

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO POLICY & FINANCE COMMITTEE

Agenda Item No.

meeting date: 16 NOVEMBER 2010  
title: LICENSING STATEMENT OF PRINCIPLES AND ADOPTING THE SEXUAL  
ENTERTAINMENT VENUE POWERS  
submitted by: LEGAL SERVICES MANAGER  
principal author: DIANE RICE

### 1 PURPOSE

#### 1.1 To request that Committee

- a) recommend to Full Council approval of the Council's revised Licensing Statement of Policy (to take effect from 7 January 2011 to 6 January 2014); and
- b) recommend to Full Council that this Council adopt the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended – powers to control sexual entertainment venues.

#### 1.2 Relevance to the Council's ambitions and priorities

- Council Ambitions – The Council aims to be a well managed Council, review of policies as requested by statute supports this objective by making the Council's decision more consistent and more transparent.
- Community Objectives – N/A
- Corporate Priorities – N/A
- Other Considerations – N/A

### 2 BACKGROUND

#### Licensing Statement of Policy

- 2.1 The Council's Licensing Committee, at its meeting on 15 June 2010 approved a revised Statement of Licensing Policy. The revised statement formed the basis of a consultation exercise which ended on 1 October 2010.
- 2.2 Attached as Appendix 1 is a copy of the policy which shows the extent of the amendments, the amendments mainly 'tidy up' the policy rather than altering its substance.
- 2.3 Attached as Appendix 2 is the summary of the responses which have been received.

#### Sexual Entertainment Venue Powers

- 2.4 On 6 April 2010 local authorities were given the ability to adopt additional powers to regulate venues which provide entertainment of a sexual nature, for example lap dancing clubs. The Council's Licensing Committee has considered these powers

and, as recommended by LACORS (the Local Authority Commission of Regulatory Service) has combined the consultation exercise relating to adoption of the sexual entertainment venue powers with the consultation exercise on the Council's licensing policy.

### 3 ISSUES

#### Licensing Statement of Policy

- 3.1 The observations made by the respondents to the consultation exercise either support the changes to the policy or relate to matters outside the Council's control, for example the relationship between the planning and licensing systems.
- 3.2 Due to the fact that the Licensing Committee meeting falls after the meeting of Policy and Finance Committee, and the need to resolve this matter during the present Committee cycle, Members of the Licensing Committee were alerted to the fact that they would not have an opportunity to view the consultation responses but that these would be referred directly to Policy and Finance Committee.
- 3.3 Licensing Members have been asked to report any comments to Members of this Committee or to the Legal Services Manager.
- 3.4 Members may well be aware that the coalition government has recently issued a consultation document entitled 'Rebalancing the Licensing Act' which proposes greater flexibility for local Councils. The Licensing Committee has expressed support for this, however the proposals are not yet at the implementation stage.
- 3.5 The Council's Licensing Statement of Policy may therefore have to be reviewed before the present policy is intended to expire, to take account of any changes in the guidance issued to local authorities, but at this stage the guidance issued to requires local authorities advises them to continue with the process of updating their existing licensing policies.

#### Sexual Entertainment Venues

- 3.6 Local authorities have the ability to adopt additional powers to regulate sexual entertainment venues, which provide entertainment of a sexual nature, for example lap dancing clubs.
- 3.7 To date the Council has not been asked to licence such premises. To date, in the main there has been no requirement for a specific sex venue licence where the premises were licensed for the provision of regulated entertainment.
- 3.8 The Licensing Committee considered this matter at its meeting on 15 June 2010 and was minded to recommend that the Council adopt the provisions, subject to outcome of the consultation exercise.
- 3.9 Only one response has been received relating to these powers, from the Lancashire Constabulary and this supports adoption of the powers.
- 3.10 If recommended by this Committee to Full Council, and approved by Full Council, the procedure for adoption would be as follows:-

14 December 2010 – resolution by Full Council specifying that schedule 3 shall apply to their area, with effect from a date more than one month after the date on which the resolution is passed – proposed date 1 February 2011.

Publication of notice – a notice has to be published for two consecutive weeks in a local newspaper, the first notice to be published not later than 28 days before the days specified in the resolution – it is proposed to place a notice in the Clitheroe Advertiser and Times editions on 21 and 28 December 2010.

#### 4 RISK ASSESSMENT

##### 4.1 The approval of this report may have the following implications

- Resources – N/A
- Technical, Environmental and Legal – N/A
- Political – N/A
- Reputation – N/A

#### 5 RECOMMENDED THAT COMMITTEE

5.1 Approve the amended Licensing Statement of Principles attached at Appendix 1 and refer the matter to Full Council for final approval.

5.2 Resolve to recommend to Full Council that this Council adopt the powers in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 relating to sexual entertainment venues.

#### LEGAL SERVICES MANAGER

For further information please ask for Diane Rice, extension 4418.

## APPENDIX 2

SUMMARY OF RESPONSES – CONSULTATION EXERCISE IN RELATION TO LICENSING POLICY STATEMENT AND ADOPTION OF THE POWERS CONTAINED IN SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1972

<b>Respondent</b>	<b>Date of response</b>	<b>Content licensing policy</b>	<b>Content sexual entertainment venues</b>
Rosendale Borough Council	16 July 2010	No observations	No observations
Lancashire Constabulary	16 July 2010	Agreed with content	Support adoption
Ribchester Parish Council	23 August 2010	Better linkage between planning and licensing applications would improve the licensing system	No comment