

Sex Entertainment Venues & Sex Establishment Licensing Policy - Consultation

In April 2010, section 27 of the Policing and Crime Act 2009, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by introducing a new type of sex establishment called 'sexual entertainment venues', giving local authorities more powers to control the number and location of lap dancing clubs and similar venues in their local area.

Similar venues would include venues providing 'any live performance or live display of nudity which is of such a nature that, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means) and includes: Lap dancing, Pole dancing, Table dancing, Strip shows, Peep shows and Live sex shows.

Previously a sex establishment licence was not normally required for striptease or lap dancing venues, where the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.

These new powers are not mandatory and will only apply where they are adopted by the Council. Where adopted, these provisions will allow the council to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 and will give local people a greater say over the regulation of lap dancing and similar venues in the borough.

The Council is considering making a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by section 27 and would like to seek the views of anyone who lives or works in the London Borough of Hammersmith & Fulham.

We value your views and should you wish to make any comments about our draft Sex Establishment Licensing Policy or the decision to adopt the new provisions, please use the questionnaire below to submit them. We ask when making comments you specifically refer to the paragraph numbers in our policy so that we can identify what aspect of the policy your comments relate to. In order to be considered all comments must be received by:

5 pm on the 30th August 2010

The Sex Establishment Licensing Policy can be accessed by clicking here

The consultation response questionnaire can be accessed by clicking here

If you have any queries relating to the above please contact:

Stephanie Needham
Commercial Services Manager

Email: stephanie.needham@lbhf.gov.uk

Tel: 0208 753 4992

or you can send a query to our inbox licensing@lbhf.gov.uk

This questionnaire is aimed at all residents, the licensed trade, other local businesses and any other representative bodies with an interest in sexual entertainment venues.

Some questions may be of greater relevance to licence holders and authorities such as the Metropolitan Police.

Please state whether you are a:

Resident

Councillor

A business in the borough providing licensable activities

A business in the borough NOT providing licensable activities

Responsible authority

Representative body

Other

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

- 1. Do you agree that it is a good idea for the Council to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by s.27 of the Policing and Crime Act 2009?**

Yes No Not Sure

GENERAL

- 2. Do you feel that the draft Sex Establishment Licensing Policy is clearly written and easy to understand?**

Yes No Not Sure

- 3. Do you think that the length of the draft Sex Establishment Licensing Policy is:**

Too long Too short About right

DEFINITIONS

- 4. Do you think that it is useful to include definitions of sex establishments in the main body of the draft Sex Establishment Licensing Policy?**

Yes No Not Sure

RELEVANT LOCALITY

5. Do you think that it is a good idea for the council to operate a “relevant locations” policy which limits the number and type of sex establishments permitted within the borough?

Yes No Not Sure

6. Do you think that it would be useful to include a map, indicating the different wards, in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

7. Do you agree that it is inappropriate to issue a licence for a sex establishment licence, within the relevant locality of the following:

a) Near purely or primarily residential accommodation?

Yes No Not Sure

b) Near schools, play areas, nurseries, youth clubs, children’s centres or similar places?

Yes No Not Sure

c) Near access routes to and from schools, play areas, nurseries, children’s centres or similar premises?

Yes No Not Sure

d) Near places of worship?

Yes No Not Sure

e) Near community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing?

Yes No Not Sure

f) Near historic buildings or tourist attractions?

Yes No Not Sure

SUITABILITY OF PREMISES

8. Do you think that the council should consider the following factors, when deciding if an application is appropriate?

a) Cumulative (collective) adverse impact of existing sex related licensed activities in the vicinity of the proposed premises?

Yes No Not Sure

b) Proximity to areas with the highest levels of recorded crime?

Yes No Not Sure

c) Whether the premises has met the relevant planning requirements?

Yes No Not Sure

d) Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the Police or other sources.

Yes No Not Sure

FIT AND PROPER APPLICANTS

9. Each local authority has individual requirements that they will consider when deciding whether or not an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, do you think that it would be useful to provide information in the draft Sex Establishment Licensing Policy about what this council will require?

Yes No Not Sure

POOL OF CONDITIONS

10. We have included a “Schedule of a pool of conditions”. Do you think that it is useful to include this information in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

CONSULTEES AND RESPONSIBLE AUTHORITIES

11. Do you think that it would be useful to include details of the consultees and responsible authorities used for this type of application in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

APPLICATIONS

12. Do you think that it would be useful to include details of the application process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

OBJECTIONS

13. Do you think that it would be useful to include details of how to make objections in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

HEARINGS

14. Do you think that it would be useful to include details of the hearings process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

FEES

15. We currently charge £16,688 to licence sex establishments. Do you think this is reasonable?

Yes No Not Sure

MISCELLANEOUS

16. If you would like to make any other comments around this consultation on this draft Sex Establishment Licensing Policy please detail them below.

Comments: