

## **COUNCIL MEETING – 25 NOVEMBER 2010**

### **Recommendations to Council from the Regulation Committee meeting held on 17 November 2010**

**Minute No**      **Adoption of Schedule 3 to the Local Government (Miscellaneous**  
**REG/09/38**      **Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009**

The Committee received and considered the report which requested the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sexual Entertainment Venues. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to empower local authorities to licence not only “sex establishments” which covered sex cinemas and sex shops but following the introduction of Section 27 of the Policing and Crime Act 2009, “sexual entertainment venues” as well. The legislation would come into effect from 1 April 2011 (“the first appointed day”).

It as noted that the adoption of the legislation will:-

1. allow local people to raise objections to an application for a sex establishment licence if they have legitimate concerns that a sexual entertainment venue would be inappropriate. Such objections could be based on the character of the area, for example if the area was primarily residential or next to a school etc.
2. require licences to be renewed at least yearly. At the point of each renewal local people will have the opportunity to raise objections with the local authority.
3. allow a local authority to set a limit on the number of sex establishments as they consider appropriate for the area.
4. allow a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the Licensing Act 2003.
5. allow the local authority to set reasonable fees to cover administration and enforcement costs. (Suggested fees will be proposed during the consultation period, for agreement by the relevant working group).

Local Authorities were not required to adopt the legislation. However, if the legislation was not adopted then after 6 April 2011, consultation with local people must be undertaken to ask whether the legislation should be adopted.

South Bedfordshire District Council and Mid Beds District Council had both adopted the original Schedule 3. The amendments to Schedule 3, which were a result of Section 27 of the Policing and crime Act 2009, require the Schedule to be readopted. Premises which were previously “Regulated entertainment” under the Licensing Act 2003 licences would be required to obtain a sex establishment licence.

Central Bedfordshire currently have four establishments which would be regulated by provisions contained in Schedule 3; two sex shops and two sexual entertainment venues. To date, these venues have been regulated by the addition of voluntary conditions on their premise licence under the Licensing Act 2003.

It is recommended to Council that the legislative provisions be adopted to come into force on 1 April 2011. The Council must then publish a notice in a local newspaper for two consecutive weeks confirming the resolution had been passed and its general effect. The first notice must appear no later than 28 days before the provisions would be due to come into force.

The Regulation Committee also requested that the Constitution Advisory Group revise the scheme of delegated responsibilities to add to the Regulation Committee delegations “Powers to licence sexual entertainment venues” in Part E2 Annex D of the Constitution.

Any existing premise could apply for a sexual entertainment venue licence between 1 April and 1 October 2011 (“the second appointed day”). All applications would be determined collectively after 1 October 2011. The granted licences would be effective from 1 April 2012 (the “third appointed day”).

**Recommended to Council:-**

- 1. that the relevant provisions to enable the regulation of sexual entertainment venues be adopted and these provisions come into force on 1 April 2011 as “the first appointed day”.**
- 2. that the responsibility for the licensing of sexual entertainment venues be delegated to the Regulation Committee and the Constitution Advisory Group be asked to amend the Constitution accordingly.**