

Report of	Meeting	Date
Director People & Places	Licensing & Public Safety Committee	15 September 2010

## **SEXUAL ENTERTAINMENT VENUES – POLICY AND PROCEDURE**

### **PURPOSE OF REPORT**

1. For Members to consider a policy and procedure for dealing with applications for sexual entertainment venue licences should the adoption of the provisions for sexual entertainment venues (SEV's) introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009 be confirmed by Council.

### **RECOMMENDATION(S)**

2. That Members agree the proposed policy as set out in Appendix 1 to this report for the determination of applications for SEV licences.
3. That Members agree the proposed procedural arrangements as set out in Appendix 2 to this report for receiving, considering and determining applications for SEV licences.
4. That Members agree the proposed fee structure for SEV licence applications

### **EXECUTIVE SUMMARY OF REPORT**

5. The new legislative provisions that exist under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to licence premises that provide entertainment defined as sexual entertainment have been considered by this Committee as a previous agenda item.
6. Should these new provisions be adopted by the Council and come into force on the proposed commencement date of 1 January 2011, the Council will need to have an agreed policy and procedure in place for receiving, considering and determining any applications for sexual entertainment venue licences. A proposed policy document is attached to this report as Appendix 1 and a proposed procedure document is attached as Appendix 2.
7. Members should note that the Council has previously adopted provisions of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 that relate to sex shops and sex cinemas. The policy and licence conditions relating to these types of establishment are not affected by these proposals.

### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

8. To enable the Licensing and the Public Safety Committee to determine applications for sexual entertainment venues licences under an agreed policy and within set procedures
9. To set a suitable licence fee that reflects the level of administrative and enforcement activity that can be expected with such premises.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None

## CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	x
Involving people in their communities	x	Ensure Chorley Borough Council is a performing organization	x

## BACKGROUND

12. The Local Government (Miscellaneous Provisions) Act 1982 is amended by an insertion into Schedule 3 which defines a sexual entertainment venue (SEV) and makes such premises licensable as a separate entity to other licensable activities. In order to enable the Council as the Licensing Authority to receive, consider and determine applications for SEV's, a policy and procedure needs to be approved.
13. The primary issues for Members to consider in approving the policy and procedure are the ability to take into consideration local objections to the licence being granted and the issue of locality in determining if an application is to be granted.
14. In addition the Council will need to set a fee structure for SEV licences that reflect the cost of administering applications and subsequent enforcement activity.
15. Appendices 1 and 2 to this report are the draft policy and procedure. Within Appendix 1 the proposed fee structure has been set out as follows:

### SEXUAL ENTERTAINMENT VENUE LICENCE FEES

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'Council Borough Council'.

#### Fees

Licence Fee (grant new licence)	£8,000
Licence Variation	£4,000
Renewal Fee	£8,000
Transfer Fee	£177
Change of Name	£177

A fee of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

16. In drafting the fee structure reference has been made to the guidance for setting licensing fees issued by the Local Government Regulation body (LGR) and Dept of Business

Innovation and Skills. (Guidance on how the EC Services Directive impacts councils setting and administering fees within the service sector – 2009)

## IMPLICATIONS OF REPORT

17. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

## COMMENTS OF THE DIRECTOR OF TRANSFORMATION

18. The responsibility for determining these applications lies with the Local Licensing Authority (CBC). The adoption of the Policy, Procedure and Fee structure proposed will provide a transparent and consistent approach to these applications which is of benefit to both the Council and residents.

JAMIE CARSON  
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

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