

**LICENSING AND SAFETY COMMITTEE**  
**29 APRIL 2010**

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**LICENSING OF SEXUAL ENTERTAINMENT VENUES**  
**(Chief Officer: Environment and Public Protection)**

**1 PURPOSE OF DECISION**

- 1.1 Section 27 of the Policing and Crime Act 2009 introduces a new category of sex establishment called 'sexual entertainment venues', which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 This provision came into force on 6 April 2010. Local authorities may now resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area. Although Bracknell Forest Council has already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in this area.
- 1.3 If the authority chooses not to make a resolution to adopt the provisions introduced by section 27 within one year of it coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution. The purpose of this is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions.

**2 RECOMMENDATION**

- 2.1 That the Committee recommends that a resolution is made to adopt Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009.**

**3 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 3.1 The legal implications are identified within the report.

Borough Treasurer

- 3.2 There are no significant financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 3.3 There are no implications arising from the recommendation in this report.

Strategic Risk Management Issues

- 3.4 There are no strategic risk management implications arising from the recommendation in this report.

## 4 SUPPORTING INFORMATION

- 4.1 Section 27 gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area. Where adopted, these provisions will allow local authorities to refuse an application on potentially wider grounds than permitted under the 2003 Act.
- 4.2 The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that the amendments made by section 27 to Schedule 3 shall apply to their area and the day on which it shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed. The local authority shall also publish notice that they have passed the resolution for two consecutive weeks in a local newspaper that is circulated in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the local authority's area and the notice should state the general effect of Schedule 3.
- 4.3 There will be a transitional period for 12-months beginning with the date that the local authority resolves that Schedule 3 as amended by the 2009 Act will come into force in their area. This is to allow any existing venues to obtain the appropriate licence.
- 4.4 A sexual entertainment venue is defined in Schedule 3 of the Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." 'Relevant entertainment' is "any live performance or 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 an audience (whether by verbal or other means)." An audience can consist of just one person (e.g. where the entertainment takes place in private booths). While each case would be judged on its own merits, it would be expected that premises providing the following would be included: lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.
- 4.5 Paragraph 2A(3) of Schedule 3 sets out those premises that are not sexual entertainment venues. These are: sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act); and premises which provide sexual entertainment on an infrequent basis (no more than 11 occasions within a 12 month period). Also, although the definition of relevant entertainment makes reference to a 'live display of nudity', the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience. Also, spontaneous displays of nudity which are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity by a customer or guest, do not fall within the definition of a sexual entertainment venue.

### Background Papers

Home Office Guidance: Sexual Entertainment Venues (March 2010)

### Contact for further information

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laura.driscoll@bracknell-forest.gov.uk

### Doc Ref

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# Equality Impact Assessment Record

## EIA Guidance

Please ensure that you have read the Council's EIA Guidance booklet, available on Boris, before starting work on your EIA, it should be read in conjunction with this form. If anything is unclear please contact your departmental equality representative listed below. This form is designed to summarise the findings of your EIA. **Please also keep a record of your other discussions in producing the impact assessment.**

## Drafting your EIA

The boxes in this form are designed to expand please ensure that you add data, consultation results and other information to back up any assertions that you make. A draft of this record form must be sent to the Councils Equality Officer Abby Thomas and your departmental equality representative(s) (listed below) who will send you comments on it before it is finalised and signed off by your Chief Officer. This step is important to check the quality and consistency of EIAs across the Council.

## Departmental Equality Representatives

ECC Jane Eaton  
CS Abby Thomas

SCL Graham Symonds and Ilona Cowe  
CXO Stephanie Boodhna

## Publishing

The Council is legally required to publish this EIA record form on the Council's website. Please send a copy of the final version of the EIA record form to the Councils Equality Officer Abby Thomas to publish.

<b>Date of EIA</b>	18 April 2010	<b>EIA Guidance</b>
<b>Directorate</b>	Environment, Culture and Communities	
<b>Part One - Initial Screening Record</b>		
<b>1. Activity to be assessed</b>	<b>Licensing of Sexual Entertainment Venues</b>	<b>See Pages 9 - 10</b>
<b>2. What is the activity?</b>	<input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change	
<b>3. Is it a new or existing activity?</b>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	
<b>4. Who are the members of the EIA team?</b>	Laura Driscoll, Licensing Team Leader	
<b>5. Initial screening assessment.</b>  If the answer to either of these questions is 'yes' then it is necessary to go ahead with a full Equality Impact Assessment.	<p>1. Does the activity have the potential to cause adverse impact or discriminate against different groups in the Councils workforce or the community?</p> <p style="background-color: #e0e0e0;">The adoption of licensing of sexual entertainment venues will ensure that the Council is able to regulate lap dancing clubs and similar venues. It does not appear that there is potential to cause adverse impact or discriminate against different groups in the community.</p> <p>2. Does the activity make a positive contribution to equalities?</p> <p style="background-color: #e0e0e0;">Adoption of this legislation gives local authorities more powers to control the number and location of lap dancing clubs and similar venues in their area, for example to ensure that a premises providing such entertainment is not situated in an inappropriate location.</p>	
<b>6. Did Part 1: Initial Screening indicate that a full EIA was necessary?</b>	<input type="checkbox"/> Yes – full EIA completed and recorded below.  <input checked="" type="checkbox"/> No – full EIA not completed record ends here, please ensure this record is signed by the Chief Officer in box 19 overleaf and then email to <a href="mailto:abby.thomas@bracknell-forest.gov.uk">abby.thomas@bracknell-forest.gov.uk</a>	



<p><b>11. What evidence is there to suggest an impact/adverse impact?</b></p>	<p>A) Evidence of Impact. Overwrite with the data, information or research that was used in the EIA. Include any evidence if relevant of a positive impact on equalities.</p> <p>B) Evidence of adverse impact. Overwrite with the data, information or research that was used in the EIA</p>	
<p><b>12. On what grounds can impact or adverse impact be justified?</b></p>		<p><b>See Pages 14 -15</b></p>
<p><b>13. Have any examples of good practice been identified as part of the EIA?</b></p>		
<p><b>14. What actions are you currently undertaking to address issues for any of the groups impacted/adversely impacted?</b></p>		<p><b>See Pages 14 -15</b></p>
<p><b>15. What actions will you take to reduce or remove any differential/adverse impact?</b></p> <p><b>Please also list any other actions you will take to maximise positive impacts.</b></p>	<p>List the actions that you have planned as a result of the EIA.</p> <p>The action plan should include references to any additional monitoring or research that was identified in the information-gathering part of the process. It should also include references to any information that is still required or was not retrievable at the point of assessment.</p>	<p><b>See page 16</b></p>
<p><b>16. Into which action plan/s will these actions be incorporated?</b></p>		
<p><b>17. Who is responsible for the action plan?</b></p>		
<p><b>18. Chief Officers signature.</b></p>	<p><b>Name:</b> Steve Loudoun</p> <p>Signature.....</p>	
<p><b>19. Which PMR will this EIA be reported in?</b></p>	<p>Environment and Public Protection 1<sup>st</sup> Quarter 2010/2011</p>	