

Appendices



NORTHAMPTON
BOROUGH COUNCIL

Item No.

6

Ward: N/A

Name of Group:	LICENSING
Meeting Date:	2nd March 2010
Directorate:	Public Protection
Head of Service:	Steve Elsey
Corporate Director	Julie Seddon

Report Title

Sexual Entertainment Venues Update.
(Policing and Crime Act 2009)

1. Recommendations

That the report be noted.

2. Summary

On 12th February 2010 the Government set out its response to the consultation on Sexual Entertainment Venues.

The changes are due to happen from 6 April 2010. If Local Authorities adopt the relevant provisions then lap dancing clubs will need to obtain a Sexual Establishment Licence. This licence will be in addition to their existing Premise Licence.

Local authorities can decide upon the conditions that will be attached to venues and can also restrict the number of venues within a particular area.

If a local authority adopts a quota, it may be that not all the applications that have been received within the first 6 months will actually be granted. It is therefore vital that existing lap dancing operators lodge their application within the first 6 month period.

Lap Dancing

The Bill will reclassify lap dancing clubs as "sex establishments", as the

Government considers that the present powers to regulate such premises under the Licensing Act 2003 are insufficient. Reclassifying such clubs as sex establishments will mean that the Local Government (Miscellaneous Provisions) Act 1982 will apply to them, in the same way that it does to sex cinemas and sex shops.

In essence, this will mean that any new application, transfer of such a licence or variation to it will allow local communities to make objections on grounds wider than is permitted under the Licensing Act. Local Authorities would also have a power to set a cap on the number of lap dancing clubs they think are appropriate for a particular area and to impose a wider range of conditions on such licences.

The Licensing Committee at its meeting on 28th May 1998 agreed the following:-

“That the appropriate number of sex establishments in the relevant locality (being the area bounded by and including the Wellingborough Road, Kettering Road and Abington Avenue) is three.” This policy will be relevant under the new regulations.

3. Procedures

Grandfather rights for existing operators - no protection rights will be given. Existing operators will have to apply for, and will be treated the same as, new operators.

Transitional Period - will be 12 months as set out in the original proposals.

Existing Operators - the Government intends to redefine this. Concern was expressed that as currently defined, people who do not provide the entertainment, but whose licence does not prohibit it, would be treated exactly the same as operators of lap dancing clubs.

Existing Conditions - any condition on an existing Premise Licence which relates exclusively to lap dancing will, as from the 3rd appointed day (this is the date the licence comes into force at the end of the 12 month transitional process) be deemed to have been deleted from the Premise Licence. Basically, the condition will still appear upon the licence but will have no force. The Government suggests that operators may want to apply for a "minor variation" application to remove these redundant conditions to avoid confusion. From the 3rd appointed day the sexual entertainment will be regulated by the conditions upon the new Sexual Entertainment Licence. The conditions upon the Premises Licence will continue to regulate the other licensable activities - re alcohol; late night refreshment, (etc).

3A. Any Relevant Policies

Local Government (Miscellaneous Provisions) Act 1982.
Sex Shop Licence Conditions.
The Council Policy on Sex Establishments.

Northampton Borough Licensing Policy.

4. Options and Evaluation of Options

That the Committee note the report.

5. Resource Implications (including Financial Implications)

N/A

6. Consultees (Internal and External)

Internal	N/A
External	DCMS

7. Compliance Issues

Finance Comments
N/A
Legal Comments
N/A
Crime and Disorder Issues
N/A
Equality Impact Assessments
N/A
Human Rights Act Implication
The Government intends to issue guidance to local authorities upon how they should exercise their powers to avoid any breach of Human Rights.

Other compliance issues

None

8. Background Papers

Home Office	Policing and Crime Bill	
	Supplementary Guidance	30/11/09 12/02/10

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