

**To the Chair and Members of the
LICENSING COMMITTEE (Meeting as the Statutory Licensing Committee
under the Licensing Act 2003)**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 -
UPDATE REPORT**

EXECUTIVE SUMMARY

1. The purpose of this report is to update Members on issues relating to the adoption of amendments to the Local Government (Miscellaneous Provisions) Act 1982.

RECOMMENDATIONS

2. It is recommended that Members note that the Local Authority is taking steps to adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to Lap Dancing premises.

BACKGROUND

3. Lap Dancing and other entertainment such as striptease has until now been regarded as other entertainment under the Licensing Act 2003 and has in Doncaster been controlled by the adoption of strict conditions which were introduced when the activity was classed as Public Entertainment.
4. The situation nationally has been examined and the Government via Section 27 of the Policing and Crime Act 2009, have amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new category of sex establishment called 'sexual entertainment venue'. This amendment allows local authorities to regulate lap dancing clubs and similar venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
5. Section 27 gives local authorities more powers to control the number and location of such venues but the powers can only apply where they have been adopted by local authorities.
6. The provisions will allow local authorities to refuse an application on potentially wider grounds than permitted under the Licensing Act 2003 and will also give local people a greater say over the regulation of such venues in their area.

7. The changes in legislation came into force on the 6 April and the Local Authority has one year in which to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Act) 1982.
8. The process is that the Local Authority has to pass a resolution to adopt the provisions and specify the date on which it comes into effect, the date specified must be more than one month after the day the resolution was passed.
9. The Local Authority must also publish a notice that they have passed a resolution for two consecutive weeks in a local newspaper that is circulated in the area. The first publication shall not be later than 28 days before the day specified in the resolution for the provision to come into effect.
10. The Local Authority had already adopted the existing provisions of Schedule 3 of the Local Government (Miscellaneous Act) 1982 in relation to sex shops and cinemas, but following advice and examining the guidance issued by the Home Office, the Local Authority needs to adopt the new provisions to fully implement the Act in relation to sexual entertainment venues.
11. Premises that hold such entertainment for no more than 11 occasions within a 12 month period, and no such occasion has begun within one month beginning with the end of the previous occasion and no such occasion has lasted longer than 24 hours are not deemed to be sexual entertainment venues.
12. At this moment in time there are two such premises in Doncaster that fall within the definition of sexual entertainment venues. Whilst there are several premises that may have some striptease shows etc. they are likely to be exempt from this regime.

OPTIONS CONSIDERED

13. The legislation does not have to be adopted but in this case there would be no further controls of this type of premise than currently exists.

REASONS FOR RECOMMENDED OPTION

14. To provide further controls on this type of establishment.

IMPACT ON THE COUNCIL'S KEY OBJECTIVES

15. This effective operation of the Licensing Authority is a key part of the Council's statutory responsibility.

Doncaster Priorities	Implications of this initiative
A Prosperous Place	The Safe Team and others within the Safer Business Team will assist in promoting best practise within the retail trade and help to support regeneration of communities.
Skills & Lifelong Learning	
Healthy & Caring	
Safer, Cleaner & Greener	
Equality of Opportunity (Cross-Cutting)	
Improving Neighbourhoods Together (Cross-cutting)	Working with the trade will help to ensure that neighbourhoods will have had an opportunity to contribute to resolving on going problems and contribute to the consultation with regard to the establishment of such entertainment premises.
Protecting The Environment (Cross-cutting)	
Achieving Excellence	

LEGAL IMPLICATIONS

16. There are no Legal implications associated with this report.

FINANCIAL IMPLICATIONS

17. The work of carrying out the licensing function will be self financing.


CONSULTATION


18. Consultation with interested parties will take place when the licensing regime comes into force.

Procurement		Crime and Disorder	X
Human Resources		Human Right & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	
ICT		Capital Programme	

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