

ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Joint report of the Executive Director of Commercial and Corporate Services and Executive Director of City Services

1. PURPOSE OF THE REPORT

- 1.1 To formally resolve to adopt the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 relating to the regulation of sex establishments.

2. DESCRIPTION OF DECISION

- 2.1 To recommend Council to resolve that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in relation to the regulation of sex establishments shall apply to its area and that the Schedule shall come into force on 7 March 2011.

3. BACKGROUND

- 3.1 Members will recall that in September 2010 the Council approved a number of amendments to the Constitution, including the consolidation and reorganisation of delegations to the Executive Director of City Services to reflect various changes in Licensing legislation. One of the changes referred to in the report related to the law in respect of venues where entertainment such as lap dancing is provided. Such venues are reclassified as “sexual entertainment venues” and local authorities which adopt the relevant provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 may regulate such venues as sex establishments. The Council agreed to adopt this legislation.

4. CURRENT POSITION

In order to acquire these new licensing powers and comply with procedural requirements set out in the legislation with regard to the giving of public notice of the proposal to adopt the powers, the Council needs to formally resolve to apply Schedule 3 of the 1982 Act (as amended) by a specified date. The purpose of this report is to recommend that Council makes an explicit resolution to adopt the legislation by 7 March 2011. If the Council does not pass a resolution to adopt the new powers before 6th April, 2011, it is required to consult local people as soon as practicable thereafter about whether it should make such a resolution.

5. **REASONS FOR THE DECISION**

- 5.1 The Council, by making the decision recommended, will enable local residents to have the opportunity to object to lap dancing clubs and similar venues on the basis that such establishments would be inappropriate for their area.

6. **ALTERNATIVE OPTIONS**

- 6.1 No alternative options are submitted for consideration as the proposal is considered to be the optimum course of action for the Council.

7. **BACKGROUND PAPERS**

The Policing and Crime Act 2009 (Commencement No. 4) Order 2010. SI 2010 No. 507 - re lap dancing as sex establishments.