

LICENSING OF SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES POLICY

Licensing Committee – 30 January 2013

Report of the: Deputy Chief Executive and Director of Community and Planning Services

Also to be considered by: Full Council – 19 February 2013

Status: For Recommendation to Full Council

EXECUTIVE SUMMARY: Currently sex shops and sex cinemas require a licence from the Council. The Policing and Crime Act 2009 introduced new powers for local authorities to regulate sexual entertainment venues (e.g. table dancing, lap dancing or similar activities) so as to require any such premises to apply for a licence.

It was formally resolved on 6 September 2012 that Sevenoaks District Council would adopt powers relating to sexual entertainment venues, following changes to the regulation of Sexual Entertainment Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Consultation with local people and businesses has been undertaken and the end date for their views and comments was 11 January 2013.

Attached with this report is the summary of the feedback Sevenoaks District Council has received as part of the recent consultation (Appendix A). This is for Members to consider including in the final policy. (Appendix B)

This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy

Portfolio Holder Cllr Mrs. Bracken

Head of Service Head of Environmental and Operational Services – Mr. Richard Wilson

Recommendation: It be RESOLVED that the consultation responses be noted and the policy be recommended for adoption by Full Council.

Background

Activities covered by the new provisions

1. A sexual entertainment venue is described as ‘any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser

or the entertainer'. It is expected that this definition would apply to the following forms of entertainment – lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

2. Licences granted for sexual entertainment venues will be renewable annually, rather than lasting for the life of the business as is the case under the Licensing Act 2003.
3. Furthermore, the authority will have a wider discretion when imposing conditions on a licence and may apply different conditions for different types of venues. For example, it will be possible to regulate opening times, the display of advertisements and the visibility of the interior of the premises to passers-by.
4. Premises providing other licensable activities in addition to sexual entertainment will still also require a premises licence under the Licensing Act 2003. In practical terms, this means that most sexual entertainment venues will require a licence under the 2003 Act as well as a sex establishment licence.

Exemptions

5. Premises which provide regulated entertainment on an infrequent basis i.e. on no more than 11 occasions within a 12 month period (subject to there being at least one month between events, and each event lasting no longer than 24 hours) will not need to be licensed as a sexual entertainment venue and will instead continue to be licensed under the Licensing Act 2003.

Key Implications

Financial

6. The Council's budget for the licensing of Sexual Entertainment Venues is set on a cost recovery basis and the cost of this consultation is covered with the licensing administration budget. It has been agreed to keep the application and renewal fee for applications at £2,300.

Legal, Human Rights etc.

7. Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

Equalities implication and Community Impact

8. The policy applies to all operators across the Sevenoaks District whose activities may fall under the definition of 'relevant entertainment'. The policy will aim to prevent any adverse impact on disadvantaged groups.

Sources of Information: Local government (Miscellaneous Provisions) Act 1976.
Licensing Act 2003

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