

**WILTSHIRE COUNCIL**

**LICENSING COMMITTEE**

**26TH MAY 2010**

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**SEXUAL ENTERTAINMENT VENUES**

**Executive Summary**

This report updates Members on the new provisions relating to the regulation of sexual entertainment venues.

It outlines the nature of the legislative changes brought in by the Policing and Crime Act 2009.

It recommends that the Licensing Committee commends the adoption of the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to the Council for approval at its meeting on the 13<sup>th</sup> July 2010.

**Recommendations**

**It is recommended:**

That the Licensing Committee commend to full Council they adopt the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing regime for “sexual entertainment venues” such as lap dancing.

**Reason for Proposal**

To allow Wiltshire Council to effectively control the number and location of existing and prospective sexual entertainment venues.

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**SEXUAL ENTERTAINMENT VENUES**

**Purpose of Report**

1. This report is to advise Members that the Policing and Crime Act 2009 has introduced provisions to reclassify lap dancing, pole dancing clubs etc. as Sex Establishments under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This came into force on April 6th 2010 and Members will need to decide whether to adopt the new provisions and make recommendations to full Council for approval.

**Background**

2. Section 27 of the Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to license "sexual entertainment venues", where "relevant entertainment" is provided before a live audience for financial gain of the organiser or the entertainer.
3. This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.
4. Currently there is only one existing establishment located in Salisbury which would be affected by the new legislation; however they will be able to continue to operate without interruption for a 12 month period before a new Sex Establishment license will be needed.
5. The 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.
6. The aim is to bring the licensing of lap dancing premise in line with other sex establishments such as sex shops and sex cinemas and to recognise the legitimate concerns of local people.
7. If the amendment is adopted as recommended, the Licensing Authority can apply prescribed conditions on grounds not presently covered by the Licensing Act 2003. For example location, hours, display of adverts, visibility of the interior and numbers.

### **Environmental Impact**

8. The introduction of a new licensing regime under Schedule 3 of the 1982 Act gives the Council new powers to tackle issues of local concern to communities around crime and disorder and antisocial behaviour associated with sex establishments.

### **Equality and Diversity**

9. One of the aims 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.

### **Risk Assessment**

10. To not adopt the amendment and maintain the status quo would allow prospective sexual entertainment venues to take advantage of a perceived loophole in the Licensing Act 2003. Early adoption of the amended legislation would negate this risk.

### **Financial Implications**

11. Existing fees under the Licensing Act 2003 are set by statute and may not always cover the Council's costs in determining the application. Under the new regime the Council can set more realistic fees to ensure all the Council's costs are covered.

### **Legal Implications**

12. On 13<sup>th</sup> May 2009 Wiltshire 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 the 29th June 2009
13. Section 27 of the Policing and Crime Act 2009 makes amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
14. The Council must resolve to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

### **Conclusion**

15. Licensing Committee is recommended to commend:-

That the Council adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, to allow the Licensing of sexual entertainment venues.

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## **Background Papers**

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Licensing Act 2003

Policing and Crime Act 2009

Home Office Regulation of Lap Dancing Clubs

## **Appendices**

Appendix 1 – Wiltshire Council Sex Establishment Policy