



**Executive**  
15 February 2011

**Report from the Director of  
Environment and  
Neighbourhood Services**

Wards Affected:  
ALL

**Re-adoption of the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 (as amended by The Policing and Crime Act 2009)  
Licensing of Sexual Entertainment Venues.**

**1.0 Summary**

- 1.1 Section 27 of the Policing and Crime Act 2009 requires the Council to either adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of The Police and Crime Act 2009, or to hold full community consultations to decide whether to adopt.
- 1.2 On 14<sup>th</sup> September 2010 the Executive Committee agreed to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of The Police and Crime Act 2009.
- 1.3 Notice of the adoption failed to appear in a local newspaper two weeks in succession and therefore Members are asked to re-adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of The Police and Crime Act 2009.

**2.0 Recommendations**

- 2.1 This report recommends Members re-adopt Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009.

**3.0 Detail**

- 3.1 On 14<sup>th</sup> September 2010 the Executive Committee agreed to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and appoint 12<sup>th</sup> October as the first appointed day.

- 3.2 When a Council agrees to adopt Schedule 3 of The Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009, the Authority must place a notice in a local newspaper two weeks running confirming the adoption. The first notice must appear within 28 days of the adoption.
- 3.3 Notice of the adoption failed to appear in a local newspaper two weeks in succession and therefore Members are asked to re-adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.4 Following the original decision to adopt Schedule 3, a notice was drafted and an order placed with the local "Times" newspaper group.
- 3.5 Due to an administrative error within the Council the order was placed for the notice to appear for one week rather than for two weeks. The notice was, therefore, printed in the newspaper the next week but the second notice did not appear the following week.
- 3.6 Re-adoption will allow a further two notices to be published and will mean the new appointed day will be 15<sup>th</sup> March 2011.
- 3.7 The second appointed day will automatically become 15<sup>th</sup> September 2011. This is the date that applications for existing licences and any new applications are determined and granted where appropriate
- 3.8 The third appointed day will be 15<sup>th</sup> February 2012. Until this date any person currently using or undertaking preparatory work to use a premise as a sexual entertainment venue may continue to do so or until any appeal against the refusal of a licence has been determined.
- 3.9 Re-adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 will take pole dancing, lap dancing, striptease and similar sexual entertainments away from the Licensing Act 2003 and allow the Council to licence them separately.
- 3.10 Currently there are no sexual entertainment venues in Brent.
- 3.11 **Failure to Re-adopt**
- 3.11.1 The legislation requires Councils that fail to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to hold a full consultation exercise with residents and businesses on whether to adopt the Schedule.
- 3.11.2 Consultations on whether to adopt must start one year after the commencement of the Act and would therefore begin in April 2011.
- 3.11.3 It is very likely that any consultation would result in the Council being asked to adopt the legislation as this is an emotive subject and would almost certainly attract strong lobbying from residents.

## **4.0 Financial Implications**

- 4.1 If the Schedule is re-adopted licence fees will be set and reviewed using the Council's existing regime for setting fees.
- 4.2 Fees will be the same as those for other sex establishments and are currently set at £11,204 for the application of a new licence and £9,532 for the renewal of an existing licence.
- 4.3 Fees are set to take account of the cost of consulting and holding a hearing for opposed applications. They also take account of the possible need for appeals through the Courts and for the more intensive inspection regime.
- 4.4 The net forecast annual revenue from such a fee in 2011/12 is nil.

## **5.0 Legal Implications**

- 5.1 None specific other than those covered in the body of the report.

## **6.0 Diversity Implications**

- 6.1 Although there are no sexual entertainment venues in Brent at present, adoption of the Act will allow greater and more effective control of such premises should they be proposed in future. Such premises clearly have the potential to be exploitative of performers working in them, predominantly women, and greater and more effective control is to be welcomed.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

- 7.1 None specific to this report.

### **Background Papers**

<b>FILE</b>	<b>LOCATION</b>
Sexual Entertainment Venue File	HSL Offices

Adoption of the Local Government (Miscellaneous Provisions)  
Act 1982 Schedule 3 (as amended by The Policing and Crime Act 2009)  
Licensing of Sexual Entertainment Venues V4 – 14<sup>th</sup> September 2010

### **Contact Officers**

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