

Meeting Date	16 th March 2010
Report Title	Re-adoption of Act and the regulation of Lap Dancing and other Sexual Entertainment Venues
Portfolio Holder	Cllr John Morris
SMT Lead	Mark Radford
Head of Service	Monica Blades-Chase
Lead Officer	Samantha Potts
Key Decision	No
Classification	Open
Forward Plan	Reference number: N/A

Recommendations	1. That the Licensing Committee recommend to full Council they adopt the Miscellaneous Provisions Act 1982 Schedule 3 by section 27 of the Policing and Crime Act 2009 in light of legislation changes.
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Purpose of Report and Executive Summary

- 1.1 To consider adopting the amendment to the Local Government Miscellaneous Provisions Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009

2 Background

- 2.1 Section 27 of the Policing and Crime Act 2009 amends Section 3 of the Miscellaneous Provisions Act 1982 to allow the licensing of Sexual Entertainment Venues, where 'relevant entertainment' is provided before a live audience for the financial gain of the entertainer or organiser. 'Relevant entertainment' means 'any live display or entertainment of nudity' ie; striptease, lap dancing etc.
- 2.2 Lap dancing currently requires no premises licence under Section 1 of the Licensing Act 2003. No special provisions are made in the 2003 Act for Lap-Dancing venues. If an application is submitted the authority must grant it subject to mandatory conditions.
- 2.3 If representations are made by an interested party or responsible authority then the authority can, following a hearing, impose other conditions or reject the application providing the rejection is in line with at least one of the 4 licensing objectives.

- 2.4 New legislative controls available to the Licensing Authority will strengthen the role that local communities can play in deciding whether a lap dancing premises is appropriate in the locality.
- 2.5 The aim is to bring the licensing of lap-dancing premises in line with other sex establishments such as sex shops and sex cinemas and to recognise the legitimate concerns of local people.
- 2.6 If the amendment is adopted the Licensing Authority can apply prescribed conditions on grounds not covered by the LA 2003 eg: location, hours, display of adverts, visibility of the interior.

3 Proposal

- 3.1 That the Licensing Committee recommend to full Council they adopt the Miscellaneous Provisions Act 1982 Schedule 3 by section 27 of the Policing and Crime Act 2009 in light of legislation changes.

4 Alternative Options

- 4.1 To not adopt the amendment and to maintain the status quo would allow prospective sexual entertainment venues to take advantage of the perceived loophole in the Licensing Act 2003

5 Consultation Undertaken or Proposed

- 5.1 Intended adoption will be advertised in the press and consultation will take place when a policy is formulated. It may be possible to amend the existing sex shops policy to include sexual entertainment venues.

6 Implications

Issue	Implications
Corporate Plan	Contributes to promoting a safer and stronger community by linking to SSC4 (work with partners to reduce crime and fear of crime and to tackle priority crime areas by engaging with local communities on community safety issues) and SSC5 (ensure the council's crime and disorder responsibilities are understood and integrated into all service activities)
Financial, Resource and Property	Each application will attract a fee although these are unknown at present. It is expected that they will be a minimum of £100 per venue but may be much higher. Fees will be set by each Authority once guidelines are issued. It is unknown exactly how many venues within Swale may apply for

	a licence. It will increase the workload for licensing but no extra resource should be required.
Legal and Statutory	<p>On 18th January 1983 this Council resolved to adopt the provisions of Part II Section 2(1) and Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. This came into force on 1st April 1983</p> <p>Section 27 of the Policing and Crime Act 2009 makes amendments to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982</p> <p>The Council must resolve to adopt the amendments to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982</p>
Crime and Disorder	It is expected that by amending the Act and re classifying 'sex venues' Authorities can impose a wider range of conditions on licences. Changes in Legislation have been made in conjunction with the new Policing and Crime Bill.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	One aim of the new legislation is to give communities the chance to comment on applications both at application and renewal stage, therefore giving the public a greater voice.
Sustainability	None identified at present

7 Appendices

7.1 N/A

8 Background Papers

8.1 N/A