

**LICENSING AND SAFETY COMMITTEE
2 JULY 2009**

**POLICING AND CRIME BILL 2008-2009
(Chief Officer: Environment and Public Protection)**

1 INTRODUCTION

- 1.1 The Government has proposed to reclassify lap, table and pole dancing clubs as sex encounter venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, through the Policing and Crime Bill 2008-2009 ('the Bill') currently laid before Parliament. Currently, such premises are only covered by the Licensing Act 2003 as premises licensed for performance of dance.
- 1.2 Also being considered within the Bill are proposals to tackle irresponsible selling of alcohol, which may involve the creation of a mandatory code of practice for the retail of alcohol, mandatory licence conditions which may limit 'all you can drink' promotions, and allowing for a set of targeted conditions to be attached to premises in particular local trouble hotspots.

2 SUPPORTING INFORMATION

- 2.1 The Bill would create a new class of establishment under the same legislation which regulates sex shops and sex cinemas, and would allow local councils to set limits on how many clubs could be located in a particular area or to decide to grant no licences at all. It is currently proposed that the reclassification will take effect for those premises which provide live performances or displays involving nudity for the purpose of sexual stimulation of the audience more than 11 times in a 12-month period.
- 2.2 Currently, persons applying for premises licences under the Licensing Act must declare if they will be offering entertainment of an adult nature, which ensures that responsible authorities are aware and can make sure appropriate conditions are in place, such as prevention of full nudity, prevention of contact between customers and performers and banning of adult entertainment while any persons under the age of 18 are on the premises.
- 2.3 Venues will be subject to more restrictive controls and conditions if local authorities adopt the provision of the 1982 Act, including the power to prescribe standard conditions and to set the number of clubs appropriate for the locality. Objections cannot currently be made on the grounds of the number of such establishments in an area or the suitability of location for the type of activity that will take place.
- 2.4 It is recognised that there is some public concern that existing licensing laws are not designed to control such activities or address local objections to this type of entertainment. The reclassification will allow local authorities to consider a wider range of community interests in determining whether to grant a licence.
- 2.5 A recent House of Commons Committee report states that although there are concerns as to the nature of the activities taking place in lap dancing clubs, all the evidence suggests that such venues are much less likely to cause crime and disorder problems than other late night venues, as 'they tend to be fairly well run and they tend

to have a fairly high staff ratio to customers. The people who tend to go there tend to be a bit older, so they do not drink so excessively and cause the crime and disorder problems outside'.

- 2.6 As things currently stand, it would not be compulsory for councils to move to this system, so Councils would have the discretion to continue to licence lap dancing clubs under the Licensing Act. The Bill is currently going through a consultation process and implementation is likely to commence some time in the Autumn. If a new regime is introduced, there would be a transition period to allow for time to complete the switch over to the new regime.

3 IMPACT ASSESSMENT

- 3.1 There are no implications arising from this report.

4 STRATEGIC RISK MANAGEMENT ISSUES

- 4.1 There are no strategic risk management implications arising from this report.

Background Papers

Policing and Crime Bill 2008-2009

House of Commons Culture, Media and Sport Committee's Report 14 May 2009

Licensing Review Journal Jan-Feb 2009 and April-May 2009

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