



City of Westminster

Licensing Committee

Date: 13 July 2011

Classification: For General Release

Title: Draft Sexual Entertainment Venue Policy

Report of: Operational Directors for City Planning and Premises Management

Wards Involved: All wards

Policy Context: Living City

Financial Summary: Not applicable

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1. Summary

- 1.1 This report seeks comment on a draft policy relating to the licensing of sexual entertainment premises, (typically lap dancing clubs), following the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2. Recommendations

- 2.1 That the Committee comment on the policy approach and draft proposals set out in the discussion paper attached to the report.

3. Background information

- 3.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982, (the 1982 Act), so that local authorities could choose to adopt provisions to regulate premises providing nudity and lapdancing as sexual entertainment venues under the 1982 Act.
- 3.2 The Council has resolved to adopt the relevant provisions of the 1982 Act with effect from 1 October 2011. From that date all premises wishing to provide sexual entertainment, whether or not they have provided such entertainment

previously, will, subject to transition provisions, be required to be licensed under the 1982 Act.

- 3.3 A sexual entertainment venue is defined as any premises where “relevant entertainment” is provided before a live audience for the financial gain of the organiser or the entertainer. “Relevant entertainment” in this context is;
- (a) any live performance; or
 - (b) any 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 the audience (whether by verbal or other means).
- 3.4 Sex shops and sex cinemas (which are separately licensed under the 1982 Act) are deemed not to be sexual entertainment venues.
- 3.5 Premises which only provide “relevant entertainment” for up to 11 occasions in a 12 month period, where each occasion lasts no more than 24 hours, and where there is one month between each occasion, are also deemed not to be sexual entertainment venues.

4. Report

- 4.1 Currently premises providing lapdancing and other forms of sexual entertainment in Westminster are regulated under the Licensing Act 2003, (the 2003 Act), and are exempt from the requirement to obtain a licence under the 1982 Act.
- 4.2 Under the adopted licensing regime, those premises wishing to operate as sexual entertainment venues will have to obtain a separate licence under the 1982 Act which will specifically regulate the sexual entertainment provided.
- 4.3 The 1982 Act gives the council wider and more appropriate powers to regulate premises providing sexual entertainment, including the power to prescribe standard conditions which would apply to all sexual entertainment premises, and discretion to refuse applications where the council considers there are already an appropriate number of sex establishments in a locality. The council may also refuse applications where, for instance, it would be inappropriate due to the character of the relevant locality.
- 4.4 A draft policy position has been set out in the attached discussion document in relation to the powers which will be applicable under the new licensing regime for sexual entertainment venues. The committee is asked to comment on the policy approach and draft proposals.

5. Financial considerations

- 5.1 Under the adopted licensing regime the council has the power to recover its costs and it is intended that fees and charges are set at such a level so that the regime is cost neutral to the council.

6. Legal considerations

6.1 There are no legal implications.

**If you have any queries about this report please contact Chris Wroe
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Background Papers

None