the Regulatory Committee
- 3.5 If the Council fails to adopt Schedule 3 in the way described above within twelve months of the new legislation taking effect, it must then carry out a full public consultation exercise before formally adopting
- 3.6 As the original part of the Act was adopted in 1983, officers feel that it would be better to re-adopt the whole of section 2 and schedule 3 which includes the amendment, rather than adopt the amendment alone. No extra costs are incurred in this procedure.
- 3.7 The adoption of Schedule 3, as amended, would also enable the Council to determine a policy in relation to applications for sexual entertainment venues, sex shops and sex cinemas, covering, for example, a maximum number, the

suitability of the applicant or area, the operation and management of the premises, and standard licence conditions.

3.8 If the Council resolved to adopt Schedule 3, as amended, it would have to specify the date, within one month, on which the resolution would come into effect, and publish two notices of the resolution not later than 28 days before it would take effect.

3.8 The Council does not currently have a policy which deals with sex encounter establishments of any kind.

3.9 Appendix 1 shows suggested headings and text for the Committee to consider when formulating a sex encounter policy.

4. **ALTERNATIVE OPTION CONSIDERED**

4.1 None.

5. **BUDGETARY FRAMEWORK**

5.1 The cost of the necessary advertisements will be met from allocated funds within the existing budget.

5.2 Should the Council adopt the amendment to the Act, there is a potential annual income of £2050 from the one premises that is within the District that requires a licence, should it be applied for and granted.

6. **POLICY FRAMEWORK**

6.1 A new policy regarding sex encounter establishments may be introduced.

Appendix 1

Sex Establishment Policy – proposed headings

1. Introduction

This will set out the circumstances where a licence will be required, and the scope of the policy (ie. the licences to which it will apply).

2. Hours of operation

This will set out any standard hours of operation to apply – *do you want to consider such a “default” clause?*

3. Location/number of premises

This will set out:

- a. Where in the District sexual encounter venues may be located. *There will be a presumption against licences being granted outside any areas you specify. What parts of the District would you consider to be suitable? Town centres/frontages? Particular wards?*
- b. The number of premises – either within a particular area, across the District or both. *What would you like to specify under this heading?*
- c. Sensitive areas – areas of particular concern, such as proximity to places of worship, schools etc; proximity to areas with high levels of recorded crime; cumulative impact of other sexual encounter venues. *Any other considerations in terms of location to be included?*

4. Other considerations to be taken into account

This may include:

- a. Planning issues
- b. Whether the applicant is a fit and proper person to hold a licence. *Anything else?*

5. Consultation/publicity for applications

This will set out who we will consult on receipt of an application, and the publicity requirements to be undertaken by the applicant. *Any ideas as to who should be consulted? Ward councillors? Community groups? Neighbouring properties?*

6. Other information for applicants

This may include:

- a. Duration of the licence
 - b. "Standard" conditions
 - c. Any other statutory requirements
 - d.
- ## 7. Other information for interested parties
- ## 8. Further information/contact points