

Taunton Deane Borough Council

Licensing – 01 October 2008

Report by the Licensing Officer

Report on the control of Sex Encounter Establishments

1 SUMMARY

- 1.1 The government has consulted with sex trade organisations, representatives from the sex trade industry and Local Authorities in England and Wales regarding whether there should be increased powers delegated from Central Government to regulate Sex Encounter Establishments

2 PURPOSE OF REPORT

- 2.1 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.

3 BACKGROUND

- 3.1 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 vital conditions and restrictions on clubs and local communities can make representations as to whether they want lap dance clubs in their areas.
- 3.2 Current statute imposes minimal regulation because lap dancing clubs outside London are treated in the same way as bars or restaurants.
- 3.3 Sex Establishments (Sex Shops and Sex Cinemas) are licensable under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982; At present this does not extend to include lap dancing clubs or other sexual encounter premises, with the exception of Greater London where they are controlled separately as 'Sex Encounter Establishments' under the Greater London Council (General Powers) Act 1986 (Annex A). 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.
- 3.4 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.
- 3.5 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.

- 3.6 The Licensing Act 2003 requires establishments with adult entertainment to ensure that the four licensing objectives are met these being; The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. 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 overcome 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.
- 3.7 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. It is unlikely that a sex shop would have a premises licence under the Licensing Act 2003.
- 3.8 The Fawcett Society wants to make the following amendments to the Local Government (Miscellaneous Provisions) Act 1982 to give authorities outside London the same power to regulate sex encounter establishments as are enjoyed by London authorities.

4 OFFICER'S COMMENTS

- 4.1 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 would provide wider powers to control the proliferation of lap dancing establishments.
- 4.2 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.
- 4.3 Julia Bradburn, Principal Licensing Officer at Taunton Deane Borough Council met with several ministers 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 topless car washes to private swingers clubs and 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.

5 RECOMMENDATION

- 5.1 The Committee is requested to note the contents of the report.

Contact Officer:
Olivia Walton 01823 356343 x2411