

## **Policing and Crime Act 2009 Section 27**

### Briefing Note

1. On 18th January 1983 Swale Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which dealt with sex establishments. Since adoption it has only been used in connection with the Sex Shop in Sheerness.

2. When the Licensing Act 2003 ("LA 2003") came into force to deal with alcohol and public entertainment licensing, the sex aspects of performances in licensed premises fell to be dealt with under LA 2003 provisions and procedures.

3. Although the sex entertainment scene has hardly been at the forefront of the Swale agenda, there has been concern that in certain parts of the country strip-tease, lap/pole dancing and hostess establishments have been proliferating, and that further control may be needed.

4. Section 27 of the Policing and Crime Act ("the Act"), which received the Royal Assent on 12<sup>th</sup> November 2009, expands Schedule 3 to include these types of activities (described as "sexual entertainment venues") as well as the existing sex shops etc.

5. Section 27 is expected to come into force in April, from which time Councils will be able to re-adopt the amended Schedule 3, if they so wish.

6. If a council does not adopt the Schedule, it must, within one year of the coming into force (ie probably from April 2010 until April 2011), go to wide consultation as to whether it should adopt the Schedule.

7. If the Council does adopt the amended Schedule, then premises which provide such entertainment as well as providing some other licensable activity, such as sale of alcohol, music or late night refreshment, will need to have two licences (LA 2003 and Schedule 3) and pay two fees. (LA 2003 licences last for the lifetime of the business, whereas Schedule 3 licences are yearly.)

8. There are other differences. LA licence conditions must relate to licensing objectives. Schedule 3 conditions need not. Reasons for refusal can be broader with S3. Numbers with S3 can be limited (even down to nil).

9. If the Council were to re-adopt Schedule 3, there would need to be a policy (non-statutory), and, in order to formulate a policy, some form of consultation.

10. It is intended to report to the next meeting (assuming more is known about commencement date) probably recommending the re-adoption, but in the mean-time work can be done on a draft policy and consultation proposals.