

Durham County Council

Special General Licensing and Registration Committee

At the **Meeting** of the **General Licensing and Registration Committee** held in the **Council Chamber** at **County Hall, Durham** on **Thursday 13 May 2010** at **12.30pm**.

Present:

Councillor C Carr in the Chair

Members of the Committee:

Councillors R Arthur, D Bowman, J Gray, G Huntington, R Liddle, D Marshall, L Marshall, P May, M Plews, J Shiell, O Temple, R Todd and A Wright.

Apologies:

Apologies were received from Councillors D Brown and L Thomson.

A1 Declarations of Interest

There were no declarations of interest received.

A2 Policing and Crime Act 2009 including Sex Establishments and Sexual Entertainment Venues

Consideration was given to the report of the Corporate Director, Neighbourhood Services which informed Members of new powers and provisions resulting from the Policing and Crime Act 2009, a copy of which had been circulated to each Member.

Members were also provided with additional Home Office Guidance in relation to sexual entertainment venues.

C Rudman, Licensing Manager advised that the purpose of the report was to inform Members of new powers and provisions under the Policing and Crime Act 2009 and to consider adopting the relevant sections of the Act which related to the licensing of sex establishments and sexual entertainment venues.

He summarised for Members the changes that impacted on the role of the Licensing Authority. A key change was contained in Section 33 of the Act which allowed Members to act as interested parties, thereby amending Sections 13 and 69 of the Licensing Act 2003.

Other changes related to the sale of alcohol to children, confiscation of alcohol from young persons and the offence of persistently possessing alcohol in a public place, details of which were outlined in the report.

With regard to sex establishments, the Council would be required to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which would enable the Council to licence sex establishments such as sex shops and sex cinemas.

Currently under the Licensing Act 2003 lap dancing, pole dancing etc were not deemed to be licensable activities. However under the Local Government (Miscellaneous Provisions) Act 1982, they were now classified as sexual entertainment venues and were subject to a number of provisions which came into force on 6 April 2010. The provisions were listed in the report for Members consideration. If the Council did not adopt Schedule 3 of the 1982 Act it would have little or no control over sexual entertainment venues.

With regard to implementing the legislation, R Langdon advised that existing operators would be allowed to continue to provide 'relevant entertainment' under any existing permission without interruption for the transitional period which would start on the date Schedule 3 came into force and would last 12 months.

He explained that following adoption of Schedule 3 of the 1982 Act by full Council, (the first appointed date), applicants would be able to submit applications within 6 months, which would be considered altogether at the end of this period. Applications submitted after the first 6 months (the 2nd appointed date) would be considered after those received before the 2nd appointed date had been determined.

Licences granted for sexual entertainment venues would not take effect until the conclusion of the 12 month transitional period (the 3rd appointed date).

In view of the potential costs associated with administration of applications the annual fee had been set at £3000 and would be reviewed annually.

Whilst local authorities were not required to publish a Policy relating to sex establishments it was proposed that the Council's Licensing Officers would develop a Policy for consideration by the General Licensing and Registration Committee.

To conclude, Members were advised that local communities would have a stronger say over the establishment and location of lap-dancing clubs and would be allowed to make objections on grounds wider than was currently permitted. Local people would be able to oppose an application if they had legitimate concerns that a lap-dancing club would be inappropriate given the character of an area. Local authorities would have the power to set a cap on the number of lap-dancing clubs that they considered appropriate for a particular area and impose a wider range of conditions on the licences.

Following discussion and questions from Members it was **RESOLVED**

That:

1. Full Council be asked to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act by Section 27 of the Policing and Crime Act 2009.
2. Subject to adoption of Schedule 3 by full Council, Licensing Officers advise all licensed premises in the County of the legislation and the timescales for making application.
3. A training session be arranged for all Members of the General Licensing and Registration Committee and the Statutory Licensing Committee.