

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING  
COMMITTEE**

**POLICING & CRIME BILL**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform members of the key provisions of the Policing & Crime Bill which will affect the Licensing function

**2. BACKGROUND INFORMATION**

- 2.1 The Policing & Crime Bill was published by the Government on 18 December 2008 and had its second reading in the Commons on 19 January 2009. It aims to increase effectiveness and public accountability of policing by placing a duty on police authorities to have regard to the public's views and for this duty to be recognised in inspections of police authorities.
- 2.2 The Bill contains a wide range of provisions including additional powers relating to proceeds of crime, powers of forfeiture, extradition, aviation security and criminal records. Some are intended to protect vulnerable groups by reducing the demand for prostitution and increasing powers to regulate sex establishments. Others are intended to prevent low-level crime and disorder through alcohol abuse.
- 2.3 The main provisions affecting the functions of the Licensing Committee are the tightening of regulations on lap dancing clubs, the power for the Secretary of State to set mandatory conditions for premises licences and the power for local authorities to impose conditions on existing licences where there has been nuisance or disorder drinking in a particular locality.

**3. OPTIONS FOR CONSIDERATION**

- 3.1 The Bill seeks to tighten the regulation of lap dancing establishments by amending the statutory definition of sex establishments (contained in the 1982 Local Government (Miscellaneous Provisions) Act) to include "sex encounter venues". A sex encounter venue is any premises at which entertainment is provided for the purpose of sexually stimulating any member of the audience, but does not include sex cinemas and sex shops that are already controlled.

- 3.2 The Bill will bring the licensing of lap dancing and pole dancing clubs and other similar venues under the existing regime. It will allow councils to refuse licences for such establishments if they feel that there are already enough in the locality and to prescribe conditions to regulate them.
- 3.3 The Bill will also amend the Licensing Act 2003 to enable the Secretary of State to make regulations imposing mandatory licence conditions that apply to all premise licences and club premises certificates which permit the sale of alcohol and a greater number of permitted conditions which the licensing authority can impose. All conditions will continue to relate to the existing licensing objectives.
- 3.4 The Licensing Act will be amended to allow licensing authorities to impose extra conditions on existing premises licences in a particular locality if it considers there has been nuisance, annoyance or public disorder associated with the consumption of alcohol in the locality and the imposition of such conditions will mitigate or prevent the nuisance etc. Licensing authorities must consider the imposition of such conditions if a request is received from a responsible authority (e.g. police).
- 3.5 The Bill also increases the penalties for consuming alcohol in a public place and tightens up the offence of persistently selling alcohol to children (2 occasions instead of 3).

#### **4. ANALYSIS OF OPTIONS**

- 4.1 At the moment lap and pole dancing clubs cannot be controlled in the same way as other sex establishments and the proposed changes should enable councils to consider the opinions and concerns voiced by local people about such establishments.
- 4.2 The Licensing Act 2003 already includes certain mandatory conditions relating to personal licence holders and designated premises supervisors (section 19) admission of children to films (section 20) and door supervision (section 21). The concern is that the Secretary of State will introduce regulations to impose blanket conditions across the board, which will not take into account local circumstances and could impose a significant burden on establishments such as village halls or sports and members clubs. The council formally opposed these proposals on 21 January 2009 as it was felt that they could preclude the Licensing Committee from making decisions using a common sense approach.
- 4.3 The proposal to allow extra conditions on licensed premises if there has been alcohol - related nuisance etc. would enable the council to more effectively control problem premises.

#### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 Financial - None

5.2 Staffing – any implications will be met from existing staff resources

5.3 Property – there are no property implications

5.4 IT – there are no IT implications

**6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)**

6.1 Statutory – will introduce changes to the Licensing Act 2003, the Local Government (Miscellaneous Provisions) Act 1982 and various other statutes.

6.2 Environmental – the proposed increase in powers to regulate premises should lead to an improvement in amenity.

6.3 Crime & Disorder – the proposed increase in powers to regulate premises should lead to a decrease in crime & disorder

6.4 There are no risk or other implications

**7. OUTCOMES OF CONSULTATION**

7.1 N/A

**8. RECOMMENDATIONS**

8.1 That members note the information contained in this report.

SERVICE DIRECTOR: LEGAL AND DEMOCRATIC

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**Background Papers used in the preparation of this report**

The Policing and Crime Bill