
REPORT TO:	COUNCIL	AGENDA ITEM: 10
DATE OF MEETING:	28th JUNE 2018	CATEGORY: RECOMMENDED
REPORT FROM:	CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	EMMA McHUGH 01283 595 716 emma.mchugh@south-derbys.gov.uk	DOC:
SUBJECT:	ADOPTION OF SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That Members resolve to adopt section 27 of the Policing and Crime Act 2009 (the '2009 Act') and reaffirm adoption of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') to come into effect from 1st August 2018.
- 1.2 That Members authorise Officers to take the necessary steps to confirm the resolution to adopt the 2009 Act and reaffirmation of the 1982 Act.
- 1.3 That Members approve the Sex Establishments and Sexual Entertainment Venue Policy to come into effect from 1st August 2018.
- 1.4 That the proposed fees for sex establishments are approved.

2. Purpose of Report

- 2.1 To provide Members with the necessary information to be able to give full consideration to the recommendations contained in this report.
- 2.2 To advise Members that the recommendations above were approved by Environmental and Development Services Committee on 31st May 2018.

3. Detail

- 3.1 Schedule 3 of the 1982 Act gives local authorities power to regulate sex establishments which include sex cinemas and sex shops. This Council adopted Schedule 3 on 1st March 1983.

- 3.2 The 2009 Act came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities to power to regulate such venues as sex establishments under the 1982 Act. Local authorities must adopt section 27 in order to regulate these types of venues under the 1982 Act.
- 3.3 Currently, venues that provide sexual entertainment do so by having a premises licence granted under the Licensing Act 2003. This means that the Council must grant a licence to applicants if they comply with the licensing objectives detailed under the 2003 Act. The Council cannot refuse an application for a licence if the objection to it is based solely on the number of such premises already in operation, or because it may be considered to be an inappropriate location (close to a school for example).
- 3.4 Adoption of the Policing and Crime Act 2009 will enable the Council to consider applications for sexual entertainment venues in accordance with the 1982 Act and to impose conditions on any licence to ensure the safe and responsible management of the premises in question. The adoption of the 2009 Act will enable the local community to have a wider say over the regulation of lap dancing clubs and similar venues in South Derbyshire District Council.
- 3.5 In order to adopt the 2009 Act, the Council must consult local people about whether to make such a resolution. Officers conducted a 12 week consultation with all interested parties and members of the public via the Council's website. No comments were received in relation to the adoption of the 2009 Act.
- 3.6 On adoption of the resolution, notices shall be published in the Burton Mail and Derby Telegraph for two consecutive weeks notifying the public that the resolution to adopt the 2009 Act and reaffirm the adoption of the 1982 Act.

Sex Establishments and Sexual Entertainment Venue Policy

- 3.7 To assist the Licensing Authority, the community, applicants and other relevant organisations in applying for and determining an application for a sex establishment and/or a sexual entertainment venue licence, a Sex Establishment and Sexual Entertainment Venue Policy has been drafted for Members approval.
- 3.8 Officers conducted a 12 weeks consultation exercise on the draft Policy with all interested parties and members of the public via the Council's website. Representations were received from, Councilor Harrison, Councilor Hewlett, Hilton Parish Council and Trading Standards. A summary of the points received can be found at **Appendix 1**. No changes have been made to the Policy.
- 3.9 During the consultation period, it has come to light that the Policy should include reference to the Public Sector Equality Duty. This has been included at paragraph 15 of the Policy. A copy of the proposed Policy is attached as **Appendix 2**.

Fees

- 3.10 Under the 1982 Act, the Council may charge such fees as they consider reasonable. The current fee of £2249 does not reflect the actual cost to the Council therefore the fees have been reviewed and the following fees are proposed:

Type of Application	Fee
Grant/renewal	Application Fee -£1980 Licence Fee - £630
Variation	Application fee - £1825 Licence fee - £393
Transfer	Application fee - £1680 Licence fee - £235
Change of Details	Application fee - £28

In compliance with the Provision of Services Regulations 2009, the cost of the licence has been split between an application fee and a licence fee. The application fee is payable on application and is non-refundable if the application is refused. The licence fee is payable if the application is granted prior to the issuing of the licence.

- 3.11 On 31st May 2018, Members of the Environmental and Development Services Committee approved the recommendations at paragraph 1.

4. Financial Implications

- 4.1 There are no financial implications to the Council.

5. Corporate Implications

- 5.1 These proposals will provide a clear framework for anyone wishing to start their own business which will contribute directly to the corporate vision to make South Derbyshire a better place to live, work, and visit, and to the theme of sustainable growth and opportunity.