

Council, 28 January 2015

Extract of minutes of Cabinet meeting, 12 February 2014

115 RECOMMENDATION TO ADOPT THE SEX ESTABLISHMENT LICENSING POLICY AND THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009

Councillor Geoffrey Starns, Cabinet Member for Community Safety, introduced the report

The report sought the approval of Cabinet following the recommendation of the Licensing Committee on the 18th December to approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) and the Council's Sex Establishment Licensing Policy.

The Cabinet Member explained that a profile of each of the borough's wards had returned a clear message that sex establishments were not wanted in any of them and, this being the case, it would be prudent for the Council to have a clear zero requirement policy. This would mean that although there were no impediment to anybody applying to open and licence such an establishment, they would have to show that there were exceptional reasons for approval.

Reasons for the decision:

The LG(MP)A 82 was the most appropriate legislation to use to control sexual entertainment venues. It allowed the Local Authority to make its own Policy and regulations. The policy had a rebuttal presumption for applications based on ward profiles. The regulations controlled the application process conditions of premises. The licence would be valid for one year and the applicant could apply to renew the licence. By re-adopting Schedule 3 to include lap dancing premises it brought all sexual entertainment under the same legislation and procedure.

Other options considered:

To leave lap dancing under the Licensing Act 2003 as it was at present. This option was not considered appropriate as the presumption of the Licensing Act 2003 was to grant applications and once granted licences had no renewal date.

Cabinet noted the details of the report and approved:

1. The adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and
2. The Sex Establishment Licensing Policy.