

CARLISLE CITY COUNCIL

Report to:- **THE CHAIRMAN AND MEMBERS OF THE REGULATORY PANEL**

Date of Meeting:- 23 March 2011

Agenda Item No:-

Public	Operational	Delegated Yes	
Accompanying Comments and Statements		Required	Included
Cumbria Fire Service		No	No
Cumbria Constabulary		No	No

Title:- **SEXUAL ENTERTAINMENT VENUES**
Report of:- **GOVERNANCE DIRECTORATE**
Report reference:- **GD 19/11**

Summary:-

Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'Sexual Entertainment Venue', which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, to allow local authorities to regulate lap dancing and similar entertainment. On 13 October 2010, the Regulatory Panel recommended to the City Council that the above legislation be adopted in relation to the administrative area of Carlisle.

On 9 November 2010 the City Council approved the recommendation to adopt the legislation.

We are currently consulting on a Sex Establishment policy which concludes on 11 April 2011. It is therefore recommended that the adopted legislation comes into effect on 1st June 2011

Recommendation:-

Recommend to the City Council that the implementation date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 Policing and Crime Act 2009 be 1st June 2011.

Contact Officer: J A Messenger, Licensing Manager, Governance Directorate

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

To the Chairman and Members of the Regulatory Panel on 5 January 2011

1. INTRODUCTION

Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called 'Sexual Entertainment Venue', which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, to allow local authorities to regulate lap dancing and similar entertainment.

The procedure for local authorities to adopt Schedule 3 as amended by section 27 is set out in section 2 of the 1982 Act. 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.

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.

Initially it was agreed that the appropriate date for commencement of the transitional period would be 1st March 2011. However, the Regulatory Panel has since resolved it would be appropriate to consult on a Sex Establishment policy, prior to the transitional period. The consultation ends on 11 April 2011, therefore it would be appropriate for the transitional period to commence after this date.

2. PROCESS

On 13 October 2010, the Regulatory Panel recommended to the City Council that the above legislation be adopted in relation to the administrative area of Carlisle.

On 9 November 2010 the City Council approved the recommendation to adopt the legislation. (**Appendix 1** – Extract from minutes of Carlisle City Council 9 November 2010)

We are currently consulting on a Sex Establishment policy and it is proposed that the implementation date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 Policing and Crime Act 2009 be 1st June 2011.

3. RECOMMENDATION

To recommend to the City Council that the implementation date for adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 Policing and Crime Act 2009 be 1st June 2011.

APPENDIX 1

CITY COUNCIL

TUESDAY 9 NOVEMBER 2010 AT 6.45 PM

PRESENT: The Mayor (Councillor Mrs Styth), Councillors Allison, Atkinson, Bainbridge, Bell, Betton, Bloxham, Boaden, Bowditch, Mrs Bowman, Bowman (S), Mrs Bradley, Cape, Clarke (M), Collier, Craig, Devlin, Earp, Ellis, Farmer (C), Mrs Farmer, Mrs Geddes, Glover, Graham, Harid, Hendry, Layden, Lishman, Mrs Luckley, Mrs Mallinson, Mallinson (J), McDevitt, Mitchelson, Morton, Nedved, Mrs Parsons, Ms Patrick, Ms Quilter, Mrs Riddle, Mrs Robson, Mrs Rutherford, Scarborough, Stothard, Mrs Vasey, Mrs Warwick, Watson, Weber, Weedall and Wilson

RP.37/10 – Licensing of Sexual Entertainment Venues

Pursuant to Minute RP.37/10, consideration was given to a recommendation from the Regulatory Panel that the City Council adopts the provisions in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 Policing and Crime Act 2009, in relation to the administrative area of Carlisle; and makes the appropriate amendment to the Scheme of Delegation within the Constitution. A copy of Report GD.56/10 and relevant Minutes had been circulated.

Councillor Morton moved and Councillor Mrs Parsons seconded the recommendations.

RESOLVED – (1) That the provisions in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 Policing and Crime Act 2009, for the Licensing of Sexual Entertainment Venues in relation to the administrative area of Carlisle, as detailed within Report GD.56/10, be approved.

(2) That the Assistant Director (Governance) be authorised to make the appropriate amendment to the Scheme of Delegation within the City Council's Constitution.