

Dear Councillor

COUNCIL - WEDNESDAY, 3 NOVEMBER 2010

I am now able to enclose for consideration at the above meeting the following reports that were unavailable when the agenda was printed.

**Agenda Item
No.**

- (g) Licensing and Protection Panel - to follow (Pages 1 - 6)

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Licensing and Protection Panel

Report of the meeting held on 26th October 2010

Matter for Decision

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The Panel has considered a report (a copy of which is appended as an Annex hereto) relating to an amendment to the Local Government (Miscellaneous Provisions) Act 1982 which, if adopted, will allow the Council to regulate lap dancing clubs and similar types of activity as 'sexual entertainment venues'.

The Council has already adopted the relevant parts of the Act that requires the licensing of sex shops and sex cinemas in the District. Although there are currently no sexual entertainment venues in Huntingdonshire, failure to adopt the amendment would result in an inability to regulate any new venture that may be established. The Panel therefore

RECOMMEND

- (a) that the Council adopts the amendments to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of the Policing and Crime Act 2009 to come into force on 1st January 2011; and**
- (b) that all matters relating to the licensing of sexual entertainment venues arising from the adoption of the amendments to schedule 3 of the Act be delegated to the Licensing and Protection Panel.**

Matters for Information

7. ENVIRONMENTAL PROTECTION ACT 1990

(The following item was considered as a confidential item under paragraph 6 of part 1 of Schedule 12A of the Local Government Act 1972.)

The Panel has considered a report updating Members on progress with pollution control issues associated with an area of land within the District.

Whereas previously, authority had been delegated to the Head of Environmental and Community Services to declare the land as contaminated this has yet to be found necessary and it is hoped that such action can be obviated by subsequent developments.

8. EQUALITY ACT 2010 – TAXIS AND PRIVATE HIRE VEHICLES

The Panel has been advised of the implications for the licensing of taxis and private hire vehicles brought about by the Equality Act 2010. The Act embodies many of the taxi and private hire vehicle provisions previously contained in the Disability Discrimination Act 1995 but also includes some important changes that came into effect on 1st October 2010.

These include a duty to assist passengers in wheelchairs at no additional charge, the carriage of guide dogs and assistance dogs and the issue of exemption certificates to drivers exempt from such tasks on medical grounds.

A further requirement lifting the control of taxi numbers to allow for an adequate supply of wheelchair accessible vehicles will not affect the Council due to a previous decision to delimit taxi numbers for applicants with such vehicles.

9. LICENCES, REGISTRATIONS AND PERMITS 2010

The Panel has been acquainted with current number of licences, registrations and permits that are valid and those that have been processed by the Council's Licensing Section during the period 1st October 2009 and 30th September 2010. The final total is in excess of 4,200 licences and permits.

The Panel has also been apprised of the inspections and investigations that have taken place, often in partnership with other agencies such as the Police, Trading Standards and the Gambling Commission. Of particular note have been the suspension of the premises licence of a public house in St Neots for two months and a curtailment of the hours of trading of a public house in Buckden, both of which had been causing problems for the local communities in which they were situated.

J T Bell
Chairman

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(AS AMENDED)
SEXUAL ENTERTAINMENT VENUES**

(Report by Head of Democratic and Central Services)

1. INTRODUCTION

- 1.1 Section 27 of the Policing and Crime Act 2009 creates a new category of sex establishment called a 'sexual entertainment venue'. Section 27 amends schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, thereby allowing local authorities to regulate lap dancing clubs and similar venues.
- 1.2 The Council adopted the earlier provisions of schedule 3 of the Act of 1982 on 1st February 1984 which introduced the licensing of sex shops and sex cinemas in Huntingdonshire. To similarly regulate sexual entertainment venues the Council must also resolve to adopt the amendments to schedule 3. Although there are no such premises in Huntingdonshire currently, failure to adopt the measures will result in an inability to regulate any new venue that may be established.
- 1.2 If the Council chooses not to make a resolution to adopt the new provisions before the 5th April 2011, then it must as soon as is reasonably practicable thereafter, consult local people about whether it should make such a resolution.

2. INFORMATION

- 2.1 Sexual entertainment venues are defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer". Relevant entertainment is defined as "any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)". An audience can consist of just one person.
- 2.2 The definition of relevant entertainment will apply to the following forms of entertainment:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep Shows
 - Live Sex Shows

This list is not exhaustive and should only be treated as indicative. Decisions to license premises as sexual entertainment venues will depend on the content of the entertainment provided.

2.3 If adopted, the legislation gives local authorities an ability to control the number and location of such venues by closing a loophole in the Licensing Act 2003 which previously permitted activities of this nature to take place in premises licensed for live or recorded music and performance of dance. Where a sex encounter licence is granted, a separate licence will not be required under the Licensing Act for live or recorded music at those premises but a premises licence will still be required if other licensable activities such as the sale of alcohol is to take place.

2.4 Premises must be not regarded as sexual entertainment venues if they are licensed sex shops and cinemas nor if they provide relevant entertainment on an infrequent basis. The latter are defined as premises where –

- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- c) no such occasion has lasted longer than 24 hours.

Other premises or types of performances or displays may be exempted by an order of the Secretary of State.

3. ADOPTION

3.1 If Members resolve to adopt the amendments introduced by section 27 of the Policing and Crime Act 2009, the resolution must be made by the full Council and specify the date when the provisions are to come into effect. The latter must be more than one month after the day on which the resolution is made.

3.2 Additionally a notice has to be published for two consecutive weeks in a local newspaper stating that a resolution has been passed by the local authority adopting the amendments made by the Act and specifying the general effect of the resolution. The first notice must be published not later than 28 days before the day specified in the resolution for the provisions to come into force.

4. IMPLEMENTATION

4.1 The Council can adopt standard conditions and a statement of policy in respect of sexual encounter venues. In addition various delegations may be considered appropriate to enable officers to deal with the implications of the schedule on a day to day basis. A further report will therefore be submitted to the Panel's next meeting in this regard.

5. RECOMMENDATION

5.1 It is therefore

Recommended

- (a) that the Panel recommend the Council to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of

the Policing and Crime Act 2009 to come in force on 1st January 2011;

- (b) that the Panel recommend the Council to resolve to include all matters relating to the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 made by section 27 of the Policing and Crime Act 2009 in the terms of reference of the Licensing and Protection Panel; and
- (c) that the Panel note that a further report will be submitted to the next meeting on the detailed implications of adopting the above amendments.

BACKGROUND INFORMATION

Local Government (Miscellaneous Provisions) Act 1982
Police and Crime Act 2009
Guidance issued by the Home Office on Sexual Entertainment Venues

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