

Licensing Committee – 2nd December 2008

8. **Government Proposals to Increase Powers to Regulate Sex Encounter Establishments**

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Purpose of the Report

To inform the licensing committee that the government is consulting with sex trade organisations, representatives from the sex trade industry and Local Authorities in England and Wales regarding the need for increased powers to regulate Sex Encounter Establishments.

This report summarises the current system for the regulation of Sex Encounter Establishments in England and Wales, clarifies the legal position and details the Fawcett Society argument for amendments to the Local Government (Miscellaneous Provisions) Act 1982.

Recommendation

This report is for information only and committee members are asked to note the contents.

Background

The Fawcett Society campaigns for equality between women and men in the UK on pay, pensions, justice and politics and is calling on the Government to reform sex establishments and lap dance club licensing. Their argument is that lap dance clubs should be licensed as Sex Encounter Establishments, so local authorities can put in place conditions and restrictions on clubs, and allow local communities to make representations as to whether they want lap dance clubs in their areas.

Current statute imposes minimal regulation because lap dancing clubs outside London are included on the same licence as bars or restaurants.

Whilst Sex Establishments (Sex Shops and Sex Cinemas) are licensable under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; this does not extend to include lap dancing clubs or other sexual encounter premises. In London the definition of 'Sex Establishment' in the Local Government (Miscellaneous Provisions) Act 1982 includes 'Sex Encounter Establishments' as well as Sex Shops and Sex Cinemas.

The definition of 'Sex Establishment' outside London, is either a Sex Cinema being a premises used to a significant degree for showing films which are concerned with primarily, or relate to, or are intended to stimulate sexual activity or a Sex Shop being a premises used for business which consists to a significant degree of selling sex articles. The definition also controls sex on celluloid or on the page; it does not control live sex

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides a much wider list of grounds of refusal for a licence for either a sex shop or cinema than is provided under the Licensing Act 2003.

The Licensing Act 2003 requires establishments with adult entertainment to ensure that the four licensing objectives are met these being. Where the application is for regulated entertainment by performance of dance, the applicant has to declare whether is it likely to include entertainment of an adult nature. They also have to include measures to meet these objectives. For a lap dancing club we would expect to include in their operating schedules such restrictions as no entry to anyone under 18 years, no performers under 18 years, restrictions on signage, promotion and advertising, and no physical contact etc.

Controls can only then be imposed if a) relevant representation is made on the application by a responsible authority i.e. the Police, or an interested party, (local resident or business) and b) if the Licensing authority considers it necessary to promote one of the four licensing objectives.

The Fawcett Society wishes to see an amendment to the Local Government (Miscellaneous Provisions) Act 1982 to give authorities outside London the same power to regulate sex encounter establishments.

From a Licensing Authority perspective it is desirable to have legislation specifically designed to effectively regulate Sex Encounter Establishment's such as lap dancing that is not effectively addressed through either the Local Government (Miscellaneous Provisions) Act 1982 or the Licensing Act 2003. The Statutory amendments proposed would provide wider powers to control the proliferation of lap dancing establishments, which has been seen in large towns and cities across the UK.

At present there is one licensed premises in the district that has indicated on their Licensing Act 2003 Premises Licence application that they may have adult entertainment at the venue on an ad hoc basis.

The Principal Licensing Officer was invited to attend a meeting at the Home Office on 13th September 2008 and is now acting as a government advisor on the statutory amendment to the Local Government (Miscellaneous Provisions) Act 1982. It is thought that wording of the Act will be amended to cover all types of sex encounter establishment from private swingers clubs to lap dancing establishments. Councils will then be able to draft policies specific to their area and add conditions from a pool of model standard conditions drafted by Central Government. It is anticipated that the amended statute will come into force in early 2010.

Financial Implications

As yet unknown until the government confirms the legislative amendments.

Background Papers: *Government Consultation on Lap Dancing Establishments*
Local Government (Miscellaneous Provisions) Act 1982
