

Consultation on Leicester City Council's Policy on Licensing Sexual Entertainment Venues

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Introduction

The Policing and Crime Act 2009 has introduced new powers for local authorities to regulate sexual entertainment venues. Sexual entertainment venues are premises where live entertainment or displays of nudity take place for the purpose of sexually stimulating an audience. One of the principal types of premises where this occurs is lap dancing venues.

The City Council intends to adopt these powers and this consultation is designed to gather views on its policy for their use.

From the date on which the powers come into force, which will be decided by the Council, premises must be licensed. Premises on which sexual entertainment takes place infrequently, less than twelve times in a twelve month period and on occasions at least one month apart, are exempt from the requirement for a licence. The Council may decide not to grant a licence if they consider that the location of the premises is unsuitable, or because of the use to which other premises in the vicinity are put, or because they consider the applicant to be unsuitable. They may also decide how many licences should be granted in particular locations, which may be none.

If a licence is granted the Council may impose conditions, which could relate to such things as the outside appearance of the property, the management of the premises, internal layout, and the nature of the performances. The Council will also decide what the application process will be and how problem premises will be dealt with.

Responding to this Consultation

The Council intends to consult with members of the public, relevant organisations and the trade on its policy. You may make your views known by completing all or any part of the following document. For instance if you are a member of the public you may be most interested in the effect a sexual entertainment may have on the area in which you live, in which case you may wish to fill in only Sections 1 – 4. You may also make submissions of your own.

You may make your submissions either online by visiting www.leicester.gov.uk or by email or by post to the Licensing Section. **The closing date for submissions is 30 September 2010.**

Further copies of this document can be obtained at:

www.leicester.gov.uk/licensing

or from:

Licensing Section
Leicester City Council
New Walk Centre
Leicester
LE1 6ZG

Telephone 0116 252 8555

Email: Licensing@Leicester.gov.uk

Outcome of Consultation

The City Council will take account of all views expressed during this consultation.
The outcome of the consultation will be published on the Council's website
www.leicester.gov.uk.

Section 1 - Controlling the Location of Sexual Entertainment Venues

a) Please tell us which of the following areas you consider to be suitable or unsuitable for a sexual entertainment venue:

Area	Suitable	Unsuitable
The City Centre (inside the Inner Ring Road)	48 (63%)	7 (9%)
Other areas associated with the night time economy (eg Braunstone Gate)	40 (53%)	10 (13%)
Industrial estates	28 (37%)	19 (25%)
District shopping areas (eg Beaumont Leys Shopping Centre, Queens Road, Evington Road, Aylestone Road, etc)	6 (8%)	30 (40%)
Residential Areas	2 (3%)	38 (50%)
Other areas, please specify		
Places of worship	0	4 (5%)
Near schools / colleges / nurseries	0	6 (5%)
Places frequented by young people	0	3 (4%)
Anywhere	2 (3%)	1 (1%)
Most commercial areas, if lit and no danger to the people involved	2 (3%)	0
Cultural quarter	1 (1%)	1 (1%)
Anywhere where it may cause late night nuisance	0	1 (1%)
Are there any other comments you would like to make about the location of sexual entertainment venues?		
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- b) Please tell us which type of premises listed below you think sexual entertainment venues should **not** be located close to.

	Type of premises (tick as many as apply)
Sexual entertainment venues should NOT be located close to:	Places of worship 59 (77%)
	Schools 61 (80%)
	Other community facilities such as libraries, community centres etc 53 (70%)
	Residential Premises 33 (43%)
Are there any other comments you would like to make about the types of premises which sexual entertainment venues should not be located close to?	
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- c) The City Council does not intend to specify a fixed distance from any other premises that sexual entertainment venues must be located, but will judge each case on its individual merits. (For example, we will **not** state that a sexual entertainment venue must be more than 2 miles from any school). Do you agree or disagree with this approach?

A fixed distance should not be used to determine which premises a proposed sexual entertainment venue is in the vicinity of:	Agree 38 (50%) Disagree 24 (32%) Not sure 12 (16%)
If you disagree with this approach please explain why:	
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If you believe a fixed distance should be used please state what this should be:	
0 metres	1 (1%)
Half a mile	1 (1%)
1 mile	2 (3%)
2 or more miles	7 (9%)

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d) Please tell us whether you think there are any events (for example, the Caribbean Carnival) during which sexual entertainment venues should not operate, if they are in the vicinity of those events.

Sexual entertainment venues should not operate in the vicinity of specific events, for a specified time before and after the event.	Agree 28 (37%) Disagree 35 (46%) Don't know 9 (12%)
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If you agree with this approach please explain which events you think this should be applied to, and why:

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Do you have any other comments in relation to sexual entertainment premises operating in the vicinity of specific events?

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Section 2 - Limiting Numbers of Sexual Entertainment Venues

The City Council intends to limit the number of sexual entertainment venues that will be licensed in particular locations. It has not decided yet how to identify which these locations should be. The number of premises in a particular location could be limited to nil. Please give your views on this.

If the City Council decides to limit the number of sexual entertainment venues in the following locations what should that number be?	Please write in the number of venues for each of the locations
City Centre (inside the Inner Ring Road)	None 17 (22%) One 7 (9%) Two 5 (7%) Three 12 (16%) Four 5 (7%) Five 4 (5%) Six 2 (3%) Ten 6 (8%) Twenty 1 (1%) Unlimited 3 (4%) Don't know 1 (1%)
The whole of the area outside the inner ring road	None 26 (34%) One 5 (7%) Two 5 (7%) Three 3 (4%) Four 3 (4%) Five 4 (5%) Seven 2 (3%) Ten 2 (3%) Fifteen 1 (1%) Twenty 1 (1%) Thirty 1 (1%) Fifty 1 (1%) Unlimited 5 (7%) Don't know 2 (3%)
Braunstone Gate	None 21 (28%) One 15 (20%) Two 10 (13%) Three 3 (4%) Four 1 (1%) Five 3 (4%) Ten 2 (3%)

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	Unlimited 4 (5%) Don't know 1 (1%)
Other areas, please specify	None 1 (1%)

Section 3 - Controlling the External Appearance of Sexual Entertainment Venues

The City Council does not consider it appropriate for Sexual Entertainment venues to have explicit displays outside their premises. However, there is a need for there to be a clear indication of the type of entertainment that takes place within the premises. It is therefore proposed that there would be a condition prohibiting explicit displays outside the premises, that the premises should be allowed to clearly display its name, and that any other displays would have to be approved by the City Council. Please indicate whether you support these proposals.

	Agree	Disagree	Don't know
Premises should be prohibited from having explicit displays outside the premises	60 (79%)	16 (21%)	0
The premises should be allowed to display its name, but other displays would need to be approved by the City Council.	58 (76%)	18 (24%)	1 (1%)
There should be no visibility from outside the premises into the interior.	57 (75%)	18 (24%)	2 (3%)
Are there any other comments you would like to make about the external appearance of sexual entertainment venues?			

Section 4 - Protection of Children, Young People and other Non-users

The City Council believes that it is appropriate to introduce conditions to protect children, young people and other non-users of the premises. Please give your views on the following proposals:

	Agree	Disagree	Don't know
A Challenge 21 scheme on admissions should be operated.	70 (92%)	6 (79%)	0
There should be no distribution of leaflets advertising the premises.	47 (62%)	25 (33%)	3 (4%)
The premises should not advertise by means of cruising vehicles or use any other form of solicitation to invite people into the premises.	57 (75%)	19 (25%)	0
Premises should have hours of operation that will ensure nuisance is not caused to neighbouring premises	66 (87%)	7 (9%)	3 (4%)
Please provide any other comments you have about these proposals:			

Section 5 - Controlling the Management of Sexual Entertainment Venues

The City Council thinks that it is appropriate to introduce conditions on licences to ensure that only appropriate people are engaged in the management of sexual entertainment venues. People engaged in the management of the premises must have suitable experience and understanding of the requirements relating to the business. Please tell us if you agree or disagree with the following proposals.

	Agree	Disagree	Don't know
All persons engaged in the management of the business should be required to undergo a Criminal Records Bureau check.	65 (86%)	5 (7%)	6 (8%)
All persons with a financial interest in the business, including third party beneficiaries, should be required to undergo a Criminal Records Bureau check.	60 (79%)	9 (12%)	6 (8%)
Persons engaged in the management of the premises should be required to provide evidence to demonstrate they have suitable experience and understand the requirements of the business.	65 (86%)	8 (11%)	3 (4%)
Please provide any other comments you have about these proposals:			

Section 6 - Protection of Performers and Prevention of Crime and Disorder

The City Council believes that it is appropriate to introduce conditions to protect performers and prevent crime and disorder. Please give your views on which of the following you consider appropriate:

	Agree	Disagree	Don't Know
The management of the premises should have a written policy on the conduct of performers	73 (96%)	3 (4%)	0
The management of the premises should have a policy on clear display on the conduct of customers	72 (95%)	4 (5%)	0
The management of the premises should have a formal complaints procedure	75 (99%)	1 (1%)	0
There should be no physical contact between performers and customers	45 (59%)	22 (29%)	9 (12%)
There should be no physical contact between performers and other performers	33 (43%)	34 (45%)	9 (12%)
The performance should not include the use of any sex toys	47 (62%)	17 (22%)	10 (13%)
Performances should be to seated audiences only	54 (71%)	12 (16%)	9 (12%)
Where performances take place in open areas there should be adequate separation between customers and performers	53 (70%)	15 (20%)	5 (7%)
There must be a clear exit route for performers without going through the audience area	71 (93%)	3 (4%)	2 (3%)
There should be no audience participation in performances	48 (63%)	20 (26%)	5 (7%)
Photography of performances should not be allowed	62 (82%)	9 (12%)	4 (5%)
There should be secured dressing rooms available to performers	73 (96%)	0	1 (1%)
Performers should have separate sanitary facilities	66 (87%)	8 (11%)	1 (1%)

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Free drinking water or other refreshments should be available to performers	68 (90%)	3 (4%)	4 (5%)
There should be routine monitoring to ensure that drugs are not being used by performers	68 (90%)	3 (4%)	5 (7%)
Secure transport from the premises should be provided for performers	53 (70%)	14 (18%)	7 (9%)
There should be routine checking of the age of any performer before they are allowed to perform, to ensure that they are over 18	75 (99%)	0	0
There should be routine checking of employment records and right to work in the UK	75 (99%)	0	1 (1%)
CCTV should be provided of all parts of the premises including private dancing booths	53 (70%)	16 (21%)	7 (9%)
Adequate SIA registered door supervisors should be employed to control entry and to provide security within the premises.	73 (96%)	0	2 (3%)
Please provide any other comments you have about these proposals:			

Section 7 - Application Process

The Legislation

Parts of the application process are set out in law and are fixed. Applications for sexual entertainment licences will be in two phases. The City Council will set a date for the licensing process to begin. The first phase will cover applications made in the first six months. Any applications will be held and they will all be considered together. The second phase will also last six months. Any applications received during this period will not be considered until any applications made in the first phase have been determined. Applications received during the second phase will also be considered together.

Applicants will be required to provide sufficient information to enable the licensing authority to decide whether it is appropriate to grant a licence. The licensing authority may also decide to make further enquiries about any application.

Applicants will be required to publicise their application by means of a newspaper advertisement and a notice on the site.

The City Council's approach

Any member of the public may make representations about applications. Representations will also be allowed from the Police, Fire Service and City Council's teams responsible for preventing noise nuisance, planning, health and safety and child protection. Where members of the public make representations and wish to remain anonymous the City Council will respect that anonymity, but will also take account of the applicant's reduced ability to respond to representations from unknown sources.

Applications will be considered by a panel of three members of the Council's Licensing Committee. The Committee will operate using the same code of practice which it uses for hearings under the Licensing Act. Copies of the code of practice are available online or from the Licensing Section (see Introduction on Page 2 for contact details). The panel will consider any representations made about the applications and persons who have made representations will be given an opportunity to address the panel, as will the applicant.

Under the Provision of Services Regulations 2009, the City Council proposes not to grant tacit authorisation to applications not dealt with within the time frame that it sets. The reason it is considering doing this is because it will need to consider an unknown number of applications during the first phase (see above) before any applications can be approved. It also considers that an inappropriately located or managed premises has the potential to have a significant adverse impact on a local community and it would not be in the public interest to grant a licence without full consideration.

Dealing with problem premises

Licences will remain in force for no longer than a year and any person may make representations about the renewal of the licence. Where representations are made

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the City Council will hold a hearing to consider whether a licence should be renewed or not.

During the period when a licence is in force, if concerns are raised by any party about the operation of the premises, the City Council will consider whether it is appropriate to hold a hearing to determine whether the application should be revoked.

Section 8 – Any other comments

Do you consider that the proposals to licence sex establishments will have any impact on equality issues? If so, please explain.

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Please provide any other comments you have about these proposals:

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Section 9 - About You

Please provide any information about yourself that you wish. All information will remain confidential to the City Council and will not be given to any third parties:

If your response is on behalf of an interested organisation please specify.	
If you are the owner or manager of an existing sexual entertainment venue please specify	
If you are a prospective owner of a sexual entertainment venue please tick	
If you work as a performer in a sexual entertainment venue please tick	6
If you work in a sexual entertainment venue other than as a performer please tick	4

Return of Forms

Please return completed forms by **30 September 2010** to:

Licensing Section
 Leicester City Council
 New Walk Centre
 Leicester
 LE1 6ZG

Or by email: Licensing@Leicester.gov.uk

Equalities Monitoring

In order to meet your needs and improve service we need to know a bit more about you. Please help us by completing this form. You will not be disadvantaged in any way. This information is confidential.

1) Ethnic Background

a) Asian or Asian British

Bangladeshi Indian 4 Pakistani
 Any other Asian background (please write in) 2

b) Black or Black British

African 1 Caribbean 1 Somali
 Any other Black background (please write in) *Other African* 1

c) Chinese

Any other Chinese background (please write in)

d) Dual / Multiple Heritage

Asian & White Black African & White 3 Black Caribbean & White 2
 Any other Heritage background (please write in)

e) White

British 47 European 1 Irish 1
 Any other White background (please write in) 2

f) Other ethnic group

Gypsy/Romany/Irish traveller
 Any other ethnic group (please write in)

g) Prefer not to say 11

2) Gender

Female 10 Male 3 Prefer not to say 61

3) Age

Date of birth (day/month/year)

Age in years

20-34	17
35-44	11
45-54	9
55-64	7
65+	10

Prefer not to say **20**

Continued over

4) Disability

The Disability Discrimination Act (DDA) defines a person as disabled if they have a physical or mental impairment which has a substantial and long term effect on their ability to carry out normal day-to-day activities and has lasted or is likely to last for at least 12 months. Since 2005 people with HIV, cancer, multiple sclerosis (MS) and severe disfigurement are covered by the DDA.

Do you consider yourself to be a disabled person?

- Yes **3** No **68** Prefer not to say **5**

5) Sexual Orientation

- Bisexual **2** Lesbian **1** Gay (male) **1** Heterosexual **57**
 Prefer not to say **15** Other (please write in)

6) Religion & Belief

How would you define your religion or belief?

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Bahai | <input type="checkbox"/> Buddhist | <input type="checkbox"/> Christian 26 | <input type="checkbox"/> Hindu 2 |
| <input type="checkbox"/> Jain 1 | <input type="checkbox"/> Jewish | <input type="checkbox"/> Muslim 1 | <input type="checkbox"/> Sikh |
| <input type="checkbox"/> Atheist 6 | <input type="checkbox"/> No religion 20 | <input type="checkbox"/> Prefer not to say 15 | |
| <input type="checkbox"/> Other (please write in) 6 | | | |

7) Postcode

- First 4 digits only
 Prefer not to say

Thank you for completing this monitoring form. Please return it with your completed questionnaire. The information you have provided will be kept in accordance with terms of the Data Protection Act 1998 and will only be used for the purpose of monitoring.

Your details will not be passed on to any other individual, organisation or group. Leicester City Council is the data controller for the information on this form for the purposes of the Data Protection Act.