

ADOPTION OF SCHEDULE 3 LOCAL GOVERNMENT [MISCELLANEOUS PROVISIONS] ACT 1982

Submitted by: Head of Central Services - Paul Clisby

Portfolio: Culture and Active Communities

Ward(s) affected: All Wards

Purpose of the Report

To propose that the Council adopts Schedule 3 of The Local Government [Miscellaneous Provisions] Act 1982 ---The control of Sex Establishments within the boundaries of Newcastle under Lyme

Recommendation

That the Council adopts Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Reasons

In order to have control over Sex establishments.

1. **Background**

1.1 The forthcoming Policing and Crime Act 2009 will have the effect of inserting new paragraphs into Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982. This will provide for a new category of Sex Establishment – The New category is a “Sexual Entertainment Venue”. This type of entertainment provided at such a venue may take the form of a live performance or live display of nudity and must be of such a nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience – in essence lap dancing and pole dancing.

2. **Issues**

2.1 Failure to adopt Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 will have the effect that Section 27 of the Policing and Crime Act cannot be inserted to Schedule 3 and as a result the Council will have no control of “Sexual Entertainment Venues”. The Council will be unable to prevent this type of premise from operating and would not be able to impose any conditions on the operation of the Venue.

2.2 Should the Council adopt aforesaid Schedule 3, the Council would be in a position to set criteria it deems appropriate such as the setting of fees, having a Policy which restricts the locations of such Venues, and to impose a restriction on the numbers of such Venues.

3. **Options Considered**

The options are as above

4. **Proposal**

4.1 To adopt the act as shown in the recommendation above.

5. **Reasons for Preferred Solution**

5.1 As highlighted earlier in Issues

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

6.1 Indirectly relevant to:-

6.2 Creating a cleaner, safer and sustainable Borough

7. **Legal and Statutory Implications**

7.1 These have been shown in the report.

8. **Equality Impact Assessment**

There are no equality issues with the proposal.

9. **Financial and Resource Implications**

There are no implications

10. **Major Risks**

10.1 Failure to adopt the act may lead to unlicensed sex venues.

11. **Key Decision Information**

(Whether it is a decision involving significant expenditure or savings, or will impact on 2 or more wards and whether it has/has not been included in the Forward Plan)

12. **Earlier Cabinet/Committee Resolutions**

Not a key decision

13. **List of Appendices**

Appendix 'A' - Schedule 3 of the L.G.M.PA.1982)
Appendix 'B' - Section 27 of the Police and Crime Act 2009.

14. **Background Papers**

Refer to the appendices