



Leicester  
City Council

**WARDS AFFECTED**  
City Wide

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
Cabinet

**21 June 2010**

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## **Licensing of Sexual Entertainment Venues**

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### **Report of the Director for Environmental Services**

#### **1 Purpose of Report**

- 1.1 To advise Cabinet of the introduction of new licensing powers to regulate lap dancing and other sexual entertainment venues and to seek Cabinet's approval for the proposed course of action.

#### **2 Recommendations**

- 2.1 Cabinet is asked to
- approve the proposed timetable,
  - approve the proposed consultation arrangements, and
  - ask full Council to adopt the provisions that will enable Leicester City Council to licence sexual entertainment venues.

#### **3 Summary**

- 3.1 The performance of a dance is a licensable activity under the Licensing Act 2003. This definition applies equally to a theatrical dance on a stage as it does to lap dancing. This has meant that it has been impossible for licensing authorities to differentiate premises which provide lap dancing or to effectively control them. Concerns about the unregulated proliferation of premises in some areas of the country have now led to new provisions in the Policing and Crime Act 2009, which enable licensing authorities to regulate them separately. This report proposes a process for the implementation of the powers in Leicester.

#### **4 Report**

##### **Policing and Crime Act 2009**

- 4.1 The Act introduces a new category of premises, a sexual entertainment venue. Premises falling within this definition become a sex establishment within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 and become licensable in the same way as sex shops and sex cinemas.

- 4.2 A sexual entertainment venue is defined as being a premises where a live performance or display of nudity takes place which is for the purpose of sexually stimulating a member of the audience. There will be an exemption for premises where occasional use of up to 11 times in a twelve month period occurs.
- 4.3 The new provisions are adoptive, requiring a resolution of the council and advertising of the decision. If an authority does not adopt the provisions within 12 months of them being in force, then it will be required to undertake public consultation before doing so.
- 4.4 The control provisions relating to sex establishments are quite powerful and an authority may amongst other things set a limit on the number of sexual entertainment venues it believes is appropriate for all or parts of its area and refuse to grant a licence if it believes the location to be unsuitable. It may also introduce standard conditions to regulate the operation of the premises. Any person would be able to make representation in relation to a licence application, so local residents would be able to make their views known.
- 4.5 Leicester City Council already has a policy on sex shops, which was approved in January 2003.
- 4.6 The new provisions came into effect on 6 April 2010. If Leicester City Council chooses to adopt these, it should also adopt a policy on licensing sexual entertainment establishments to set out its approach, guide and reassure the public and other public authorities, ensure transparency and consistency, and guide and focus its Licensing Committee.
- 4.7 The government has issued guidance to local authorities to assist in the implementation of the new provisions.

### **Transition**

- 4.8 If Leicester City Council resolves to adopt the new provisions, that resolution will include the date of the 'First appointed day'. The 'Second appointed day' will be six months later and the 'Third appointed day' a further six months after that.
- 4.9 Any applications made after the first but before the second appointed day must all be considered before any are determined. Any applications made between the second and third appointed days must not be determined until after the first batch has been determined. Any licences granted would take effect on the third appointed day.
- 4.10 The requirement for a licence comes into effect on the first appointed day, but there is an exemption for existing premises.

- 4.11 With regard to premises in Leicester, an existing premises is one which immediately before the first appointed day:
- Has a licence under the Licensing Act 2003, and either
    - Uses the premises as a sex encounter venue under the 2003 Act licence OR
    - Is undertaking preparatory work to use the premises as such a venue under that licence

We believe that there are four existing lap dancing clubs in the city, but similar entertainment may also be provided on an occasional basis at other premises.

- 4.12 Existing premises can continue to be used as such until the later of:
- the third appointed day,
  - the determination of an application made before the second or third appointed day, or
  - the determination of an appeal against refusal.

### **Consultation**

- 4.13 It is proposed to undertake public consultation on the policy that the City Council should adopt in relation to the licensing of sexual encounter venues. The draft consultation document is attached at Appendix A.

- 4.14 The public consultation would relate to the suitability of different types of locations for sexual encounter venues and whether a specific limit should be set for the whole city or for different parts of it. It would also relate to the types of restrictions that should be imposed on the type of performance, the design of the premises and the safeguards that should be provided. This matter will be considered by the Safeguarding Children Board on 1 July 2010 and any suggestions they may have about the style or direction of consultation, or the issues to focus on, will be included.

- 4.15 Consultation will comprise of:
- Written consultation with members of the People's Panel,
  - On-line consultation via the Council's website,
  - Posting consultation forms on request,
  - Written consultation with existing operators and performers,
  - Written consultation with residents and businesses in the vicinity of existing lap dancing premises,
  - Written consultation with interested organisations, including the police, Council of Faiths, Safeguarding Children Board, Leicester Chamber of Commerce and Safer Leicester Partnership,
  - Written consultation with Members of Leicester City Council.

### **Comments of the Licensing Committee**

- 4.16 This matter was reported to Licensing committee on 23 February 2010. The Committee commented that:
- there is a need to consult any residents and businesses who live near to sexual entertainment venues, and they should be asked a different set of

questions to those asked of interested organisations, because their concerns may be different.

- consultation should take into account the fact that some lap dancing clubs are open during the day time, and are not exclusively open at night time.

## Proposed timetable

4.17 The proposed timetable is as follows:

<b>Date</b>	<b>Body</b>	<b>Action</b>
21 June 2010	Cabinet	Approval of consultation process
1 July – 30 Sep 2010	Licensing section	Consultation period
9 September 2010	Full Council	Resolution to adopt new provisions; set first appointed day
October 2010	Licensing section	Finalise policy
October 2010	Licensing Committee	Comment on final policy
8 November 2010	Cabinet	Approve policy
1 January 2011		First appointed day – only existing operators may continue
1 July 2011		Second appointed day
1 January 2012		Third appointed day – policy comes into effect

## 5 FINANCIAL, LEGAL AND OTHER IMPLICATIONS

### 5.1 Financial Implications

The cost of implementing the licensing of sexual entertainment venues, including administration and enforcement, will be met by licence fees.

Martin Judson, Head of Finance, extension 7390

### 5.2 Legal Implications

Section 3 of the report outlines the background to the new legislation.

Accordingly when the Section of the Act comes into force, then the Council can follow the relevant procedures to adopt the legislation and then upon consultation write a suitable Policy document to enable the Council to control the Licensing of Sexual Entertainment Venues within the City.

Jamie Guazzaroni - Legal Services

### 5.3 Climate Change Implications

There are no climate change implications in this report.

## 6 Other Implications

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within Supporting information</b>
Equal Opportunities	No	Appendix A
Policy	Yes	2.1, 4.3, 4.4
Sustainable and Environmental	No	
Crime and Disorder	Yes	4.4, Appendix A
Human Rights Act	No	4.4, Appendix A
Elderly/People on Low Income	Yes	
Corporate Parenting	Yes	4.4, Appendix A
Health Inequalities Impact	No	

## 7 Background Papers – Local Government Act 1972

7.1 Licensing Committee report ‘Licensing of sexual entertainment venues’ - 23 February 2010

7.2 Cabinet report ‘Policy on Licensing of Sex Shops’ - 27 January 2003

## 8 Consultations

8.1 Leicester City Council Safeguarding Children’s Board

## 9 Report Author

9.1 Mike Broster – Head of Licensing and Pollution Control

To be annexed:

Appendix A – draft consultation document

<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)