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Culture, Tourism and Sport Board **Item 3**

16 March 2009

Licensing of Lap Dancing Clubs

Summary

This paper updates members on the progress of changes to the licensing regime covering lap-dancing clubs that are set out in the Policing and Crime Reduction Bill.

Members are asked to steer the LGA's position in relation to amendments laid to the bill.

Recommendations

That members note these recent developments, and provide a steer regarding the issue set out at **paragraphs 8-13**.

Action

Following members' steer in regard to this issue, officers will engage with the PCR Bill team at Home Office to progress the agreed position.

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Licensing of Lap Dancing Clubs

Background

1. The Policing and Crime Reduction Bill, published on 18 December 2008, contains measures to place lap-dancing clubs under a new licensing regime. The bill proposes that such clubs should be licensed as "sex encounter venues" (SEV) rather than via the existing arrangements of the Licensing Act 2003. The SEV regime would allow councils to consider a wider range of local concerns when considering a license for a lap-dancing club.

2. This measure is one for which councils have been lobbying for some time. It will do a great deal to boost local democracy; by ensuring councils can properly consider the opinions and concerns voiced by local people.

3. The bill leaves it up to local authorities to adopt these powers, as part of their licensing policy statements. It also exempts from the SEV licensing regime any venue that puts on lap dancing fewer than 12 times a year.

Progress

4. At present there is a substantial public debate about the extent to which the Bill, as currently drafted, will achieve the government's stated aim, to "give communities a stronger say in stopping lap-dancing clubs opening in their areas". The 8 March 2009 issue of Observer Woman, for instance, carried a front page feature *Sleaze Nation: how the lap dance became a fixture of British nightlife* (available at http://www.guardian.co.uk/lifeandstyle/2009/mar/08/sex-industry-lap-dancing) calling for the regulations in the Bill to be tightened.

5. The 26 February issue of the LGA's First magazine also carried a letter from Labour and Conservative Councillors (included here at **Annex 1**) calling for "*the LGA to lobby on behalf of councils to ensure the new reforms are universal and do not contain frequency based exemptions. This will be crucial to ensure a fair and socially just licensing system.*" A similar letter was published in *The Telegraph* on 15 February (available at http://www.telegraph.co.uk/comment/letters/4629482/Bacteria-and-viruses-undermine-evolutions-opponents.html). The Chair of the LGA, Cllr Margaret Eaton, has also received representations on this issue.

6. The campaign group Object, with whom the LGA has worked closely on this issue, has driven this debate. Object have supported two amendments to the bill, which have attracted considerable support from MPs. These amendments are:

i. To remove the exemption from the SEV licensing regime for a venue that puts on lap dancing fewer than 12 times a year; and
ii. To require all councils to take up the new powers within the PCR Bill.

7. Members of Object met with the Board Chair on 19 February to seek LGA support for their amendments. The Chair indicated that the LGA was happy to support the amendment to remove the frequency-based exemptions, for reasons of clarity and consistency. The Chair also asked that Object write to the Board about amendment 6(ii) in order that members could consider the issue at their 16 March meeting.

Recommendation

8. Members are asked to give a steer on LGA support for the amendment at paragraph 6(ii). If carried, all councils would be required to licence lap-dancing clubs as Sex Encounter Venues.

9. The LGA, in principle, supports maximum flexibility for local authorities and elected members to make decisions locally. This principle would therefore commit us to supporting the freedom for councils not to licence lap-dancing clubs as SEVs.

10. In considering whether to support the amendment at 6(ii) members will want to consider:

    - How much flexibility would remain locally if councils were required to take up these powers; and
    - What the negative impact might be of the SEV powers remaining voluntary.

11. The information below shows how the powers would operate in practice, and the degree of flexibility that councils would retain. It draws on existing practices and case law from the operation the Sex Establishment (SE) licence under the Local Government (Miscellaneous Provisions) Act 1982, which is the basis for the SEV licence that the PCR bill would introduce:

    - local authorities would be able to set the level of fees payable for an SEV licence, based on local conditions;
    - local authorities would be able to set the duration of SE licences;
    - via the licensing policy statement, zones can be established locally in which SEVs are considered to be either appropriate or inappropriate;
    - licensing authorities retain the power, as under the Licensing Act 2003, to attach premises specific conditions to a licence;
    - on application for an SEV licence councils can consider representations about the character of the locality and the usage and type of other premises in the vicinity. At present representations can only be made relating to the four objectives of the Licensing Act 2003.

12. Both Object and those Councillors who signed the letter in *First* magazine have argued that, if the powers in the PCR remain on a voluntary footing:

- Councils that don't currently have any lap dancing clubs in their area, and that therefore don't adopt the powers, would become targets for new clubs;
- It would create "a patchwork of licensing regimes likely to be exploited by the lap dancing industry";
- It would send confusing signals about councils' role in empowering local communities.

13. Following members' steer in regard to this issue, officers will engage with the PCR Bill team at Home Office to progress the agreed position.

Financial Implications

14. This work can be managed from existing resources.

Implications for Wales

15. The Policing and Crime Reduction Bill provisions apply to Wales. Specific issues of concern to Welsh Authorities will be raised as the bill proceeds through Parliament.

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Annex 1

Letter to LGA First Magazine, 26 February 2008

Inadequate licensing

The licensing of lap-dancing clubs is woefully inadequate. They are part of the sex industry and promote the sexist view that women are sex objects.

Yet since 2005 lap-dancing clubs have been licensed in the same way as cafes and restaurants. Since then their number has doubled and local communities have been powerless to stop the spread.

The government plans to fix this with a new licensing category of sex encounter venue. But their proposals don't go far enough. The new category will be optional and local councils won't have to adopt it.

This will create a patchwork of licensing regimes likely to be exploited by the lap-dancing industry. Local communities will also face a postcode lottery as to whether they get a say on the licensing of lap-dancing clubs and can raise objections on the grounds of gender equality.

This clearly defeats the point of the reforms to give all local communities a greater voice in the licensing of lap-dancing clubs.

We urge the LGA to lobby on behalf of councils to ensure the new reforms are universal and do not contain frequency based exemptions. This will be crucial to ensure a fair and socially just licensing system.

Cllr Rania Khan (Lab)
Tower Hamlets LB

Cllr Gill Mitchell (Lab)
Brighton and Hove CC

Cllr David Pearson (Con)
Blackburn with Darwen BC

Cllr Rachael Saunders (Lab)
Tower Hamlets LB