

IN PARLIAMENT

LONDON LOCAL AUTHORITIES BILL (HL)

SESSION 2007-2008

HOUSE OF LORDS

LONDON LOCAL AUTHORITIES BILL

REPORT OF

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR THE

HOME DEPARTMENT

The Parliamentary Under-Secretary of State for Crime Reduction has the following comments on Clause 23 (Licensing Act 2003 applications: regulated entertainment involving nudity, etc.) of the Bill which makes provision to enable a borough council, as licensing authority, to impose a new condition on existing premises licenses that authorise regulated entertainment.

Summary

1. Ministers are aware that there is some disquiet about the powers available under the Licensing Act 2003 to regulate lap dancing clubs or similar establishments. The Government is consulting with local authorities on any concerns they have which they feel cannot be addressed by existing controls, including the Licensing Act 2003 and whether we need to do more to protect local communities.
2. The Government wish to see clause 23 deleted on the following grounds:
 - a. The Government is currently consulting with local authorities in order to address their concerns over existing controls available to regulate lap dancing or similar establishments, including the Licensing Act 2003. We want to ensure that changes to the licensing regime are based on the evidence gathered from local authorities
 - b. The Government is also keen for any changes to the regime to be apply consistently across England and Wales, rather than in London only.
 - c. The clause does little to change the current powers available to licensing authorities in the Licensing Act 2003 as explained in paragraph 4 below.
3. Under the Licensing Act 2003 all applications for licenses are assessed against four licensing objectives:

- the prevention of crime and disorder;
 - public safety
 - the prevention of public nuisance; and
 - the protection of children from harm.
4. There is already provision within the Licensing Act 2003 for an interested person (e.g. a local business or resident) or a responsible authority (e.g. the police, fire services, those responsible for protecting children) to apply for a review of an existing licence at which point the authority could impose a condition relating to nudity where necessary to promote one of the four licensing objectives following a hearing. Clause 23 would allow such a condition to be imposed without there being any opportunity for objection from local residents or a responsible authority and without a hearing.
 5. We know that the provisions set out in the 2003 Act and elsewhere do not go as far as some people would like to control the proliferation of lap dancing clubs and similar establishments.
 6. The Department for Culture Media and Sport has written to local authority chief executives to gather their views on whether there are issues related to lap dancing and similar entertainments in their areas that cannot be properly controlled by licensing or other legislation.
 7. The Home Office is expecting to take this work forward because of its wider responsibilities for the law dealing with public decency, sexual exploitation and prostitution.
 8. If there is going to be a change to the control of lap dancing clubs or similar establishments, it needs to be properly backed up by evidence, which is why this letter has been sent. We are not looking at whether we want to ban lap-dancing but what we are considering is whether we can give more power to local authorities to regulate such establishments where there are local objections.
 9. Once we have obtained more evidence of how the current laws are working, the Government will consider what action needs to be taken.
 10. A key consideration will be whether or not lap-dancing clubs should be placed under the category of "sex-encounter" establishments (such as sex shops and sex cinemas) under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Signed by,

Vernon Coaker MP
Parliamentary Under-Secretary of State for Crime Reduction
Home Office