

Licensing Committee

Grand Jury Room, Town Hall
25 November 2009 at 7.00pm

The Licensing Committee deals with
licensing applications for public entertainments,
hackney carriages and private hire vehicles, sex
establishments, gaming and lotteries, door
registration scheme and other appeals.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk.

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

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**COLCHESTER BOROUGH COUNCIL
LICENSING COMMITTEE
25 November 2009 at 7:00pm**

Members

Chairman : Councillor Barrie Cook.
Deputy Chairman : Councillor Christopher Garnett.
Councillors John Bouckley, Helen Chuah, Nick Cope,
Wyn Foster, Mike Hogg, Margaret Kimberley, Michael Lilley,
Philip Oxford, Ann Quarrie and Laura Sykes.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should

indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes 1 - 2

To confirm as a correct record the minutes of the meeting held on 11 November 2009.

7. Gambling Policy Consultation 3 - 24

See report by the Head of Environmental and Protective Services.

8. Regulation of Lap Dancing Clubs 25 - 61

See report by the Head of Environmental and Protective Services.

**LICENSING COMMITTEE
11 NOVEMBER 2009**

Present :- Councillor Barrie Cook (Chairman)
Councillors John Bouckley, Michael Lilley,
Ann Quarrie and Laura Sykes

13. Minutes

The minutes of the meeting held on 7 October 2009 were confirmed as a correct record.

The Committee/Panel resolved under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

14. Hackney Carriage/Private Hire Appeal A

The Committee considered a report by the Head of Environmental and Protective Services on an appeal against the Licensing Manager's decision not to grant a hackney carriage/private hire vehicle driver's licence because recent motoring convictions placed the applicant outside of the Council's licensing standards and previous convictions although spent, potentially called into question the applicant's 'fit and proper' status. The Licensing Manager and the appellant attended, presented their cases and then the Committee withdrew to consider the matter and make their determination.

RESOLVED that-

(i) the appeal be upheld

(ii) A one year probationary hackney carriage/private hire driver's licence subject to the following condition;

'If during the period of this probationary licence you are convicted of any criminal or motoring offence, receive any Police caution, receive a fixed penalty notice or ticket in relation to a criminal or motoring offence, or do not fully comply with the Council's hackney carriage/private hire driver, vehicle or operator licensing conditions, then this licence will be automatically revoked with an immediate effect'.

The Committee/Panel resolved under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following item as it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

15. Hackney Carriage/Private Hire Appeal B

The Committee considered a report by the Head of Environmental and Protective Services on whether or not one of the holders of a hackney carriage/private hire drivers licence was still a 'fit and proper' person to continue holding such a licence given their recent conviction. The Licensing Manager and the licence holder attended, presented their cases and then the Committee withdrew to consider the matter and make their determination.

RESOLVED that six penalty points be issued in accordance with the Council's Penalty Point Scheme for hackney carriage/private hire drivers and operators.



Licensing Committee

Item

8

25 November 2009

Report of	Head of Environmental & Protective Services	Author	Simon Harvey ☎ 282701
Title	Approval of the Councils draft Statement of Gambling Policy following a public consultation and also a Legal opinion having been sought on the robustness of the Policy from Counsel.		
Wards affected	All		

This report details the outcome of the consultation exercise carried out for the Council's draft Statement of Gambling Policy and seeks the Licensing Committees approval for the adoption of the proposed final Statement of Gambling Policy by full Council.

1. Decision Required

- 1.1 Members are asked to consider the outcome of the public consultation exercise and also the legal opinion that has been sought from Counsel in relation to the draft Statement of Gambling Policy, endorse the proposed amendments that have been made to it and recommend the proposed draft for the final approval of the full Council on 10 December 2009.

2. Reasons for Decision

- 2.1 The Council must re-adopt its licensing policy every three years as a requirement of the Gambling Act 2005. The policy can also be known as a Statement of Licensing Principles.
- 2.2 A final version of the policy must be approved by the Licensing Committee at its meeting of the 25 November and by full Council on the 10 December 2009. It must be in place and published by no later than the 31 January 2010.
- 2.3 The timetable for the preparation, consultation, approval and publication of this policy is extremely tight and is prescribed by the Department of Culture, Media and Sport (DCMS) and the Gambling Commission.

3. Alternative Options

- 3.1 The Gambling Act 2005 requires this policy to be in place as a legal requirement of that Act and also so that the Council can lawfully accept applications submitted to it under the Gambling Act after the 31 January 2010. Consequently there is no alternative.

4. Supporting Information

- 4.1 Members will recall that at the Licensing Committee meeting held on 7 October 2009, their approval was given for the commencement of the public consultation period for the proposed draft of the Council's Statement of Gambling Policy and also to seek Counsel's opinion on the draft policy to ensure that it is legally sound and compliant with the

Gambling Act 2005 and also the guidance issued by the Gambling Commission that accompanies the Act.

- 4.2 The consultation period ran from 16 October to 13 November 2009 although relevant responses were still accepted after the closing date.
- 4.3 A full list of all of the businesses, organisations, interested parties, responsible authorities, Councillors, voluntary groups and Parish and Town Councils who were invited to participate in the consultation is attached to this report. (See appendix 1).
- 4.4 The consultation was separated into two components with existing businesses holding a premises licence under the Gambling Act, responsible authorities and Members of the Licensing Committee being provided with a hard copy of the draft revision to the Statement of Gambling Policy and all other interested parties being advised that the revised draft was available to view or download via the licensing pages of the Councils web site. Copies of the consultation letters are attached to this report. (See appendix 2).
- 4.5 A disappointing total of just 1 response was received to the consultation exercise which was received from Castle Ward Councillor Henry Spyvee and was accepted beyond the closing date. Councillor Spyvee's response is attached to this report. (See appendix 3).
- 4.6 The licensing manager believes that Councillor Spyvee has made some perfectly valid points and will address his comments in relation to paragraph 4.6, 'key facts and figures', by amending the policy where the statistical information is available to do so.
- 4.7 However it is a little more difficult to make the amendments sought by Councillor Spyvee in regards to paragraph 16.7 'licensing objectives', because the policy will run for a period of three years and crime statistics may vary considerably for different areas within that time period. As a result, this aspect of the policy might require constant checking and amendment.
- 4.8 It would therefore be expected that the Police as the relevant responsible authority for matters concerning 'crime and disorder', would make comment on an application received as to the question of whether or not the area the premises was located in experienced high levels of crime and disorder and whether or not the application should be granted as a result. If a representation is received from the Police on these grounds which objected to an application submitted, the level of crime and disorder is a factor that the Licensing Sub Committee panel might wish to consider at a hearing.
- 4.9 The final revision of the draft Statement of Gambling Policy is attached to this report. The Licensing Committee will see from this that the amendments made by the licensing manager to the original policy document are shown in italics and are also highlighted in bold text. (See attached as appendix 4).
- 4.10 Counsel has considered the draft revision to the policy and has made a number of relatively minor amendments to it. These amendments are also shown in the draft and are highlighted in bold text and currently have a 'tracking' format identification marked against the changes.

5. Proposals

- 5.1 It is proposed that Members agree to these amendments to the original draft policy document and agree to incorporate them into the final policy to be taken to full Council on the 10 December 2009.

6. Strategic Plan References

6.1 The Council's overall strategic vision for Colchester is for it to develop as a prestigious regional centre. The Statement of Gambling Policy seeks to positively support that strategic vision. In addition, the proposed draft revision of the Statement of Gambling Policy also links into the strategic plan in relation to the following criteria:

- Community Safety

6.2 The Council's Statement of Gambling Policy recognises the need for commercial enterprises involved in gambling to be able to go about their lawful business without being hindered by unnecessary restrictions. However, at the same time it also recognises the scope for negative effects that gambling can have on both society and individuals, and endeavours to ensure that the approach adopted by the Licensing Authority will be proportionate, reasonable, accountable, consistent, transparent and targeted and in accordance with the principles of Better Regulation.

7. Consultation

7.1 The revised draft policy has been comprehensively consulted on in accordance with the Guidance issued by the Gambling Commission under paragraphs 6.13, 6.14 and 6.15 of the Commission's third edition of Guidance to Licensing Authorities issued in May 2009 and primarily through the use of the Council's web site, the Licensing Authority will continue to publicise the implications of this policy and the legislation covered under the Gambling Act 2005 and also assist licence and permit holders as widely as it possibly and practically can.

8. Publicity Considerations

8.1 Those businesses, persons, responsible authorities, voluntary groups and other interested parties who may be affected by this policy or have an interest in it, have been invited to submit comments via the consultation process which was the most direct way of publicising the policy to those that needed to know about it.

9. Financial Implications

9.1 The Council's Statement of Gambling Policy could be judicially reviewed by an aggrieved party and decisions made by the Licensing Authority to grant or refuse applications submitted under the Gambling Act 2005 can be appealed at Court. The costs of any successful review or appeal brought could be awarded against the Council.

10. Equality, Diversity and Human Rights Implications

10.1 The policy has been drafted in accordance with all relevant legislation – including the Human Rights Act 1998, Disability Discrimination Act 1995, Crime and Disorder Act 1998 and Race Relations Act 1976.

10.2 A licence is to be regarded as the property of the holder and their right to the use of that property must be balanced against any other public interest.

11. Community Safety Implications

11.1 The Council's Statement of Gambling Policy reasonably and proportionately seeks to offer safeguards against gambling activities in Colchester from becoming a source of crime and disorder, being associated with crime or being used to support crime and

protects children and other vulnerable persons from being harmed or exploited by gambling wholly in line with the expectations of the Gambling Act 2005 and the guidance issued by the Gambling Commission that accompanies the Act.

- 11.2 The policy also takes account of the Council's own responsibilities under Section 17 of the Crime and Disorder Act 1998 and its commitment to reducing crime through the Crime and Disorder Reduction Partnership.

12. Health and Safety Implications

- 12.1 There are no direct health and safety issues arising from the policy.

13. Risk Management Implications

- 13.1 A robust Statement of Gambling Policy provides the Council with a sound basis on which to undertake its responsibilities under the Gambling Act 2005.

name_full	org	address11	address22	address33	address44	address55
Abberton & District Cricket Club			Abberton Road	Fingringhoe		CO5 7AW
Admiral Taverns		Suite H3	Steam Mill Business Centre	Steam Mill Street	Essex	CH9 5AN
Adnams PLC		Tolken	East Green	Southwold	Colchester	IP18 6JW
Adventures Offshore			The Lane	West Mersea	Colchester	CO5 8NT
Alderman Blaxill School			Paxman Avenue	Colchester	Colchester	CO1 1SP
All Saints Shrub End Social Committee			24 Twining Road	Colchester	Colchester	CO2 9DQ
Alliance Performing Arts Foundation			29 Egret Crescent	Colchester	Colchester	CO3 9XG
Alzheimer's Society, Colchester & District Branch		Marylands	43 Shrub End Road	Colchester	Colchester	CO4 3TX
Association of British Bookmakers		Norris House	4 Norris Street	London	London	CO3 3UE
BACTA		Alders House	133 Aldersgate Street	London	London	SW1 4RJ
Baynards County Primary School			Townsend Road	Tiptree	Colchester	EC1A 4JA
Beacon Entertainments Ltd			17a Market Place	Loughborough	Leicestershire	CO5 0ND
Belle Vue Social Club & Institute			1 Colne Bank Avenue	Colchester	Leicestershire	LE11 3EA
Bingo Association		Lexham House	75 High Street North	Dunstable	Beds	CO1 1UU
Birch C Of E School		Birch C Of E School	School Hill	Birch	Colchester	LU8 1JF
Birch school parents & friends Association			School Hill	Birch	Colchester	CO2 0LZ
Birch School Parents and Friends Association			School Hill	Birch	Colchester	CO2 0LZ
Blake Laphorn Tano Lyons Solicitors			Paxman Avenue	Segenswort	Fareham Hampshire	PO15 5UA
Blaxill Association, Alderman Blaxill School			5 St Botolphs Circus	Colchester	Colchester	CO2 9DQ
Bliss/Freedom		Boxted Village Hall	Cage Lane	Boxted	Colchester	CO2 7EF
Breast Cancer Campaign			110 Clifton Street	London	Colchester	CO4 5RE
Bricklayers Arms			27 Bergholt Road	Colchester	Colchester	EC2A 4HT
Brinkley Grove Primary School			Rawings Crescent	Colchester	Colchester	CO4 5AA
Briannia Public House			Meyrick Crescent	Colchester	Colchester	CO4 9GF
British Greyhound Racing Board			1 Proctor Street	London	Colchester	CO2 7QY
British Horseracing Board		Proctor House	75 High Hoborn	London	Colchester	WC1V 6DW
Broomgrove Schools Association			Broome Grove	Wivenhoe	Colchester	WC1V 6LS
C Rayner			10 Sebastian Close	Wivenhoe	Colchester	CO7 9QB
c/o Colchester Carers Centre			15-25 Oaks Drive	Colchester	Essex	CO7 9QB
C/O Harward & Henderson		The Oaks Care Home	Kelvedon Road	Colchester	Essex	CO4 3SH
Cambridge Arms			94 Military Road	Tiptree	Colchester	CO3 3PR
Candi			21 Osborne Street	Colchester	Colchester	CO5 0LJ
Cants Of Colchester			Nayland Road	Colchester	Colchester	CO1 2AN
Carislake Electrical Services		Cants Of Colchester	Brook Street	Colchester	Colchester	CO2 7DA
Casino Operators Association		1 Brook House	25 City Road	Wivenhoe	Colchester	CO4 5EB
Caterpillars Pre-School			Church Lane	London	Colchester	CO7 9DP
Chappel Millenium Green Trust		St Andrews Church Hall	The Street	Marks Tey	Essex	EC1 1AR
Chequers Inn			Colchester Road	Chappel	Colchester	CO6 1LW
Cherry Tree Inn		White Gates	The Street	Chappel	Colchester	CO6 2DD
Chilvers Automatics Ltd			Blackheath	Great Tey	Colchester	CO6 2DQ
Claremont Automatics Limited			Fitch Industrial Estate	Colchester	Colchester	CO2 0AD
Clir Andrew Ellis			Wigborough Road	Langham	Colchester	CO4 5LD
Clir Ann Ouarie			15 Paget Road	Dunmow	Essex	CM6 1XJ
Clir Arnie Turrell			160 Mile End Road	Peldon	Colchester	CO7 9JL
Clir Barrie Cook			54 Booth Avenue	Wivenhoe	Colchester	CO7 9JL
Clir Beverly Davies			83 Princess Drive	Colchester	Colchester	CO4 5DY
Clir Beverly Davies			20 Meadow View Close	Highwoods	Colchester	CO4 3AZ
Clir Chris Hall			1 Ireton Road	Stanway	Colchester	CO4 9YT
Clir Christopher Arnold			9 Manor Close	Colchester	Colchester	CO3 0YL
Clir Christopher Garnett			Moor Road	Great Horkeley	Colchester	CO3 3AT
Clir Dave Harris			12 Prince Philip Road	Langham	Colchester	CO6 4AR
Clir Dennis Willelts			Wood Lane	Langham	Colchester	CO4 5NP
Clir Elizabeth Blundell			88 School Road	Colchester	Colchester	CO2 8PA
Clir Gaye Pyman			26 King Coal Road	Copford	Colchester	CO3 9TR
Clir Gerard Oxford			83 Princess Drive	Colchester	Colchester	CO6 1BX
Clir Helen Chuah			60 St Johns Road	Highwoods	Essex	CO3 9AQ
Clir Henry Spyyee			16 Wakefield Close	Colchester	Colchester	CO4 9YT
Clir Jackie Maclean			263 London Road	Colchester	Colchester	CO4 0W
Clir Jill Tod			Chittis Hill	Stanway	Colchester	CO1 2SD
Clir John Bouckley		Seven Arches Farm	6 Blackwater Drive	Colchester	Colchester	CO3 8LT
Clir John Elliott		Sussex	Grange Road	West Mersea	Colchester	CO3 9SX
Clir John Jowers			11 Victory Road	Tiptree	Colchester	CO5 8NJ
Clir Jon Manning			46 Broomfield Crescent	West Mersea	Colchester	CO5 0UH
Clir Julie Young			34 Mascot Square	Wivenhoe	Colchester	CO5 8LY
Clir Justin Knight			364 Old Heath Road	Elmstead Road	Colchester	CO4 3GA
				Colchester	Colchester	CO2 8BD

APPENDIX 1

Copford Cricket Club	Copford Primary School P.T.A	Copford Primary School	Copford Hall	Hall Road	Copford, Colchester	C06 1DG
Copford Village Hall			School Road	Copford	Colchester	C06 1BX
Copt Hall			Copt Hall Lane	Little Wigborough	Colchester	C06 1BX
Coral Estates			19-21 Station Road	Harold Wood	Romford	C05 7RD
Coral Racing Limited			Vicarage Drive	Barking	Essex	RM3 0BP
Cubo UK Limited			820 The Crescent	Colchester Business Park	Colchester	IG11 7NS
Dance Hall Mondo Level 2			Wivenhoe Park	Colchester	Colchester	C04 3SQ
Day Nursery, Colchester Institute			Sheepen Road	Colchester	Colchester	C03 3LL
Dedham School Parents Group			Parsons Field	Dedham	Colchester	C07 6BZ
Dedham Sports Club			Sports Pavilion	The Drift	Brook Street, Dardham, Colchester	C07 6AD
Dinners Direct			29 Egret Crescent	Colchester	Essex	C04 3TX
Divisional Police Licensing Officer			10 Southway	Colchester	Essex	C03 3BU
Dynamite Drama Company			13 Woodstock	West Mersea	Colchester	C05 8RZ
EAG Festival Committee			11 Spring Lane	Eight Ash Green	Colchester	C06 3QE
Eastern Division Sports Club			10 Southway	Colchester	Essex	C04 9QX
Elimco Water Technologies Limited			Brunei Way	Colchester	Essex	C01 1NP
Elissons Solicitors			Head Street	Colchester	Essex	C01 1NP
Elmstead Division of Girls Guiding			Head Street	Colchester	Essex	C07 0DU
Enterprise Inn PLC			81 Colne Road	Brightingsea	West Midlands	B90 4SJ
Environmental Control Manager			3 Monkspath Hall Road	Solihull	Essex	C01 1FL
Essex Disabled Angling Club			PO Box 869, Town Hall	Colchester	Essex	C015 4RG
Essex Leisure Ltd			79 Cypress Close	Clacton-on-Sea	Essex	CM8 3YQ
Fashion Cafe Bar			21 Eastways	Wilham	Essex	C02 7DX
Father Arthur Barrow			2 St. Botolphs Street	Colchester	Colchester	C03 5BE
Finginghoe Club			16 Clairmont Road	Lexden	Colchester	C05 7BH
Finginghoe Mens' Club			Chapel Road	Finginghoe	Colchester	C05 7BH
Frankice (Golders Green) Ltd			Chapel Road	Finginghoe	Colchester	WD25 8HL
Frankice (Golders Green) Ltd			Oterspool Way	Watford	Colchester	C04 0PZ
Friars Grove School Parent Teacher Association			Upland Drive	St. Johns Estate	Colchester	C07 7NS
Friends of Adleigh St Marys Church School			Of England Primary School	Colchester Road	Ardleigh	C06 2DD
Friends of Chappel School			The Street	Chappel	Colchester	C06 3PG
Friends of Fordham			5 Moafields, Moot Road	Fordham	Colchester	C04 9PB
Friends of Langham School			Langham Primary School	School Road	Langham, Colchester	C02 0DS
Friends of Layer School			Layer de la Haye	High Road	Layer de la Haye	C03 5AS
Friends of Lexden School P.T.A			Controlled Primary School	Treatalgar Road	Colchester	C07 9RD
Friends of Littlegarth School			Lexden Primary School	Great Horkeley	Colchester	C04 3EZ
Friends of Milfields			Park Road	Wivenhoe	Colchester	C03 4PH
Friends of Montgomery Junior School			Bowes Road	Wivenhoe	Colchester	C01 2FA
Friends of Parsons Heath Primary School			Baronswood Way	Colchester	Essex	C04 9YE
Friends of Prettygate Infant School			Templewood Road	Colchester	Essex	NG7 1FT
Friends of St Lawrence C of E Primary School			Plume Avenue	Colchester	Nottingham	IG11 7NS
Friends of St. James School			Rectory Road	Colchester	Barking	SW10 0EU
Friends of Treetops			Guldford Road	Colchester	Barking	B2 4BP
Funszie Leisure Co Limited			Victoria Gardens	Colchester	Middlesex	SW11 1TR
Gala Bingo			18 St Vincents Road	Colchester	Leeds	LS18 4ER
Gala Leisure Ltd			New Casile House	Colchester	Hainault	IG8 3UG
Gamblers Anonymous			Glebe House	Colchester	Hainault	CO2 9NJ
Gambling Commission			P.O.Box 88	Colchester	Essex	HU1 3DZ
GAMCARE			Victoria Square	Colchester	Essex	CM2 8RE
Games Media			7-11 St John's Hill	Colchester	Essex	CO6 1AZ
Gamestec Leisure			99 Green Lane	Colchester	Essex	CO6 1JP
Gaming & Leisure Services			Low Lane	Colchester	Essex	CO6 1AZ
Garrison Building K28, Senior Officers Housing			Cromwell Centre	Colchester	Essex	CO6 1JP
Gosscalks Solicitors			3 Gypps Close	Colchester	Suffolk	IP33 1QT
Gray & Sons (Chelmsford) Ltd			Queens Gardens	Colchester	Essex	CO3 3AD
Great & Little Tey Village Committee			Galleywood	Colchester	Essex	CO3 3QJ
Great Tey Pte School			15 Christmud Way	Colchester	Essex	CO3 3GB
Great Tey Primary School P.T.A Lottery			Village Hall Chappel Road	Colchester	Essex	CM1 1LX
Great Tey Village Hall			Chismund Way	Colchester	Essex	CO1 1PB
Greene King Brewing & Retailing Ltd			Chappel Road	Colchester	Essex	CO6 3JF
Greenstead Racing Limited			Westgate Brewery	Colchester	Essex	CO4 9SN
Greenstead St Andrews N&I School			Balkems Hill	Colchester	Essex	CO4 9SN
Hamilton School PSA			Hickory Avenue	Colchester	Essex	CO3 36B
Head of Children's Safeguarding Service			Constanline Road	Colchester	Essex	CO1 1PB
Headway Essex			DG95, D Block, P.O Box 11	Colchester	Essex	CO6 3JF
Healthlands School			Headway Town Office	Colchester	Essex	CO4 9SN
Highwoods CP Primary School P.T.A			Tynedale Square	Colchester	Essex	CO4 9SN

APPENDIX 1

Mr Carl Howells	19 Head Street	Colchester	Colchester	CO1 1NX
Mr Charlie Alexander	Hill Road	Mount Bures, Bures	Colchester	CO8 5AS
Mr Chris Clarke	11 Back Lane	Colchester	Colchester	CO3 4DQ
Mr Chris Smith	101 Collingwood Road	Colchester	Colchester	CO3 9BB
Mr Christopher James Easteal	Copt Hill	Little Wigborough	Colchester	CO5 7RD
Mr Colin Keay-Chaplin	25 Crowhurst Road	Colchester	Colchester	CO3 3JW
Mr Colin Watson	74 Uplands Road	Subbury	Suffolk	CO10 1NY
Mr D J O Rees	Colchester Road	Chappel	Colchester	CO6 2DQ
Mr D Knight	79 St Clairs Road	Langham	Clacton-on-sea	CO16 8QJ
Mr D Winter	School Road	West Mersea	Colchester	CO4 9FD
Mr Darryl Swain	10 Marose Road	1 Woodpecker Close	Colchester	CO5 8JD
Mr David Hinchcliffe	Youth Football Club	Colchester	Colchester	CO4 3FF
Mr David Smith	Paxman Avenue	Colchester	Essex	CM12 0BA
Mr David Williams	35 Hillhouse Drive	Billerica	Colchester	CO6 2LE
Mr Derek John Carey	Lamberts Lane	Earls Colne	Colchester	CO6 1BJ
Mr Derek Wheeler	84 London Road	Coptford	Colchester	CO4 9XR
Mr Ewen Macgregor	36 Aldeburgh Gardens	Highwoods	Colchester	NG7 1FT
Mr F N David	New Castle House	Castle Boulevard	Nottingham	CO6 2AT
Mr Frederick G Young	Jankes Green	Wakes Colne	Essex	CM4 0NX
Mr G Simson	Mountmessaing Road	Blackmore	Colchester	CO5 0ND
Mr Gareth Nock	Townsend Road	Tipree	Colchester	CO6 3OP
Mr Gary Johns	2 The Firs	Layer de la Haye	Colchester	CO2 0DU
Mr Geoffrey Wilcox	42 Heathfields	Colchester	Essex	CO6 3PT
Mr Geoffrey Gower	2 Ladell Close	Colchester	Colchester	CO3 4LR
Mr Graham Tyler	10 Old Forge Road	Layer De La Haye	Colchester	CO6 2DS
Mr Ian Reed	70 Roodsdale Way	Essex	Colchester	CO4 9YE
Mr Ivan King	Colchester	Colchester	Colchester	CO5 7AW
Mr J A Everett	62 Victoria Gardens	Colchester	Essex	CO6 1RX
Mr J French	Abberton Road	Langenhoe	Colchester	CO1 7UD
Mr J Purser	3 Buxton Cottages	Salmon Corner	Coggeshall Essex	CO4 3TX
Mr James Firmin	Lower Castle Park	Colchester	Colchester	CO2 7AA
Mr Jason Hawke	Jim-A-Ric	Bounstead Road	Colchester	IP29 4RT
Mr Jeffrey L H Wright	29 Egret Crescent	Colchester	Bury St Edmunds	CM3 8JU
Mr Jim Musk	1 St. John Street	Colchester	Chelmsford	CO4 5DX
Mr John Baleman	11 Becroft	Stanningfield	Colchester	CO2 7ET
Mr John Brian Wilde	16 Payne Place	East Hammingfield	Colchester	CO3 3AE
Mr John Richard Parrick	12 Greenacres	Mile End	Essex	CO1 1X2
Mr John William Stevens	28 Mersea Road	Colchester	Colchester	CO8 5AJ
Mr Jon Christopher Tidman	Magdalen Hall	Wimpole Road	Colchester	CO2 8LZ
Mr Jonathan Martin	10 St Marys Fields	Colchester	Colchester	CO1 2GB
Mr K Butcher	264 Cowdray Avenue	Colchester	Colchester	CO5 8HR
Mr Ken Warne	Hill Road	Mount Bures	Colchester	CO2 9NU
Mr Kevan Pugh	9 Beeleigh Close	Colchester	Wivenhoe	CO1 7HA
Mr L Broadhurst	Royal Mail	Essex	Colchester	CO1 1SP
Mr Lester Wayne Pearse	6 Stable Mews	Colchester	Colchester	CO6 3DG
Mr M Boyle	MPSC Benevolent Fund	Colchester	Essex	CO1 2BN
Mr Mark Innes	Broad Lane Ground	Colchester	Essex	CO3 0QN
Mr Matthew Deith	128 High Street	Colchester	Essex	CO2 7JX
Mr Michael John Cuiham	Offespool Way	Colchester	Essex	CO4 SUP
Mr Michael Keith Blackmore	Nayland Road	Colchester	Colchester	CO1 2RA
Mr Nigel Drew	3-5 Kendall Road	Colchester	Colchester	CO3 4QS
Mr Nigel Pettit	16 Henvey Crescent	Colchester	Colchester	CO5 7DS
Mr Paul Clarke	24 Twinings Road	Colchester	Colchester	CO2 8NJ
Mr Paul Dickson	128 Layer Road	Colchester	Essex	CO5 0AU
Mr Paul Evans	United Way	Colchester	Colchester	CO7 6EU
Mr Paul Goodall	64 Feering Hill	Colchester	Colchester	CO6 4DR
Mr Paul Harrison	Guilford Road	Colchester	Colchester	CO6 30E
Mr Paul Richard Self	The Philip Morant School	Colchester	Colchester	CO5 7QR
Mr Paul Scott	83 Titus Way	Colchester	Colchester	CO5 8DL
Mr Phil Jones	14 Dudley Road	Colchester	Wivenhoe, Colchester, CO7 9AF	
Mr Phillip Wood	Monkwick Avenue	Colchester	Colchester	CO6 2DA
Mr R A Duffield	Wivenhoe Hall Folly	Colchester	Colchester	CO6 30E
Mr R Cannon	22 Conander Road	Colchester	Colchester	CO5 7QR
Mr R Drury	41 Dedham Meade	Colchester	Colchester	CO5 8DL
Mr Ralph Herbert Davis	Workhouse Lane	Colchester	Colchester	CO5 8DL
Mr Richard Brown	31 Osborne Street	Colchester	Colchester	CO5 8DL
Mr Robert A Holmes	11 Spring Lane	Colchester	Colchester	CO5 8DL
Mr Robert Anthony Buckland	Lower Road	Colchester	Colchester	CO5 8DL
	18 Reymead Close	West Mersea	Colchester	CO5 8DL

Mr Robert Charles Woptling				2, Gorse Way	Stanway	Colchester	C03 0QP
Mr Rodney Borgartz	Fermain			Gorse Lane	Tiptree	Colchester Essex	C05 0AH
Mr Rodney Sandys				37 Glebe Road	Tiptree	Colchester	C05 0SZ
Mr S.Groom		Wormingford Parish Council		20 Millers Close	Great Horkesley	Colchester	C06 4HW
Mr Simon Wade		Great Horkesley Parish Council		2 Valley Close	Stanway	Colchester	C03 0QU
Mr Stephen Kennedy Whybrow				The Old Vicarage	Parsonage Road	Boxted, Colchester	C04 5ST
Mr Stuart Thackram				Holmwood House School	Chitts Hill	Colchester	C03 9ST
Mr T Orchard				18 Westside Centre	Layer Breton	Colchester	C02 0BP
Mr Tom Fenton		Layer Breton Lodge		Hickory Avenue	London Road	Stanway Colchester	C03 8PH
Mr Tony Murray				22 Fairways	Colchester	Essex	C04 5TX
Mr William Anslow				Layer Marney Wick	Colchester		C05 9UT
Mr William Backhouse				47 Stanley Wooster Way	Colchester		C04 3XX
Mr Michael Jackson				10 Queensberry Avenue	Copford		C06 1YN
Mrs A Buckmaster		Wivenhoe Town Council		27 The Slades	Wivenhoe		C07 9AB
Mrs Anne Holland				Bargate Lane	Dedham		SS16 4SG
Mrs Anne Lipscomb				Christmund Way	Great Tey		C07 6BN
Mrs Anne Seaden	Goose Acre			The Old School	Church Square	Holton St Mary, Colchester	C06 1AZ
Mrs B Yorke-Edwards	Great Tey Primary School			2 Chapel Lane	Great Bromley	Colchester	C07 6NP
Mrs C Jackson				Villa Road	Stanway	Colchester	C07 7JT
Mrs C Moss	Victory Hall			23 Edward Marke Drive	Langenhoe	Colchester	C03 0RH
Mrs C Collett		Stanway Parish Council		13 Greate House Farm Road	Langenhoe	Colchester	C05 7LP
Mrs Carole Lesley Littlewood		Abberton & Langenhoe Parish Council		17 Heath Road	Wivenhoe	Colchester	C02 0LP
Mrs D F Durfield				Elmco Water Technologies	Wivenhoe	Colchester	C04 90X
Mrs D Moolman				58 Shaftesbury Avenue	Brunel Way	Colchester	C07 9PS
Mrs D. Humphries		Copford with Easthorne Parish Council		56 Shaftesbury Avenue	Dovercourt	Colchester	C012 4BT
Mrs Helen Dudley-Smith		Fordham Parish Council		Park Road	Dovercourt	Essex	C012 4BT
Mrs Debbie Benfield	Littlegarth School, Horkesley			Tumblers Green	Stisted	Essex	C06 4JR
Mrs E Mcmillan	Brooks View			Wick Road	Stisted	Braintree	CM7 9BA
Mrs Elaine Busbridge	Alfriston			17 Coppington End	Langham	Colchester	C04 5PE
Mrs Elizabeth Sippings				17 Green Lane	Copford	Colchester	C06 17G
Mrs F.A.Fletcher				1A Jays Lane	Aldham	Colchester	C06 3RE
Mrs Fiona Bailey				101 Nayland Road	Marks Tey	Colchester	C06 1LP
Mrs H Harris		Myland Parish Council		Highwoods Square	Mile End	Colchester	C04 5EN
Mrs Heather Payne	St Johns & Highwoods Community			Friars Grove School	Highwoods	Colchester	C04 9SR
Mrs Helen Dudley-Smith	Friars Grove PTA			Hickory Avenue	Uplands Drive	Colchester	C04 4PZ
Mrs J Breeze	St Andrews N & L School			6 Yew Tree Close	Greenstead	Colchester	C04 3QJ
Mrs J Lay				Deadham Parish Council	Coppins	Essex	C04 3LD
Mrs J.P. Flewin	Victoria Place			Eld Lane	Coppins	Essex	C07 6AT
Mrs Jackie Bowis				29A West Street	Wivenhoe	Essex	C07 9BH
Mrs Jacqueline Riley	Queens Head			31 Osborne Street	West Bergholt	Colchester	C02 7DA
Mrs Jane Davis				97 Preitygate Road	Colchester	Essex	C06 3HE
Mrs Jean Patricia McGivern	Queen's Head			Lower Green	Wakes Colne	Essex	C03 4EE
Mrs Jo White	Laurel Cottage			Little Horkesley	Colchester		C06 2AZ
Mrs Joanna Johnson	Holls			3 Gyps Close	Colchester		C06 4DR
Mrs Karen J Garrad				36 Clayhall Place	Acton		C02 9NU
Mrs K McNeil				5 Moatfields	Fordham	Sudbury, Suffolk,	C010 0BT
Mrs K Stovell				31 Spring Chase	Wivenhoe	Essex	C06 3PG
Mrs Marion Cordingley				1 Fairview	Wivenhoe	Colchester	C07 90P
Mrs Mary Bibby				34 Harsnett Road	Vernons Road	Chappel, Colchester	C06 2DL
Mrs Mary Elizabeth Beverley				11 Arbour Way	Colchester		C01 2HY
Mrs Maxine Strugnell				64 London Road	Colchester		C04 9BD
Mrs Nicky Withycombe				1 Pilborough Way	Copford		C06 1BJ
Mrs Pauline Rose Manning				205 Maldon Road	Tiptree		C03 9XW
Mrs Penny Culnew-Herrett				13 Woodstock	West Mersea	Colchester	C05 0PU
Mrs R Harvey	Boytons			Abbeton Road	Colchester Essex		C05 8RZ
Mrs R.S.Pullen	The Coppice			Maldon Road	Fingringhoe	Colchester	C05 7AS
Mrs Rachel Eaton	The Elms			13 Longridge	Great Wigborough	Colchester	C05 7SB
Mrs Roslyn Freetland				1 Tharchoers Cottages	Colchester		C04 3FD
Mrs S Collins	St Lukes Church Of England Pri			66 Church Road	Mill Road	Boxted Colchester	C04 5RW
Mrs S Groom	5 Beech Grove			20 Millers Close	Tiptree	Colchester	C05 0SU
Mrs S. Smith	Sible Hedingham			153 High Road	Halstead	Colchester	C06 4HW
Mrs S.Hughes	Oaklands	Mount Bures Parish Council		7 Mill Road	Layer-De-La-Haye	Essex	C08 3NZ
Mrs Sandra Brett	Chalsworth	Layer-de-la-Haye Parish Council		Lynchurst	Marks Tey	Colchester	C02 0EB
Mrs Sarah Dutch	Surray			John De Bois Hill	Bromley Road	Colchester	C06 1EA
					Ardleigh	Ardleigh	C07 7SF
						Colchester	C07 7PH

APPENDIX 1

Mrs Sarah Thompson	Prettygate Infant School	Plume Avenue	Colchester	CO3 4PH
Mrs Sarah Whearty		42 Spindrift Way	Wivenhoe	CO7 9GW
Mrs Sylvia Ward	Ditchlings	21 Ashwin Avenue	Colchester	CO6 1BS
Mrs T Jephcott		Quillers Green	Copford	CO6 3LZ
Mrs Toni Clay		117 Hillview Close	Rowhedge	CO5 7HT
Mrs Tracey Jane Sharpe		5 Bargate Lane Cottages	Dedham, Colchester	CO7 6BN
Mrs V Burrows		23 Crossways	Essex	CO5 2JA
Mrs V Capon	Wakes Colne Parish Council	19A Reynhead Close	Colchester	CO5 8DJ
Mrs V Watson	East Mersea Parish Council	17 Armoiry Road	Colchester	CO6 3JN
Mrs Valerie Pryor	West Bergholt Parish Council	73 Emress Avenue	Colchester	CO5 8BL
Mrs Victoria L Robinson		141 Albany Gardens	Colchester	CO2 8HQ
Mrs Yvette Weston	Rowhedge Village Hall	Rectory Road	Rowhedge	CO5 7HP
Ms A.J. Harness		6 Stable Mews	Colchester	CO5 8HR
Ms A.J. Harness	East Donyland Parish Council	6 Stable Mews	Colchester	CO5 8HR
Ms Angela Thomson	Eight Ash Green Parish Council	134 Hyine Hill	Colchester	CO5 8HR
Ms Anne Warner		26 Papillon Road	Colchester	CO1 2NF
Ms C McSweeney	Lord Nelson	Church Road	Tiptree	CO3 3JG
Ms C Summers	2 Mynott Court	Sheepen Road	Colchester	CO5 0UP
Ms Carol Nice	Colchester Institute Of Higher	Barrack Street	Colchester	CO3 3LL
Ms Cassandra Collins	Wilson Marriage Centre	Broome Grove	Colchester	CO1 2LR
Ms Christine Hill	Broomgrove County Infant And J	St Helena Hospice Shop	Wivenhoe	CO7 9QB
Ms Collette Shewood		16 Fennel Close	Colchester	CO1 2LA
Ms Deborah Hirst		49 Park Road	Colchester	CO5 0TF
Ms Ellen Daniels		18 Tending Close	Essex	CO7 9LS
Ms Emma Chesters		230 Straight Road	Essex	CO2 8LS
Ms Heather Ablett		Clacton Road	Essex	CO3 9DU
Ms Heather Castillo		21 East Mersea Road	Manningtree, Essex	CO5 8SH
Ms Helen Maureen Britt		15 Christmund Way	Colchester	CO6 1AZ
Ms Helen Yates		333 Straight Road	Colchester	CO3 9EF
Ms Jacqueline Dawn Archard		55 St. Cyrus Road	Colchester	CO4 0LR
Ms Jacqueline Tizzard	Marylands	147 Straight Road	Colchester	CO3 9DE
Ms Julie Anne Harper		43 Shrub End Road	Essex	CO5 0JG
Ms Jill Badman		2 Poyston Cottage	Tiptree	CO3 3UE
Ms Julie Carnn		5 California Close	Essex	CO4 9SG
Ms Juliet Holroyd		Napier House	Colchester	CO2 7SW
Ms Karen Beattie		2 Lakewood	Colchester	CO2 7SW
Ms Karen Hill		43A-43A Morley Road	Essex	CO5 0AA
Ms Karen Thompson-Perry		Harvard & Henderson	Tiptree, CO5 0LJ	CO5 9UP
Ms Kerry Ann Hannah	Layer Marney Parish Council	Woodview Road	Colchester	CO4 0JG
Ms Kirsty Semple		215 St. Johns Road	Colchester	CO7 9DP
Ms Laura Holgate	Brook House	1 Brook Street	Colchester	CO3 3LG
Ms Linda Goodchild	Glenica Vale	32 Rotary Way	Wivenhoe	CO6 2BE
Ms Natalie Hampton		Inworth Lane	Colchester	CO6 1XJ
Ms Natalie Lauder		3 Maybury Close	Wakes Colne	CO2 9QG
Ms Nicola Elliott	Montgomery County Junior Sch	Baronswood Way	Marks Tey	CO3 9AB
Ms Rebecca King	Lexden Springs School	Halslead Road	Colchester	CO3 3GB
Ms Rebecca Stanmore	Hamilton Primary School	Constantine Road	Colchester	CO6 3AA
Ms Rosie Stamp	The Bungalow	Wormingford Hall Chase	Colchester	CO4 9JL
Ms S Drummond	Myland Hall	Barncroft Close	Wormingford	CO3 3GB
Ms S Shepherd	Winsley House	High Street	Colchester	CO4 9JL
Ms Sally Ann Crosby		9 Friars Close	Colchester	CO1 1UG
Ms Samantha Macgregor	The Cherry Tree Public House	Mersea Road	Wivenhoe	CO7 9NW
Ms Sarah Chambers	Holly Lodge	4 Rockingham Close	Blackheath	CO2 0BY
Ms Sarah Crossley		Colchester Road	Colchester	CO4 0NJ
Ms Sarah Herbert	Swift Owners Club	57 Palmer Avenue	Surrey	CO16 8HA
Ms Susan Elizabeth Hawes		Village Hall	Chappell Road	SM3 8EF
Ms Sylvie Jacobin		18 James Carter Road	Colchester	CO6 1JQ
Multiple Sclerosis Resource Centre		17 Meadow Grass Close	Colchester	CO3 9XA
Myland Primary School		7 Peartree Business Centre	Colchester	CO3 0PL
NCIF		Mill Road	Colchester	CO3 0JN
New Times		38 Govesnor Gardens	London	CO4 5LD
New Town Tavern		87 Maldon Road	Tiptree	SW1W 0EE
Nicholas Mills Foundation		Kendal Road	Colchester	CO5 0BN
Nineteen	1 Brook House	Brook Street	Essex	CO1 2BN
North School Association	North County Primary School	19 Head Street	Colchester	CO7 9DP
Odeon Cinema		John Harper Street	Colchester	CO1 1NX
Odeon Cinemas Ltd		Head Street	Colchester	CO1 1RP
Odeon/Uci Cinemas Legal Dept	6th Floor	54 Whitcomb Street	Colchester	CO1 1NH
		Lee House	London	WC2H 7DN
		90 Great Bridgewater Str	Manchester	M1 5JW

APPENDIX 1

Terpin Ltd	Blisworth Hill Farm	Slowe Road	Blisworth	Northamptonshire	NN7 3DB
Tesco Staff Social Club	Tesco Supermarket	Greenstead Road	Colchester		CO1 2TE
The Albert		Cowdray Avenue	Colchester		CO1 1UT
The Artilleryman		54-56 Artillery Street	Colchester		CO1 2JQ
The Avenue playgroup		22 The Avenue	Wivenhoe	Colchester	CO7 9AH
The Bakers Yard Limited	Blackburn House	32a Crouch Street	Colchester		CO3 3HH
The Brewers Arms		31 Osborne Street	Colchester		CO2 7DA
The British Grenadier		67 Military Road	Colchester		CO1 2AP
The British Leprosy Relief Association (LEPRA)		28 Middleborough	Colchester		
The Close Imperial Pub Company Plc		10 Crown Place	London	CO1 1TG	
The Colchester School Of Gymnastics		Brinkley Grove Road	Myland	Colchester	EC2A 4FT
The Crown Inn		235 Lexden Road	Colchester		CO4 5DS
The Daniel Andrew Memorial Foundation	Colchester Delivery Office	Royal Mail	Moorside	East Gates, Colchester	CO3 4DA
The Dragon		82 Butt Road	Colchester		CO1 2GB
The Foresters Arms		1-2 Castle Road	Colchester		CO3 9DA
The Fox & Fiddler		1 St. Johns Street	Colchester		CO1 1UW
The Friar		St Christopher Road	Colchester		CO2 7AA
The Friends of Holmwood House	Holmwood House	Chilts Hill	Lexden	Colchester	CO4 ONE
The Friends of the Wigborough		Copt Hill Lane	Little Wigborough	Colchester	CO3 9ST
The Glebe	The Glebe House	10 Brick Street	East Mersea	Colchester	CO5 7RD
The GREAt Foundation		62 High Street	London	Colchester	CO5 8TQ
The Greyhound		Garlands Road	Wivenhoe	Colchester	WJ1 7HQ
The Hare & Hounds		1 Glen Avenue	Laver Brelon	Colchester	CO2 9AZ
The Haven Project		500 Capability	Colchester	Colchester	CO2 0PN
The High Street Pub Company Ltd	Porter Tun House	19 Head Street	Luton	Colchester	CO3 9RP
The Hub		Mersea Road	Colchester		LU1 3LS
The Langerhoe Lion	The Pump House	Pewn Road	Langenhoe	Colchester	CO1 1NX
The Nicolas Mills Foundation		40 Oak Road	Beaconsfield Road	Colchester	CO5 7LF
The Oak		28 Mersea Road	Tipree	Bucks	HP9 2TN
The Odd One Out		23 Mersea Road	Colchester	Colchester	CO5 0NF
The Odd One Out		74 Uplands Road	Sudbury		CO2 7ET
The Parachute Regimental Ass. East Anglian Branch	Philip Morant School	Rembrandt Way	Colchester	Suffolk, CO10 1NY	CO3 4QS
The Philip Morant School Fund		4-6 St. Johns Street	Colchester		CO2 7AA
The Playhouse	Custom House	Custom House Quay	Greenock		PA15 1EQ
The Proper Officer	HM Revenue & Customs, Greenock Operational Team				
The Purple Dog		42 Eld Lane	Colchester		CO1 1LS
The Queens		Berechurch Road	Colchester		CO2 70B
The Rovers Tye		Highwoods Approach	Colchester		CO4 9BA
The Royal British Legion		The Quay	Wivenhoe	Colchester	CO7 9BX
The Silk Road		4 St. Botolphs Street	Colchester		CO7 7DX
The Station Hotel		Station Road	Wivenhoe	Colchester	CO7 9DH
The Stockwell Arms		18 West Stockwell Street	Colchester		CO5 8LS
The Victory	Thomas House	92 Coast Road	West Mersea	Colchester	CO5 8LS
Thomas Estates Limited		17A Market Place	Loughborough		LE11 3EA
Thomas Estates Limited		17a Market Place	Loughborough	Leicestershire	LE11 3EA
Thomas Lord Audley School		Monkwick Avenue	Colchester		CO2 8NU
Thurstable School PTA		Maypole Road	Tipree	Colchester	CO6 0EW
Tipree Scouts		37 Glebe Road	Tipree	Colchester	CO5 0SZ
Tiptree Utd Football Club		39 Chapel Road	Tipree	Colchester	CO5 0RA
TLL Solicitors		One Redcliff Street	Bristol	Colchester	BS1 6TP
Top Bar	University Of Essex	Wivenhoe Park	Colchester		CO4 3SQ
Top Bar	University Of Essex	Wivenhoe Park	Colchester		CO4 3SQ
Town and City Pub Company Limited	Porter Tun House	500 Capability Green	Luton	Bedfordshire	LU1 3LS
Trust Inn Limited	Blenheim House	Foxhole Road	Ackhurst Park	Chorley	PR7 1NY
University of Essex Students Union	University of Essex	Wivenhoe Park	Colchester		CO4 3SQ
Wakes Colne & Chappel Parochial Church Council		Vernons Road	Chappel	Colchester	CO6 2DL
Waldegraves Farm Holiday Park		11 Magdalen House	West Mersea	Colchester	CO5 8SE
Waldegraves Farm Limited		33 Fore Street	Colchester	Essex	CO1 2JT
Warren Wright Ltd		Haddenham Business Park	Ipswich	Suffolk	IP4 1JL
Wellington Pub Co PLC	Graphic House	Nayland Road	Haddenham	Colchester	HP17 8LG
West End Bowls Club	Mercham House	Fitzgilbert Road	West Bergholt	Colchester	CO6 3DG
Weston Homes Community Stadium	Marena	United Way	Colchester	Essex	CO4 5JP
Whitbread Group PLC	Whitbread Court	Houghton Hall Business Park	Porz Avenue	Dunstable, Bedfordshire	LU5 5XE
White Hart		342 London Road	Stanway	Colchester	CO3 8LT
Wig & Pen		156 High Street	Colchester		CO1 1PG
William Hill Organisation Limited	Development Department	Bridge House	47/65 Bridge Street	Walsall	WS1 1JQ
William Hill Organisation Ltd	Greenside House	50 Station Road	Wood Green	London	N22 7TP

Wilson Marriage Centre			Barrack Street	Colchester	CO1 2LR
Wivenhoe Allotment & Gardens Association			17 Heath Road	Wivenhoe	CO7 9PS
Wivenhoe Bowls Club			Woodland Way	Wivenhoe	CO7 9AT
Wivenhoe Mayor's Charity Fund	Wivenhoe Town Council		Council Offices	High Street	CO7 9AB
Wivenhoe Town Council	Council Offices		77 High Street	Wivenhoe	CO7 9AB
Wivenhoe Town Football Club			Elmstead Road	Wivenhoe	CO7 9HX
Wivenhoe Town Regatta Association			Wivenhoe Hall Folly	High Street	CO7 9AF
Yew Tree Lodge			1A Head Street	Colchester	CO1 1NX
Young Childrens Festival			The Causeway	Great Horkeley	CO6 4EG
			26 Papillon Road	Colchester	CO3 3JG

APPENDIX 1

Tenpin Ltd	Blisworth Hill Farm	Stoke Road	Blisworth	Northamptonshire	NNY 3DB
Tesco Staff Social Club	Tesco Supermarket	Greenstead Road	Colchester		CO1 2TE
The Albert		Cowdray Avenue	Colchester		CO1 1UT
The Artilleryman		54-56 Artillery Street	Colchester		CO1 2JQ
The Avenue playgroup		22 The Avenue	Wivenhoe	Colchester	CO7 9AH
The Bakers Yard Limited	Blackburn House	32a Crouch Street	Colchester		CO3 9HH
The Brewers Arms		31 Osborne Street	Colchester		CO2 7DA
The British Grenadier		67 Military Road	Colchester		CO1 2AP
The British Leprosy Relief Association (LEPRA)		28 Middleborough	Colchester		
The Close Imperial Pub Company Plc		10 Crown Place	London	CO1 1TG	
The Colchester School Of Gymnastics		Brinkley Grove Road	London		
The Crown Inn		235 Lexden Road	Myland	Colchester	EC2A 4FT
The Daniel Andrew Memorial Foundation		Royal Mail	Colchester		CO4 5DS
The Dragon	Colchester Delivery Office	82 Buti Road	Moorside	East Gales, Colchester	CO3 4DA
The Foresters Arms		1-2 Castle Road	Colchester		CO1 2GB
The Fox & Fiddler		1 St. Johns Street	Colchester		CO3 3DA
The Friar		St Christopher Road	Colchester		CO1 1UW
The Friends of Holmwood House	Holmwood House	Chitts Hill	Colchester		CO2 7AA
The Friends of the Wigborough		Copt Hall Lane	Lexden	Colchester	CO4 0NE
The Glebe	The Glebe House	East Road	Little Wigborough	Colchester	CO3 9ST
The GREAt Foundation		10 Brick Street	East Mersea	Colchester	CO5 7RD
The Greyhound		92 High Street	London		CO5 8TQ
The Hare & Hounds		Gerlands Road	Wivenhoe	Colchester	W11 7HQ
The Haven Project		1 Glen Avenue	Laver Breton	Colchester	CO7 9AZ
The High Street Pub Company Ltd		500 Capability	Colchester		CO2 0PN
The Hub	Porter Tun House	19 Head Street	Luton		CO3 3RP
The Langerhoe Lion		Mersea Road	Colchester		LU1 3LS
The Nicolas Mills Foundation		Pawn Road	Langenhoe	Colchester	CO1 1NX
The Oak	The Pump House	40 Oak Road	Beaconsfield Road	Colchester	CO5 7LF
The Odd One Out		28 Mersea Road	Tiptree	Bucks	HP9 2TN
The Odd One Out		28 Mersea Road	Colchester		CO5 0NF
The Parachute Regimental Ass. East Anglian Branch		74 Uplands Road	Colchester		CO5 0ET
The Philip Morant School Fund	Philip Morant School	Rembrandt Way	Subbury		CO2 7ET
The Playhouse		4-6 St. Johns Street	Colchester	Suffolk, CO10 1NY	CO3 4QS
The Proper Officer	Custom House	Custom House Quay	Greenock		CO2 7AA
	HM Revenue & Customs, Greenock Operational Team				PA15 1EQ
The Purple Dog		42 Eld Lane	Colchester		CO1 1LS
The Queens		Berechurch Road	Colchester		CO2 7QB
The Rovers Tye		Highwoods Approach	Colchester		CO4 9BA
The Royal British Legion		The Quay	Wivenhoe	Colchester	CO7 9BX
The Silk Road		4 St. Botolphs Street	Colchester		CO2 7DX
The Station Hotel		Station Road	Wivenhoe	Colchester	CO7 9DH
The Stockwell Arms		18 West Stockwell Street	Colchester		CO1 1HN
The Victory		92 Coast Road	West Mersea	Colchester	CO5 8LS
Thomas Estates Limited	Thomas House	17A Market Place	Loughborough	Colchester	LE11 3EA
Thomas Estates Limited		17a Market Place	Loughborough	Leicestershire	LE11 3EA
Thomas Lord Audley School		Montwick Avenue	Colchester		CO2 8NJ
Thurstable School PTA		Maypole Road	Tiptree	Colchester	CO5 0EW
Tiptree Scouts		37 Glebe Road	Tiptree	Colchester	CO5 0SZ
Tiptree Old Football Club		39 Chapel Road	Tiptree	Colchester	CO5 0RA
TLT Solicitors		One Redcliff Street	Bristol	Colchester	BS1 6TP
Top Bar		Wivenhoe Park	Colchester		CO4 3SQ
Top Bar		Wivenhoe Park	Colchester		CO4 3SQ
Town and City Pub Company Limited	University Of Essex	500 Capability Green	Luton	Bedfordshire	LU1 3LS
Trust Inns Limited	University Of Essex	Foxhole Road	Colchester		PRT 1NY
University of Essex Students Union	Blenheim House	Wivenhoe Park	Colchester	Chorley	CO4 3SQ
Wakes Colne & Chappel Parochial Church Council	University of Essex	1 Fairview	Colchester		CO6 2DI
Waldgraves Farm Holiday Park	Graphic House	Waldgraves Lane	West Mersea	Colchester	CO5 8SE
Waldgraves Farm Limited	Merchaut House	11 Magdalen House	Colchester	Essex	CO1 2JT
Warren Wright Ltd	Parkway House	33 Fore Street	Ipswich	Suffolk	IP4 1UL
Wellington Pub Co PLC	Marena	Haddenham Business Park	Haddenham	Colchester	HP17 8LG
West Bergroll Vehicle Show		Nayland Road	West Bergholt	Colchester	CO6 3DG
West End Bowls Club		Flitzgilbert Road	Colchester		CO2 7XB
Weston Homes Community Stadium	Whitbread Court	United Way	Colchester	Essex	CO4 5UP
Whitbread Group PLC		Houghton Hall Business Park	Colchester	Dunstable, Bedfordshire	LU5 5XE
White Hart		342 London Road	Stanway	Colchester	CO3 8LT
Wig & Pen		156 High Street	Colchester		CO1 1PG
William Hill Organisation Limited	Development Department	Bridge House	47/55 Bridge Street	Walsall	WS1 1JG
William Hill Organisation Ltd	Greenside House	50 Station Road	Wood Green	London	N22 7TP

Wilson Marriage Centre	Barrack Street	Colchester	C01 2LR
Wivenhoe Allotment & Gardens Association	17 Heath Road	Wivenhoe	C07 9PS
Wivenhoe Bowls Club	Woodland Way	Wivenhoe	C07 9AT
Wivenhoe Mayor's Charitable Fund	Council Offices	High Street	C07 9AB
Wivenhoe Town Council	77 High Street	Wivenhoe	C07 9AB
Wivenhoe Town Football Club	Elmstead Road	Wivenhoe	C07 9HX
Wivenhoe Town Regatta Association	Wivenhoe Hall Folly	High Street	C07 9AF
Yales Wine Lodge	1A Head Street	Colchester	C01 1NX
Yew Tree	The Causeway	Great Horkeley	C06 4EG
Young Childrens Festival	26 Papillon Road	Colchester	C03 3JG

Colchester Borough Council

PO Box 889, Town Hall, Colchester CO1 1FL

Telephone (01206) 282222 DX 729040 Colchester 15

Textphone users dial 18001 followed by the full number that you wish to call.

Environmental & Protective Services

Contact Mr S Harvey

Phone (01206) 282701 Fax (01206) 506014

E-mail licensing@colchester.gov.uk

Your ref

Our ref EPS/SJH/Consultation

Date

Dear Sir/Madam

Re Gambling Act 2005 – Consultation on renewal of Colchester Borough Council's Three Year Statement of Gambling Policy

Your views are sought on the proposed draft of Colchester Borough Council's revised Statement of Gambling Policy which would take effect on the 31 January 2010 and last for a period of three years subject to any further revisions being made to it in the interim period.

The Gambling Act 2005 gave Local Licensing Authorities a number of important regulatory functions in relation to gambling, primarily these were to:

- Licence premises for gambling activities;
- Consider notices given for the temporary use of premises for gambling;
- Grant permits for gaming and gaming machines in members clubs and commercial clubs;
- Regulate gaming and gaming machines in alcohol licensed premises;
- Grant permits to family entertainment centres (FEC's) for the use of certain lower stake gaming machines;
- Grant permits for prize gaming;
- Consider occasional use notices for betting at tracks;
- Register small society lotteries.

The Act contains three key licensing objectives which all licence holders, applicants, responsible authorities, interested parties and also the licensing authority itself should positively promote. These objectives are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition the Gambling Act 2005 gave licensing authorities regulatory powers including the power to impose conditions on premises licences and to review premises licences where it is reasonable, proportionate and necessary to do so in order to promote the licensing objectives.

The licensing authority is required to prepare a gambling policy every three years which sets out the principles under which it proposes to exercise its functions and responsibilities and also give guidance as to how applications will be administered and how applicants will be expected to positively promote the licensing objectives.

The proposed draft of the statement of gambling policy which will run for three years as from the 31 January 2010 has been prepared in accordance with the third edition of guidance given to licensing authorities by the Gambling Commission in May 2009.

You are therefore invited to make comment, observation or representation on this draft policy a copy of which I have enclosed and you can do so in writing either by letter to the address shown on the head of this letter or by e-mail to licensing.committee@colchester.gov.uk

Amendments to the original policy are shown in red and where parts of the policy are no longer relevant they are shown as crossed through for deletion. It does make the draft document in its present form a little difficult to read in places but on balance it was felt better that consultees should have the opportunity to see what was in the original policy and is now being replaced.

The closing date for representations to be made is the 13 November 2009 and all written comments received up to and including that date to will be passed on to the Council's Licensing Committee for their consideration.

The Licensing Committee will carefully consider all written views and comments submitted and at their meeting of the 25 November which is open to public and the Committee may agree to changes to the policy if it is considered to be necessary, appropriate and lawful to do so.

Yours sincerely

Simon Harvey
Licensing Manager

APPENDIX 2

Colchester Borough Council

PO Box 889, Town Hall, Colchester CO1 1FL

Telephone (01206) 282222 DX 729040 Colchester 15

Textphone users dial 18001 followed by the full number that you wish to call.

Environmental & Protective Services

Contact Mr S Harvey

Phone (01206) 282701 Fax (01206) 506014

E-mail licensing@colchester.gov.uk

Your ref

Our ref EPS/SJH/Consultation

Date

Dear

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You are therefore invited to make comment, observation or representation on this draft policy a copy of which can be viewed or downloaded from the licensing page of the Council's website which is accessed via www.colchester.gov.uk All comments must be submitted in writing either by letter to the address shown overleaf or can be made electronically by e-mail to licensing.committee@colchester.gov.uk

Amendments to the original policy are shown in red and where parts of the policy are no longer relevant they are shown as crossed through for deletion. It does make the draft document in its present form a little difficult to read in places but on balance it was felt better that consultees should have the opportunity to see what was in the original policy and is now being replaced.

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Yours sincerely

Simon Harvey
Licensing Manager

Alexandra Tuthill

From: Henry Spyvee
Sent: 16 November 2009 11:11
To: Licensing.Committee
Subject: Consultation on Gambling Act 2005

I have two observations on this Consultations –

! Key Facts and Figures

The figures quoted in para. 4.6 are out-of-date. This may apply to those in paras 4.7 – 4.15 also. They should be updated and the date at which they are corrected quoted so that any key changes can be established.

2. Licensing Objectives

Para. 16.7 (i) talks about 'known high levels of crime and disorder'. There needs to be a definition of which areas of crime are relevant and a definition of what is considered 'high' for these. The level of relevant crime in the area of an application can then be ascertained from the Police and made available to the Licensing Committee, applicants and potential objectors. That would at least reduce the amount of discussion in this field for a contested application.

Regards,

Cllr Henry Spyvee



Licensing Committee

Item

7

25 November 2009

Report of	Head of Environmental & Protective Services	Author	Simon Harvey ☎ 282701
Title	Regulation of Lap Dancing Clubs		
Wards affected	All		

This report concerns a consultation document from the Home Office issued on 21 September 2009 which seeks views on the proposals made under clause 26 of the 'Policing and Crime Bill' to introduce a new category of sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which will be called a 'sex encounter venue' and which will primarily encompass venues such as 'lap' or 'pole' dancing clubs.

1. Decision Required

- 1.1 The Licensing Committee is asked to consider the consultation document issued by the Home Office on 21 September 2009 entitled 'Regulation of Lap Dancing Clubs, consultation on transitional arrangements, and is asked to endorse or amend, as it thinks appropriate, the Licensing Manager's proposed response to this document. The Council's response to the consultation must be submitted to the Home Office before the deadline imposed of 14 December 2009.

2. Reasons for Decision

- 2.1 The Council has been invited by the Home Office to submit a response to its consultation document entitled 'Regulation of Lap Dancing Clubs', consultation on transitional arrangements prior to the closing date for such submissions of 14 December 2009. (See attached at appendix 1).

3. Alternative Options

- 3.1 There is no alternative option to the proposal to reclassify lap dancing and other similar venues as 'sex encounter venues' and although the consultation is voluntary and not mandatory, a response from this Council is advised and preferable given that the Council has a licensed lap dancing club in its area.

4. Supporting Information

- 4.1 The Home Office consultation document 'Regulation of Lap Dancing Clubs' advises that the increase of lap dancing clubs in recent years has become a matter of concern for many local communities and estimates that since 2004 the number of lap dancing venues has doubled to almost 300 throughout the United Kingdom, although acknowledges that other estimates place this figure much lower at 150.

- 4.2 At this present moment in time, lap dancing clubs are licensed under the provisions of the Licensing Act 2003. They are subject to the test of promoting the four licensing objectives which accompany the Act and which are the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

- 4.3 Lap dancing in itself is classed as a regulated entertainment under the Licensing Act and at the time of application the applicant for the premises licence would be expected to indicate whether it was intended to provide 'adult' entertainment and if so what that entertainment would be and also clearly indicate in the operating schedule how they would promote the four licensing objectives. Representations made by responsible authorities or interested parties such as residents living in the vicinity of the premises against the application submitted, could only refer to those matters that were considered to be within the scope of the four licensing objectives.
- 4.4 Colchester currently has one venue that is specifically licensed as a club which intends to offer its customers 'adult' entertainment such as lap dancing or pole dancing on a regular basis.
- 4.5 The Government announced on 2 December 2008 that it would introduce legislation under the auspices of the Policing and Crime Bill to reclassify lap dancing clubs and other similar venues to place them into a new category of 'sex establishment' to be called a 'sex encounter venue'. These venues would be licensed and controlled under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.6 This new category of 'sex establishment' will cover venues that are classed as providing 'relevant entertainment'. Relevant entertainment is defined as any live performance or display of nudity "which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (by verbal or other means)".
- 4.7 There will however be an exemption from premises to be licensed as a 'sex encounter venue' that provide such entertainment infrequently, although the consultation document does not explain or qualify what is meant by "infrequently". A Local Authority will also have the discretion to waive the requirement for premises to be licensed as a 'sex encounter venue' even if they do meet the definition that is detailed in paragraph 4.6 above.
- 4.8 It is the Government's intention that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 will:
- allow local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because for example, if the area was primarily a residential area.
 - require licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with their local authority.
 - allow a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
 - allow a local authority to set a limit on the number of sex encounter venues that it thinks is appropriate for a particular area.
 - allow a local authority to impose a wider range of conditions on the licences of lap dancing clubs than it is currently able to under the 2003 Act.

- 4.9 The Government intends to implement clause 26 of the Policing and Crime Bill for both existing and new operators of lap dancing clubs or similar who wish to provide 'relevant entertainment' and who will be required to apply for a sex establishment licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 4.10 The Home Office consultation document therefore seeks the views of local authorities and also other interested groups and parties such as the police on a number of questions posed in the document, as to how the new licensing requirements should be introduced and what should be the transitional arrangements for existing operators to apply for a 'sex establishment licence'. The specific questions that document seeks views on are as follows:
- i. **What are your views on the proposal that the new regime should apply to existing operators and that the transitional provisions should not provide for them to be given preferential treatment when their application for a sex establishment licence comes to be determined?**
 - ii. **What are your views on the proposed time periods between the 1st, 2nd and 3rd appointed dates and do you believe that a transitional period of 12 months in total is appropriate?**
 - iii. **Do you agree with the proposed approach for identifying existing operators?**
 - iv. **What are your views on the proposal for dealing with conditions on existing premises licences/clubs premises certificates that relate specifically to the provision 'relevant entertainment'?**
 - v. **What are your views on the proposals relating to the existing sex encounter establishment category? Also are you aware of any type of venue that currently requires a licence for a sex encounter establishment that would not require a licence for a sex encounter venue as defined in Clause 26 of the Policing and Crime Bill?**
 - vi. **Do you believe that section 22 of the London Local Authorities Act 2004 should be amended in light of the amendments being made in the Policing and Crime Bill?**
 - vii. **What are your views on the proposal to commence these provisions in April 2010?**
 - viii. **Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the potential costs and benefits? If not, can you provide evidence of what any likely costs and benefits should be?**
- 4.11 The Licensing Manager's draft response to these questions is attached as appendix 2 of this report for scrutiny, comment and revision by the Licensing Committee as it sees fit. (See attached at appendix 2).
- 4.12 The consultation document also attaches an impact assessment of the proposed new measures to regulate lap dancing clubs as 'sex encounter venues' under the sex establishment legislation contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The impact assessment also includes the projected costs to the lap dancing industry nationwide if these proposals are implemented. (See attached at appendix 3).

5. Summary of Proposals

5.1 A summary of the proposals contained in clause 26 of the Policing and Crime Bill to amend Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to reclassify lap dancing clubs and other similar venues providing 'relevant entertainment' as 'sex encounter venues' that would need to hold a sex establishment licence are as follows:

- Any operator – new or existing - who wishes to provide 'relevant entertainment' at the end of the transitional period will be required to apply for a sex establishment licence in the manner set out in Schedule 3 to the 1982 Act.
- Existing operators will be allowed to continue to provide 'relevant entertainment' under their existing permission without interruption for the duration of the transitional period or until their application for a sex establishment licence has been determined, whichever is the later.
- The transitional period will start on the date Schedule 3 to the 1982 Act comes into force in that area (the 1st appointed date). It will last for 12 months.
- For 6 months following the 1st appointed date, applicants will be able to submit applications all of which will be considered together by the local authority.
- Applications received after the first 6 months (the 2nd appointed date) will be considered after applications received before the 2nd appointed date have been determined.
- Licences granted for sex encounter venues will not take effect until the conclusion of the transitional period (the 3rd appointed date)

5.2 The proposed transitional arrangements for existing lap dancing club operators are also included as an annex to the Home Office consultation document and are attached for the perusal of the Licensing Committee. (See attached at appendix 4).

5.3 The Licensing Manager proposes to submit the responses that he has drafted which are attached as appendix 2 of this report, subject to any amendments or additions that the Licensing Committee may wish to make.

6. Strategic Plan References

6.1 The Home Office consultation document and the proposals it contains links into the strategic plan for the following criteria:

- Community Safety
- Community Development

7. Consultation

7.1 The circulation of the document entitled 'Regulation of Lap Dancing Clubs', consultation on transitional arrangements is entirely a matter for the ownership and control of the Home Office. The proposals put forward by this document are open to the scrutiny and consultation of a very broad spectrum of authorities, agencies, associations, interested parties and residents. The referral of this consultation document to the Licensing Committee for their scrutiny and comment and also to the Portfolio Holder for

Environmental & Protective Services for information is relevant within the context of the interested parties that represent the views and opinions of Colchester Borough Council in relation to the licensing of sex establishments under the Local Government (Miscellaneous Provisions) Act 1982 and in particular to any relevant policy matters.

8. Publicity Considerations

- 8.1 Not applicable within the subject matter and context of this report which simply gives information to Colchester Borough Council's Licensing Committee and seeks its views concerning the content of the Home Office consultation document 'Regulation of Lap Dancing Clubs' and also its opinion on the specific questions that the document poses. It has been submitted to the Licensing Committee for their scrutiny and comment and also to the Environmental & Protective Services Portfolio Holder for information. All other matters in regard to the publicity of this document are for the consideration of the Home Office whose consultation document and exercise this is.

9. Financial Implications

- 9.1 The response made to this consultation document and the questions on which it seeks comment might impact on the existing lap dancing club operator in the Council's area. The operator is currently licensed in accordance with the requirements of the Licensing Act 2003 and under these proposals as set out by the Home Office, would be required to submit a further application under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Prospective operators would be aware of the proposed change to the law to reclassify lap dancing clubs and other similar venues as 'sex encounter venues' before submitting any application to the Council to be granted a sex establishment licence. Notwithstanding, an applicant could appeal the grant of a licence or any conditions attached to it to the Magistrates Court and the costs of any such appeal if it were successful could be awarded against the Council.

10. Equality, Diversity and Human Rights Implications

- 10.1 Not applicable within the context of this report. All other matters in this regard are for the consideration of the Home Office whose consultation document and consultation exercise this is. Notwithstanding this, a licence is to be regarded as the property of the holder and their right to the use of that property must be balanced against any other public interest.

11. Community Safety Implications

- 11.1 Not applicable within the context of this report. All other matters in this regard are for the consideration of the Home Office whose consultation document and consultation exercise this is.

12. Health and Safety Implications

- 12.1 Not applicable within the context of this report. All other matters in this regard are for the consideration of the Home Office whose consultation document and consultation exercise this is.

13. Risk Management Implications

- 13.1 Not applicable within the context of this report. All other matters in this regard are for the consideration of the Home Office whose consultation document and consultation exercise this is.

14. Recommendations

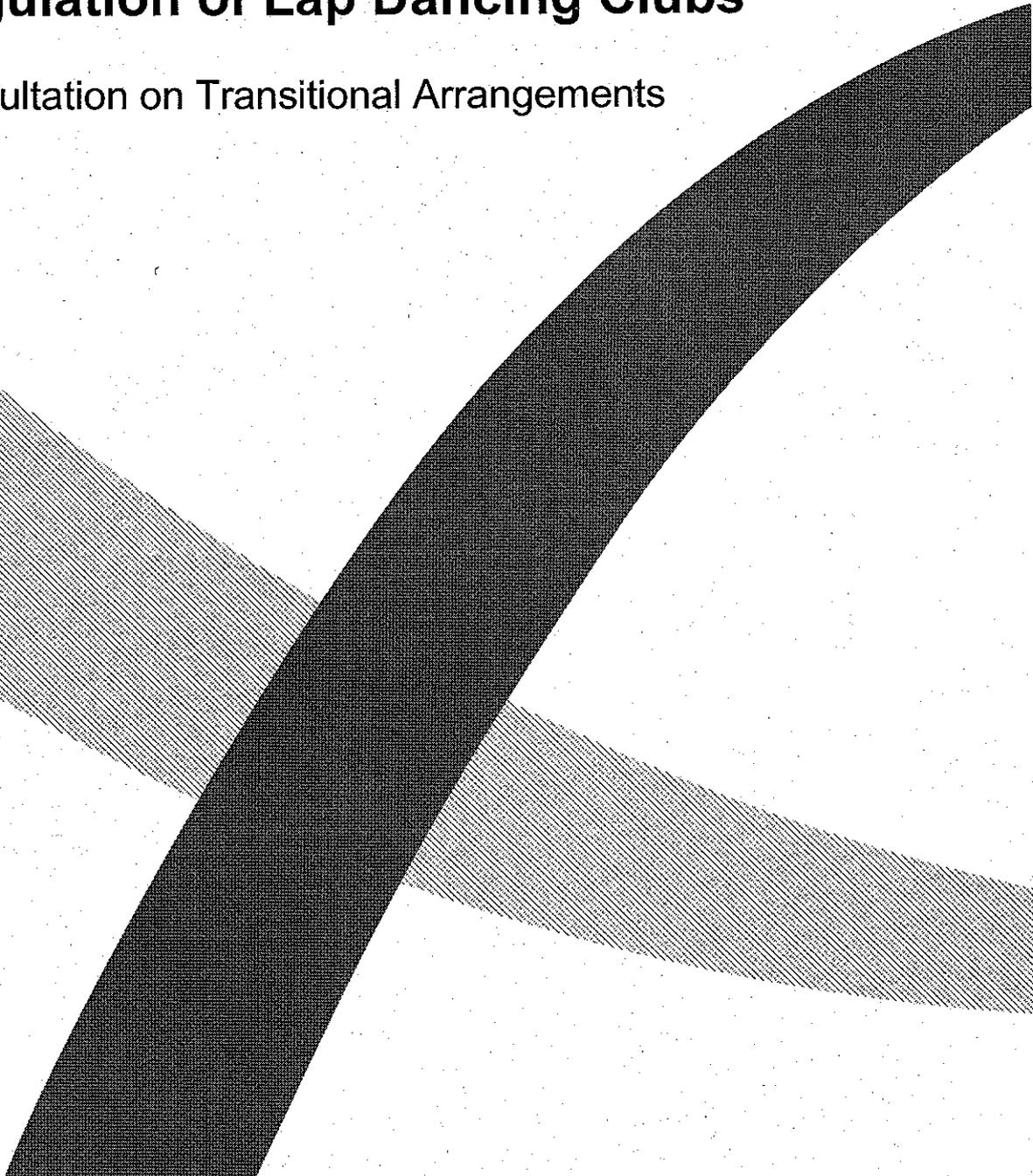
- 14.1 The Licensing Committee is recommended to consider the draft reply made by the Licensing Manager to the 'Regulation of Lap Dancing Clubs, consultation on transitional arrangements document which is attached as appendix 2 of this report and amend or add to his response as it believes it is appropriate to do so and also to authorise the Licensing Manager to return this response to the Home Office by 14 December 2009.



Home Office

Regulation of Lap Dancing Clubs

Consultation on Transitional Arrangements



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Ministerial Forward



In September 2008, the previous Home Secretary announced her intention to bring forward important reforms to empower communities in England and Wales by giving them a greater say about the location and number of lap dancing clubs and similar establishments in their local areas.

To achieve this we have introduced measures in the Policing and Crime Bill to allow local authorities to regulate lap dancing clubs as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

These important reforms will give local authorities the powers they have called for to allow them to respond more effectively to the views of local people, who have become increasingly concerned about the number of lap dancing clubs being established in their communities.

The measures are still being scrutinised by Parliament, but as we prepare for the Bill passing into law, we need to consider what form the transitional arrangements will take to ensure we move smoothly from the current regime to the new one. These arrangements will be important as they will help ensure that local authorities, businesses, and, of course, the communities who will be affected by the new reforms will have time to prepare and adjust. We recognise the impact on business but have always been clear that this needs to be balanced against ensuring local people have sufficient voice in their communities. We hope that the proposals set out in this consultation document strike this balance and will help those that need to take appropriate steps to adapt to the new licensing regime.

This, therefore, is an important consultation. It gives interested parties an opportunity to tell us how they will be affected by our proposals and, if necessary, allow us to take into account their concerns before bringing forward the transitional arrangements in secondary legislation.

We hope you will take the opportunity to give us your views.

ALAN CAMPBELL

A handwritten signature in cursive script that reads "Alan Campbell". The signature is written in dark ink on a light background.

MINISTER FOR CRIME REDUCTION

Consultation Summary

Scope of the consultation

Topic of this consultation:	Proposals for transitional arrangements for the provisions in the Policing and Crime Bill relating to the regulation of lap dancing clubs and similar venues.
Scope of this consultation:	This consultation seeks views on proposals relating to transitional arrangements. This is not a consultation on the decision to reclassify lap dancing clubs as sex establishments.
Geographical scope:	England and Wales
Impact assessment (IA):	An updated impact assessment is included with this consultation.

Basic Information

To:	<ul style="list-style-type: none"> • Local Authorities • Existing operators • New operators • Licensing practitioners • Local residents • Campaign Groups • Local Businesses • Police
Duration:	21 th September to 14 th December
Enquiries and Responses	<p>Thomas Cottam 4th Floor, Peel Building 2 Marsham Street London SW1P 4DF</p> <p>SEVconsultation@homeoffice.gsi.gov.uk</p>
Additional ways to become involved:	As this consultation concerns a relatively small number of venues and deals with issues that are technical in nature, it will primarily be a written exercise.
After the consultation:	A summary of responses will be placed on the Home Office website.

Background

Getting to this stage:	<p>In Summer 2008 the Department of Culture, Media and Sport (DCMS) held a consultation with local authorities regarding the regulation of lap dancing clubs. A majority of respondents felt that additional powers specific to lap dancing clubs were necessary.</p> <p>As part of the Policing and Crime Bill introduced in Parliament on the 19 December 2008, the Government included provisions to reclassify lap dancing clubs and similar establishment as sex establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.</p>
Previous engagement:	<p>In addition to the DCMS consultation with local authorities, the Home Office sent a letter in September 2008 to selected stakeholders seeking views on the proposal to bring lap dancing clubs under the regulation of the 1982 Act. Over the last year Home Office officials also met with a number of interested groups and presented at events for licensing practitioners.</p>

Introduction

1. This paper sets out the Government's proposals for the implementation of the amendments to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') made by the Policing and Crime Bill¹.
2. It explains the background to the policy and the proposed transitional arrangements that will be set out in secondary legislation, once the Bill has received Royal Assent.
3. The proposals set out in Section Two relate to the implementation of clause 26 of the Policing and Crime Bill which extends to England and Wales only.
4. In summary the Government is proposing that:
 - Any operator – new or existing - who wishes to provide 'relevant entertainment' at the end of the transitional period will be required to apply for a sex establishment licence in the manner set out in Schedule 3 to the 1982 Act.
 - Existing operators will be allowed to continue to provide 'relevant entertainment' under their existing permission without interruption for the duration of the transitional period or until their application for a sex establishment licence has been determined, whichever is the later.
 - The transitional period will start on the date Schedule 3 to the 1982 Act comes into force in that area (the 1st appointed date). It will last for 12 months.
 - For 6 months following the 1st appointed date, applicants will be able to submit applications all of which will be considered together by the local authority.
 - Applications received after the first 6 months (the 2nd appointed date) will be considered after applications received before the 2nd appointed date have been determined.
 - Licences granted for sex encounter venues will not take effect until the conclusion of the transitional period (the 3rd appointed date).
 - Where a London local authority has previously adopted the sex encounter establishment category introduced by the London Local Authorities (General Powers) Act 1986, this category will be replaced by the new sex encounter venue category upon the adoption of the provisions introduced by the Policing and Crime Bill by the local authority.

¹ <http://services.parliament.uk/bills/2008-09/policingandcrime.html>

5. We welcome your views on all the proposals and are particularly interested to hear your views on the specific questions asked throughout this consultation document. This is not a consultation on the Government's decision to reclassify lap dancing clubs and similar venues as sex establishments.

6. Please send your comments to:

Thomas Cottam
4th Floor, Peel Building
2 Marsham Street
London
SW1P 4DF

or

SEVconsultation@homeoffice.gsi.gov.uk

7. You should also contact the consultation team should you require a copy of this consultation paper in any other format, e.g. Braille, Large Font, or Audio.

8. This document is available on the Home Office website.

Section One – Background

9. This section outlines the background to the measures introduced by the Policing and Crime Bill and explains what the policy seeks to achieve.

Policy Background

10. The increase in the number of lap dancing clubs in recent years has become an issue of concern for many local communities. Estimates suggest that the number of venues has doubled since 2004 and there are now close to 300 throughout the United Kingdom.² Other estimates put the figure closer to 150.³ Most lap dancing clubs are regulated under the Licensing Act 2003 ('the 2003 Act'), under which they hold a premises licence/club premises certificate to provide 'regulated entertainment'. Under the 2003 Act, the objections of local people and businesses must be based on the four licensing objectives, namely: the prevention of crime and disorder; public safety; prevention of public nuisance and the protection of children from harm. As a result, licensing authorities cannot consider the objections of local people and businesses that are based on matters outside the scope of these four objectives, such as whether a lap dancing club is appropriate given the character of an area.
11. In June 2008 Gerry Sutcliffe, the Parliamentary Under Secretary of State at the Department of the Culture, Media and Sport, wrote to the chief executives of local authorities to clarify how they viewed the powers available to them under the 2003 Act and to seek their views on whether these, and other controls, were sufficient to address the concerns of local people and businesses. The majority of those who responded felt that additional legislation should be introduced to provide controls that are specific to lap dancing clubs and similar premises and suggested that Schedule 3 to the 1982 Act should be used for this purpose⁴. This approach was also supported by a wide range of stakeholders including the Local Government Association, the National Organisation of Residents Associations and the campaign groups Object and the Fawcett Society.
12. Alternative approaches that sought to make changes to the 2003 Act and utilise existing planning legislation were proposed by industry representatives who opposed the use of the 1982 Act. However, it was felt that such changes, especially those making use of planning legislation, would be overly complex and would not provide sufficient additional powers called for by many local authorities to regulate lap dancing clubs.

² *A Growing Tide*, Object, April 2008:

<http://www.object.org.uk/files/A%20Growing%20Tide%20Report%202008.pdf>

³ Figure provided by the Lap Dancing Association

⁴ http://www.culture.gov.uk/reference_library/foi_requests/5500.aspx

13. Therefore the Government announced on the 2 December 2008 that they would introduce legislation to reclassify lap dancing clubs and other similar venues as 'sex establishments' under the 1982 Act⁵. These provisions were included in the Policing and Crime Bill, which was introduced in Parliament on 19th December 2008.

The Policing and Crime Bill and the Local Government (Miscellaneous Provisions) Act 1982

14. Clause 26 of the Policing and Crime Bill introduces a new category of sex establishment under Schedule 3 to the 1982 Act called a 'sex encounter venue'. This new category covers venues that provide 'relevant entertainment'. Relevant entertainment is defined as any live performance or display of nudity "*which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*". Such venues will require a sex establishment licence. However, there is an exemption for premises which provide such entertainment infrequently (see new paragraph 2A(3)(b) to be inserted into Schedule 3 to the 1982 Act) and, even if premises do qualify as a sex encounter venue, the local authority still has the discretion to waive the requirement for a licence.

15. In summary Schedule 3 to the 1982 Act will, in particular:

- allow local people to oppose an application for a sex establishment licence if they have legitimate concerns that a lap dancing club would be inappropriate given the character of an area because for example, if the area was primarily a residential area.
- require licences to be renewed at least yearly, at which point local people will have the opportunity to raise objections with their local authority.
- allow a local authority to reject a licence application if they believe that to grant a licence for a lap dancing club would be inappropriate given the character of a particular area.
- allow a local authority to set a limit on the number of sex encounter venues that they think is appropriate for a particular area.
- allow a local authority to impose a wider range of conditions on the licences of lap dancing clubs than they are currently able to under the 2003 Act.

⁵ Announcement made in *Fair Rules for Strong Communities*, December 2008: <http://www.number10.gov.uk/wp-content/uploads/fair-rules-for-strong-communities.pdf>

Section Two – Proposals for Regulations

16. To implement the measures introduced by Clause 26 of the Policing and Crime Bill there will need to be a transitional period to allow existing lap dancing clubs and other venues falling within the definition of a sex encounter venue time to comply with the new legislation. The transitional arrangements and the duration of the transitional period will be specified in secondary legislation made by the Secretary of State in England and Welsh Ministers in Wales.
17. This section sets out the proposals for these transitional arrangements and forms the main part of this consultation. We would welcome comments on this section and in particular your comments on those areas where specific questions have been raised.

How will the 1982 Act apply to existing operators?

18. Representations have been made to the Government by industry representatives to exclude existing operators, who have explicit permission in their existing licences to provide 'relevant entertainment', from the new regime or at least to give them preferential treatment when their sex establishment licences fall to be determined for the first time. Such provisions, often referred to as 'grandfather rights', were made when the 2003 Act and the Gambling Act 2005 were introduced.
19. After careful consideration, it is proposed that similar provisions should not be made for the purposes of the Policing and Crime Bill and that existing lap dancing clubs who wish to continue to provide 'relevant entertainment' should be required to apply for a new sex establishment licence in the manner set out in Schedule 3 to the 1982 Act, subject to the transitional arrangements set out below.
20. Although the local authority will need to consider any rights an existing licence holder may have under Article 1, Protocol 1 of the European Convention on Human Rights when deciding an application, the Government is not proposing to give existing licence holders preferential treatment or indeed, exclude them from the provisions on the face of the Bill.
21. It is acknowledged that as a result of this approach, some existing businesses may have to stop providing 'relevant entertainment' or, in a small number of cases, close. While we understand the concerns that have been expressed by the industry, we believe that to automatically grant existing lap dancing clubs a sex establishment licence would be contrary to the intent behind these reforms, which is to give local people greater say over the number and location of lap dancing clubs in their area.

22. We are aware that in recent years there have been instances where lap dancing clubs have been granted licences despite significant local opposition. In many of these cases licensing authorities were unable to consider local opposition that fell outside the scope of the four licensing objectives.⁶ In some cases, the result has been that lap dancing clubs have opened, and continue to operate, against the wishes of local people. For this reason, the Government believes that local communities should be given the opportunity to have their say over how or whether existing venues operate in the future.

23. We are mindful of the UK's obligations under EU law. Paragraphs 28 and 29 to Schedule 3 of the 1982 Act set out the provisions for dealing with existing sex shops and sex cinemas when these provisions were first commenced. Paragraph 29(4) provided that when considering several applications for sex establishment licences, local authorities would have to give preference to existing operators. A similar approach was considered with regards to sex encounter venues. However, it was concluded that such provisions would now be unlikely to survive a legal challenge in respect of Article 43 EC or the Services Directive.

24. What are your views on the proposal that the new regime should apply to existing operators and that the transitional provisions should not provide for them to be given preferential treatment when their application for a sex establishment licence comes to be determined?

Transitional Period

25. The transitional period is the time that existing operators will be given to comply with the new legislation.

26. The transitional period will commence on the date the provisions in the Policing and Crime Bill come into force in the particular local authority area ('the 1st appointed date'). The Secretary of State then intends to specify a date 6 months after the 1st appointed date which will be known as the '2nd appointed date'. The Government is proposing that between the 1st and 2nd appointed dates applicants, who can be either existing operators or new applicants, will be able to submit applications to be considered by the local authority. At the end of this period, local authorities will consider all applications received during this period and will not grant any application until they have done so.

27. This approach would ensure that where local authorities have decided to set a limit on the number of premises that they consider appropriate for a particular locality, all applications submitted during this period will be considered before the local authority decides which applicants should be granted a licence. Applications received after the 2nd appointed date will be considered individually by local authorities.

⁶ *A Growing Tide*, Object, December 2008:

<http://www.object.org.uk/files/A%20Growing%20Tide%20Update%20Dec%202008.pdf>

28. On the 3rd appointed date, which it is proposed will be 6 months after the 2nd appointed date all venues in that local authority area, unless awaiting the determination of an outstanding application, will have to be compliant with the new legislation.
29. The transitional period is the period between the 1st and 3rd appointed dates and is therefore currently intended to last for 12 months.
30. Under these proposals existing venues would be able to continue to provide 'relevant entertainment' under their existing premises licence or club certificate until the end of the transitional period, or until any application for a sex establishment licence submitted during the transitional period has been determined, whichever is the later. This will apply to all existing operators, irrespective of whether or not an application for sex establishment licence is submitted or whether or not such an application, if submitted, is granted.
- 31. What are your views on the proposed time periods between the 1st, 2nd and 3rd appointed dates and do you believe that a transitional period of 12 months in total is appropriate?**
32. For the purposes of these transitional arrangements, it is proposed that an 'existing operator' is defined as a person operating any premises that on the 1st appointed day is authorised under an existing premises licence or club premises certificate, either explicitly or implicitly to provide entertainment that would be defined as 'relevant entertainment' under Clause 26 of the Policing and Crime Bill. Where licence holders are uncertain as to whether or not they are able to provide 'relevant entertainment' under their existing premises licence or club certificate they should contact the relevant local authority for guidance.
- 33. Do you agree with the proposed approach for identifying existing operators?**
34. Annex 1 shows how the transitional arrangements for existing operators would work under these proposals.

New Operators

35. Where a premises without authorisation under an existing premises licence or club premises certificate, wishes to provide 'relevant entertainment' after the 1st appointed date, it is proposed that they will be required to apply for a sex establishment licence following the process set out in Schedule 3 to the 1982 Act, as amended by the Policing and Crime Bill. Under these proposals new operators will not be able to provide 'relevant entertainment' unless and until a sex establishment licence has been granted. Under these proposals new applications received before the 2nd appointed day would be considered at the same time as those applications from existing operators that are received by this date.

Outstanding Applications

36. It is proposed that premises which have made an application before the 1st appointed date under the 2003 Act for a premises licence or club premises certificate authorising the provision of relevant entertainment is treated as a new operator for the purpose of these arrangements where the application remains outstanding after the 1st appointed date. They will therefore have to submit an application for a sex establishment licence under Schedule 3 to the 1982 Act.

Existing Conditions

37. Where existing operators have sought explicit permission, when applying for a premises licence or club premises certificate under the 2003 Act to provide 'relevant entertainment' as defined in clause 26 of the Policing and Crime Bill, it is likely that they will be subject to licence conditions that apply directly to the provision of that entertainment. For example, where a lap dancing club has explicit permission to provide nude entertainment, they may have licence conditions that prohibit physical contact between performers and customers.
38. It is proposed that where such licence conditions are present on either an existing premises licence or clubs premises certificate, these conditions will be read as though they have been deleted from the premises licence or club premises certificate from the 3rd appointed day onwards. Where existing lap dancing clubs and similar venues are granted sex establishment licences for the provision of relevant entertainment, any conditions relating to the provision of that entertainment will be regulated by that licence alone.
- 39. What are your views on the proposal for dealing with conditions on existing premises licences/clubs premises certificates that relate specifically to the provision 'relevant entertainment'?**

What does this mean for local people?

40. When an application is made to the local authority for a sex establishment licence, whether during the transitional period or after it, local people will have the opportunity to make representations to the local authority. It is important to note that these representations will be expected to address the provision of relevant entertainment and not activities that will continue to be authorised under the 2003 Act, such as the provision of alcohol and other forms of regulated entertainment.

Sex Encounter Establishments

41. The 1982 Act contains a category of sex establishment called a 'sex encounter establishment', which was introduced by the Greater London Council (General Powers) Act 1986. This category only applies in London where the relevant local authority has adopted the provisions. It only covers those venues that offer sexually explicit entertainment (such as peep shows) but are not licensed under the 2003 Act.
42. The Government is proposing that the new category of sex encounter venue will replace the existing sex encounter establishment category upon a London Borough's adoption of the new provisions. If a London Borough, that has previously adopted Schedule 3 to the 1982 Act as amended by the Greater London Council (General Powers) Act 1986, decides not to adopt Schedule 3 to the 1982 Act as amended by the Policing and Crime Bill, the existing sex encounter establishment regime will remain in force.
43. Where a London Borough decides to adopt Schedule 3 of the 1982 Act as amended by the Policing and Crime Bill, secondary legislation will set out that where a sex encounter establishment licence has been previously granted it will be treated as though it were granted under the new sex encounter venue regime, retaining any conditions previously granted.
- 44. What are your views on the proposals relating to the existing sex encounter establishment category? Also are you aware of any type of venue that currently requires a licence for a sex encounter establishment that would not require a licence for a sex encounter venue as defined in Clause 26 of the Policing and Crime Bill?**

Hostess Bars

45. Schedule 3 of the 1982 Act also includes a category of sex establishment called 'hostess bar', which was introduced by the London Local Authorities Act 2007 and therefore does not apply outside of London. We do not intend to make any changes to the hostess bar provisions.

Section 2 of the London Local Authorities Act 2004

46. Section 22 of the London Local Authorities Act 2004 (as amended by section 72 of the London Local Authorities Act 2007), applies only in London and appears to be of uncertain extent. On one interpretation it could be seen as prohibiting anyone from soliciting people to attend a sex establishment if the impression is given that the activities are, in fact, licensed under the 2003 Act. Another interpretation is that it creates that offence and an offence of soliciting people to attend a sex establishment.

47. Do you believe that section 22 of the London Local Authorities Act 2004 should be amended in light of the amendments being made in the Policing and Crime Bill?

Timescales – Next Steps

48. The consultation closes on the 14th December 2009. Once responses have been reviewed a summary of the responses will be placed on the Home Office website. Subject to the Policing and Crime Bill receiving Royal Assent, the provisions on lap dancing are expected to be commenced in April 2010. However, the provisions will only take effect in any given area once the relevant local authority has passed a resolution to adopt them and appoints a day for the provisions to come in force in that area.

49. Prior to the commencement of the provisions, the Home Office will write to every local authority in England and Wales to ensure that they are aware of when the provisions come into force and what it will mean for them. The Home Office will also issue a press release and information will be made available in advance on the Home Office website (www.homeoffice.gov.uk) about the commencement date.

50. What are your views on the proposal to commence these provisions in April 2010?

Impact Assessment

51. As part of this consultation we have revised the Impact Assessment (IA) that was published when the Policing and Crime Bill was introduced in Parliament on the 18 December 2008.

52. The revised IA attempts to estimate the potential cost to industry of these proposals. Due to the lack of information relating specifically to the sector this legislation will impact upon, the estimates in the IA should only be seen as indicative.

53. Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the potential costs and benefits? If not, can you provide evidence of what any likely costs and benefits should be?

Consultation

Confidentiality & Disclaimer

54. The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.
55. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).
56. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
57. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
58. The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Complaints

59. If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence. Please DO NOT send your response to this consultation to Nigel Lawrence. The Co-ordinator works to promote best practice standards set by the Government's Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.
60. The Co-ordinator can be emailed at:

Nigel.Lawrence@homeoffice.gsi.gov.uk or alternatively write to him at:

Nigel Lawrence, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF

Government's Code of Practice on Consultation

The Consultation follows the Government's Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at:
<http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

Response to Home Office Consultation 21 September 2009

Regulation of Lap Dancing Clubs

- i. **What are your views on the proposal that the new regime should apply to existing operators and that the transitional provisions should not provide for them to be given preferential treatment when their application for a sex establishment licence comes to be determined?**

This proposal seems to be inherently unfair to those operators that are currently and legitimately licensed under the Licensing Act 2003 and whose application to provide regulated entertainment in the form of lap, pole or table dancing has undergone the scrutiny of the responsible authorities and interested parties in this regard and has been determined to have met and promoted the four licensing objectives that accompany the Act.

In many instances conditions which reasonably and proportionately promote the four licensing objectives will also have been attached to the grant of premises licence or club premises certificate.

To deny these operators the opportunity to benefit from 'grandfather rights' in relation to their current premises licence or club premises certificate could be seen as infringement of their human rights and it is a well established principle that this Council respects that a licence is to be regarded as the property of the licence holder in accordance with the provisions of the Human Rights Act.

It would also appear to be anomalous to have allowed the provision of 'grandfather rights' in relation to both the Licensing Act 2003 and the Gambling Act 2005 but not in relation to these proposals.

- ii. **What are your views on the proposed time periods between the 1st, 2nd and 3rd appointed dates and do you believe that a transitional period of 12 months in total is appropriate?**

For Councils such as our own that only has one licensed lap dancing club in its area, the time periods between the 1st, 2nd and 3rd appointed dates would be reasonable, as is the proposal that the transitional period will be 12 months in total. This will allow the Council adequate time to publicise these changes to the existing operator and also identify and make contact with any potential operators who may not currently be offering this type of adult entertainment, but potentially have the ability to do so because of the premises licence or club certificate that they have been granted. It will also give the Council a reasonable time period to consider whether or not it wishes to adopt a policy of setting a limit on the number of 'sex encounter venues' it will grant licences to in its area or in a particular locality of its area .

For example there may be licence holders who have indicated in their application forms and operating schedules that they may wish to offer 'adult' entertainment, but only do so sporadically or have not done so to date. The Licensing Authority may not necessarily be aware that these premises are offering such entertainment on an occasional basis however.

There will also possibly be licence holders who have offered such entertainment by way of a Temporary Event Notice and while they may currently fall outside the proposed change to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 because of the infrequency of the entertainment offered, never the less they will need to be aware of these changes just in case they wish to offer this type of 'relevant entertainment' on a more frequent basis and therefore may unwittingly find themselves subject to the new licensing regime as a result.

This Council believes however that the proposed time periods between the 1st and 3rd appointed days and also the 12 month transitional period in total could be far more problematical and extremely difficult targets to comply with for those Councils that have a high number of both licensed and non licensed lap dancing type venues in their areas.

iii. Do you agree with the proposed approach for identifying existing operators?

This Council is broadly in agreement with this approach, but never the less feels that every effort should be made to contact any other persons or premises that might become subject to this change in legislation where it is possible and practical to do so. Identifying these persons or premises could be done via the information given in applications or operating schedules submitted for premises licences or club premises certificates which indicated that 'adult' entertainment may be offered as regulated entertainment, or where Temporary Event Notices have been submitted to the Licensing Authority which detail that 'adult' entertainment will take place.

iv. What are your views on the proposal for dealing with conditions on existing premises licences/clubs premises certificates that relate specifically to the provision 'relevant entertainment'?

This Council believes that it would be a mistake to simply remove all of the conditions that are present on the licences granted to existing premises under the Licensing Act 2003.

The majority of these conditions will have been asked for by responsible authorities such as the Police, Council Environmental Health departments or Child Protection Units and will have been attached to the grant of a premises licence or club premises certificate to actively promote the four licensing objectives. In particular, Council Environmental Health departments may find

it difficult to reproduce conditions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which relate to the amelioration of noise escape from the premises, such as noise from loud music or the entry and exit of customers in a residential area.

This Council would therefore prefer to see all current conditions remaining on the licences of existing premises and be able to augment these conditions where it is reasonable, proportionate and necessary to do under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Otherwise in many instances it could simply lead to a duplication of work, negotiations and effort for both the responsible authorities and the licence holder, particularly where the Police, Environmental Health department and Child Protection Unit is concerned.

- v. **What are your views on the proposals relating to the existing sex encounter establishment category? Also are you aware of any type of venue that currently requires a licence for a sex encounter establishment that would not require a licence for a sex encounter venue as defined in Clause 26 of the Policing and Crime Bill?**

These proposals while sensible in appearance would also appear to be at odds however with the question posed in question iv above. It seems totally contradictory to allow for the retention of licence conditions in London Boroughs that have adopted the provisions of the Greater London Council (General Powers) Act 1986 in relation to a 'sex encounter establishment', but then not allow for the retention of licence conditions for premises and club premises certificates granted under the Licensing Act 2003 that have been attached to the grant of a licence in order to promote the four licensing objectives.

This Council believes this proposal to be contradictory and anomalous as currently defined in the consultation document and if implemented, we would also wish to see the same principle applied to the retention of licence conditions attached to premises licences and club premises certificates granted under the Licensing Act 2003.

- vi. **Do you believe that section 22 of the London Local Authorities Act 2004 should be amended in light of the amendments being made in the Policing and Crime Bill?**

If there is uncertainty for both the public and also venues themselves in the interpretation of this particular section as the consultation document appears to suggest, then it would be preferable to end that uncertainty by amending it to the requirements that are being laid down in the Policing and Crime Bill.

- vii. **What are your views on the proposal to commence these provisions in April 2010?**

This Council believes that a commencement date of April 2010 is too soon given the fact that this consultation does not end until the 14 of December and needs to be properly evaluated. Particularly as these proposals have yet to be given Royal Assent through the Policing and Crime Bill and which may be subject to delay given the fact that there will be a break in legislative working over the Christmas period.

Therefore this Council would prefer to see a more realistic timescale of a commencement date in July or August of 2010 to give Councils a reasonable period of notice and time to implement these new arrangements.

viii. **Do you agree that the suggested costs and benefits set out in the Impact Assessment are a reasonable estimate of the potential costs and benefits? If not, can you provide evidence of what any likely costs and benefits should be?**

This Council has no statistics or evidence of its own available to either agree or disagree with the suggested costs and benefits that are laid out in the Impact Assessment which accompanied this consultation document.

Summary: Intervention & Options		
Department /Agency: Home Office	Title: Impact Assessment of new measures to regulate lap-dancing clubs	
Stage: Final	Version: 2.0	Date: 7 September 2009
Related Publications:		

Available to view or download at:

<http://www.>

Contact for enquiries: Thomas Cottam

Telephone: 020 7035 0453

What is the problem under consideration? Why is government intervention necessary?

Lap dancing premises are currently regulated under the Licensing Act 2003. However, under this legislation the powers available to local authorities to control the establishment of lap-dancing premises or impose condition on their licences are limited. Following a Department for Culture, Media and Sports consultation with local authorities a majority of those that responded felt that their current powers to regulate lap-dancing clubs were insufficient to address the concerns of local people and wanted Government to intervene. On 21 September 2008 the Home Secretary announced the Government's intention to address this issue.

What are the policy objectives and the intended effects?

To give local communities a stronger say over the establishment and location of lap-dancing clubs in their area and local authorities more power to reject applications for lap-dancing clubs or impose conditions on licences. To bring the licensing of lap-dancing clubs in line with other sex establishments such as sex shops and sex cinemas. To recognise that local people have legitimate concerns about where lap-dancing clubs are located.

What policy options have been considered? Please justify any preferred option.

Option 1 - Do Nothing, maintain the status quo

Option 2 - Reclassify lap-dancing clubs as 'Sex Establishments' under the 1982 Local Government (Miscellaneous Provisions) Act

Option 2 is the preferred option as the existing 'Sex Establishment' legislation adequately covers lap-dancing and similar activities and the provision within the 1982 Act gives a stronger say to local communities and more powers to local authorities.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? We will review the implementation of this policy and its impact on local authorities and industry on an ongoing basis.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 2

Description: Reclassify lap-dancing clubs as 'Sex Establishments' under the 1982 Local Government (Miscellaneous Provisions) Act

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' 10 year costs, 300 premises, low - high closure Private sector admin burden: £6m - £5.1m Private sector licensing fee: £16.4 - £14.2m Private sector closure/loss of 'relevant entertainment': £0-£4.3m Public Sector Licensing Regime: £16.4 - £14.2m
	One-off (Transition)	Yrs	
	£ 0 - 4.3million	1	
	Average Annual Cost (excluding one-off)		
	£ 3.3million		Total Cost (PV) £ 33.5m - 33.2m
Other key non-monetised costs by 'main affected groups' Cost to local authority of implementing the new measures.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Transfer to Local Authorities from Licence Fee applications: £16.4 - £14.2million
	One-off	Yrs	
	£ 0		
	Average Annual Benefit (excluding one-off)		
	£ 1.6 - 1.4million		Total Benefit (PV) £ 14.1m - 12.3m
Other key non-monetised benefits by 'main affected groups' Gives local communities more power to control the number and location of lap dancing clubs in their area.			

Key Assumptions/Sensitivities/Risks: Costs assume that all local authorities who have lap dancing clubs in their area will adopt the new measures and all existing premises apply for sex establishment licences.

Price Base Year 2009	Time Period Years 10	Net Benefit Range (NPV) £ -19.4m to -20.9m	NET BENEFIT (NPV Best estimate) £ -20m
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What is the geographic coverage of the policy/option?		England & Wales		
On what date will the policy be implemented?		TBC		
Which organisation(s) will enforce the policy?		Local Authorities		
What is the total annual cost of enforcement for these organisations?		£		
Does enforcement comply with Hampton principles?		Yes		
Will implementation go beyond minimum EU requirements?		No		
What is the value of the proposed offsetting measure per year?		£ N/A		
What is the value of changes in greenhouse gas emissions?		£ N/A		
Will the proposal have a significant impact on competition?		Yes/No		
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)		
Increase of	£ 0.5 -0.43m	Decrease of	£ 0m	Net Impact £ 0.5 - 0.43m

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Background

What is meant by Lap Dancing Club?

For the purpose of these measures the term 'lap dancing club' is a broad term encompassing certain venues that provide entertainment with a sexual content. In addition to lap dancing, this may also include, but is not limited to, stripping, table dancing and pole dancing. The Policing and Crime Bill will classify such premises as sex encounter venues, which is defined as premises where "relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer". For the purpose of the legislation "relevant entertainment" is defined as any live performance or display of nudity, "which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)". The Bill contains an exemption for premises where "relevant entertainment" is provided on an infrequent basis, defined as no more than 11 occasions in a 12 month period with a period of more than one month between each occasion.

Number of establishments affected

Currently, existing lap-dancing clubs will most likely be regulated under the Licensing Act 2003 and are therefore difficult to differentiate from other licensed premises and clubs. For this reason, the availability of accurate data on the number of premises that will be affected by this legislation is limited. Some estimates state that there are roughly 300 existing lap-dancing clubs. The Lap Dancing Association put the figure closer to 150.

How many of these clubs are actually affected will not be known until the licensing regime begins operating. There is the potential for an impact on lap dancing clubs in localities where local authorities choose to adopt the power and where communities choose to oppose license applications and renewals. However, while the impact may directly affect a large proportion of lap dancing clubs, owing to the relatively small size of this part of the sector the overall impact on the entertainment/leisure and the economy as a whole is likely to be small.

Location of Lap Dancing Clubs

For the reasons explained above, it is difficult to be precise about the distribution of lap dancing clubs in England and Wales. However, research provided by the campaign group Object suggests that while there are concentrations of venues in large metropolitan areas, such as London, Birmingham and Leeds, as might be expected, there are also multiple venues located in smaller cities and an increasing trend towards venues opening in towns and suburban areas. This research identifies close to 300 "lap dancing establishments", which are located in roughly one third of all local authorities.

Rationale

Lap dancing premises currently require a premises licence under section 1 of the 2003 Licensing Act. No special provisions are made in the 2003 Act for lap-dancing clubs. If an application is submitted to the licensing authority for a premises licence the authority must grant the licence subject to certain mandatory conditions, the only relevant ones for lap dancing clubs being those related to how and when alcohol is supplied.

It is only if relevant representations are made by an interested party (e.g. residents or local businesses) or a responsible authority (e.g. the police or fire services in the area) that the authority can, following a hearing, impose other conditions or reject the application. Even then, it will only be able to do so where such a step is necessary to promote one of the four licensing

objectives set out in the Act – preventing crime and disorder; public safety; prevention of public nuisance; the protection of children from harm.

Premises licences are not subject to renewal and last until they are revoked, suspended, surrendered or the holder becomes mentally unstable, insolvent or dies (sections 26 to 28). They can be reviewed following representations by an interested party or a responsible authority but the authority will only consider representations relating to one or more of the four licensing objectives.

As licensing authorities are unable to consider any objections on matters outside the scope of the four licensing objectives, the Government is aware that increasingly lap dancing clubs have been allowed to open despite widespread local opposition.¹

Therefore, following consultation with local authorities, the Government decided that local communities should be given more powers to control the number and location of lap dancing clubs in their area.

Objectives

To give local communities a stronger say over the establishment and location of lap-dancing clubs in their area and local authorities more power to reject applications for lap-dancing clubs or impose conditions on licences. To bring the licensing of lap-dancing clubs in line with other sex establishments such as sex shops and sex cinemas. To recognise that local people have legitimate concerns about where lap-dancing clubs are located. Under these provisions, local people will be able to object to an application for a lap-dancing club on the grounds that such an establishment would be inappropriate given the character of the area or, for instance, if located in an area that is primarily residential.

Options

Option 1 - Do Nothing, maintain the status quo.

Option 2 - Reclassify lap-dancing clubs as 'Sex Establishments' under the 1982 Local Government (Miscellaneous Provisions) Act

Option 2 is the preferred option - Placing lap-dancing clubs under the category of 'Sex Establishments' as defined by the 1982 Local Government (Miscellaneous Provisions) Act. Those local authorities who resolve to adopt Schedule 3, as amended, will be able to impose a wider variety of conditions on lap dancing clubs e.g. relating to opening hours, adverts, visibility of the interior to passers by. Local authorities will also be able to refuse to grant or renew a licence on the grounds that such a club would be inappropriate having regard to the character of the area or the total number of similar premises in the locality.

Similarly, local people will be able to make written representations to the local authorities on these grounds, rather than being limited to making representations based on the four licensing objectives found in the 2003 Act. Licences would only last a maximum of one year before requiring renewal.

¹ *A Growing Tide*, Object, December 2008:
<http://www.object.org.uk/files/A%20Growing%20Tide%20Update%20Dec%202008.pdf>

The Lap Dancing Association proposed an alternative approach that included using planning legislation to control the establishment of lap dancing clubs. This approach was considered but was opposed by the Local Government Association and some industry representatives² who argued that it would be overly complicated and beaureaucratic. It was also felt that this approach would not adequately address the issue of giving communities a stronger say.

Appraisal

Option 2 - Reclassify lap-dancing clubs as 'Sex Establishments' under the 1982 Local Government (Miscellaneous Provisions) Act

Costs

Costs to Local Authorities

The level of take-up by local authorities is difficult to predict as it will depend greatly on local circumstances and where lap dancing clubs are located. Responses to the Department for Culture, Media and Sports (DCMS) consultation suggest that these measures are well supported by local authorities and therefore we anticipate a relatively high take-up, especially in those areas where lap dancing clubs are located or where specific issues relating to applications for lap dancing clubs have arisen in the past.

Those local authorities that resolve to adopt the provisions will face costs of processing applications and monitoring premises to ensure compliance. There may also be costs associated with enforcement action that is required where premises breach their licence conditions or operate without a licence. Under the new provisions, local authorities are able to recover costs by setting a 'reasonable fee' for licence applications. This is accounted for in the summary table.

Costs to Business – Based on 300 establishments

Costs to local authorities will be recovered from new applicants and existing club operators when licenses are renewed. In addition all clubs will be faced with the additional administration and legal costs of applying for a new sex establishment licence and the subsequent annual renewals and some may choose to offer alternative entertainment in order not to face more regular licensing.

Additional costs to the sector arise where applications are rejected under the new act where they would previously have been approved or where an application for renewal was not previously required. In some cases the club will be licensed to continue trading in the same way but in others the license may be revoked or refused, necessitating either a change in the type of entertainment offered or closure of the club. For applications for new clubs it may restrict the potential areas or locations within an area where the club can operate and impact on revenue where the location is less favourable for the business. In some cases this may deter investment altogether. Where renewals are rejected there will be some loss of revenue if the club has to revert to an alternative role under the 2003 Licensing Act or sunk costs where the club chooses to close.

Legislation will be clearly directed at regulating sex establishments and not any premises that might occasionally feature performances, exhibitions or entertainment that involves nudity or sexual stimulation, such as theatrical performances/art or a one-off or infrequent performances of 'relevant entertainment' in a pub or nightclub.

² Peter Stringfellow's evidence to Department of Culture Media & Sport Select Committee hearing – 25 November 2008

It is possible that this legislation may capture some premises, such as 'peep shows' that operate outside London and are not currently licenced under the Licensing Act 2003, but do provide services or performances that are for the purpose of sexual stimulation. The number of such premises is not known but is believed to be very low.

The Government is proposing a transitional period of one year for business to comply with the new regime. This will delay the full impact on business, especially the cost associated with closures or venues being forced to operate without 'relevant entertainment', for this period.

The Cost of a Sex Establishment Licence

Information provided by the Lap Dancing Association based on the current cost of sex establishment licences in local authorities across UK puts the average fee for a new licence at £5447 and £4981 for a renewal.

Therefore the total cost of applying for a licence in year 1 would be around £1.6m for 300 premises.

After year 1 the cost burden as a result of renewing sex establishment on licenses on a yearly basis would be around £1.5m. However, this figure may be lower after year 1 if there are closures or premises continue to operate without 'relevant entertainment'.

Administrative Costs

The average administrative cost of applying for a new licence is estimated to be around £2,000 per application resulting in a total cost to industry of approximately £600,000 per year.³ However, as with the application fee, this figure may be lower after year 1 if there are closures or premises continue to operate without 'relevant entertainment'.

Cost of Operating Without 'Relevant Entertainment'

Where existing venues are refused a sex establishment licence or decide that applying for a licence would be too costly, they may decide to continue to operate without 'relevant entertainment', for example as a nightclub, bar or pub. This may incur a loss of revenue. We have estimated that this lost revenue would represent 20% of a premises' annual turnover. We have also estimated that this could apply to up to 10% of all existing lap dancing venues. These figures should only be seen as indicative and do not necessarily represent a likely outcome.

Assuming that existing lap dancing clubs consist of Micro (1-9 employees) and Small (9 – 50 employees) businesses at a ratio of 50/50, we have estimated that the cost to industry would be up to around £1,225.⁴

Cost of Business Closures

Where existing venues are refused a sex establishment licence or decide that applying for a licence would be too costly, they maybe forced to close. We have estimated that this could apply to up to 5% of all existing lap dancing clubs.

Assuming that existing lap dancing clubs consist of Micro (1-9 employees) and Small (9 – 50 employees) businesses at a ratio of 50/50, we have estimated that the cost to industry would be up to around £3,060.⁵

³ Figure provided by the Lap Dancing Association

⁴ Figures based on Department for Business, Innovation and Skills SME statistics.

⁵ Figures based on Department for Business, Innovation and Skills SME statistics.

Benefits

- These new powers will allow local communities to have a greater say over the establishment and location and of lap-dancing clubs in their area and will bring the licensing of lap-dancing clubs in line with the licensing of other sex establishments such as sex shops and sex cinemas, which are currently licensed under the 1982 Act.
- Where the provision adopted local people will be able to object to lap-dancing clubs if they felt that it would adversely impact the character of a particular area or, for example, that its proximity to a school or place of worship was inappropriate.
- Gives local authorities more scope to reject applications for lap-dancing clubs or impose conditions on their licences if they deem that such measures are necessary to address the concerns of local people.

Assessment of the costs and benefits

The purpose of this policy is to empower local communities and give them more say over the make-up and character of their local area. Where they have reasonable and legitimate concerns about the location or establishment of lap-dancing clubs, local authorities will have more powers to consider these concerns when reviewing a licence application.

The Government acknowledges that costs will fall to industry as a result of this legislation, and some lap-dancing clubs may close or be restricted from operated from certain locations. However, we believe that the cost to industry is outweighed by the wider objective of giving power to local communities to control the establishment and location of lap dancing clubs.

Risks

Option 2 - Reclassify lap-dancing clubs as 'Sex Establishments' under the 1982 Local Government (Miscellaneous Provisions) Act

There is a risk that some local authorities may decide not to adopt the new legislation. However, we believe this is a small risk as a significant number of local authorities have indicated their support for this legislation, as it will allow them to regulation lap dancing clubs and similar establishment more effectively.

Enforcement

As existing lap-dancing clubs are already licensed under the Licensing Act 2003 there will be no additional licensed premises as a result of this policy. Therefore, we do not anticipate that these proposals will result in significant increased enforcement costs for the police or local authorities or subsequent prosecution costs for the Crown Prosecution Service (CPS).

In addition, experience of the Licensing Act 2003 suggests that very few licence breaches result in prosecutions as local authorities have the power to deal with such offences by other means. In order to minimise transition costs and reduce the potential for licensees inadvertently failing to comply with the new legislation (with the resultant costs for the police or local authorities, CPS and Her Majesty's Court Service) local authorities will be encouraged to work closely with industry and promote any legislative changes prior to adopting the provisions in their area.

Implementation

The Government is proposing to commence these provisions in April 2010. However, they will only come into force in individual local authority areas when the relevant local authority resolves to adopt them. Once a local authority has passed a resolution to adopt the provisions the Government is proposing that there will be a transitional period that lasts for 12 months.

Monitoring and Evaluation

The effectiveness of the new regime and the impact on industry and local authorities will be monitored on an ongoing basis.

Specific Impact Tests: Checklist

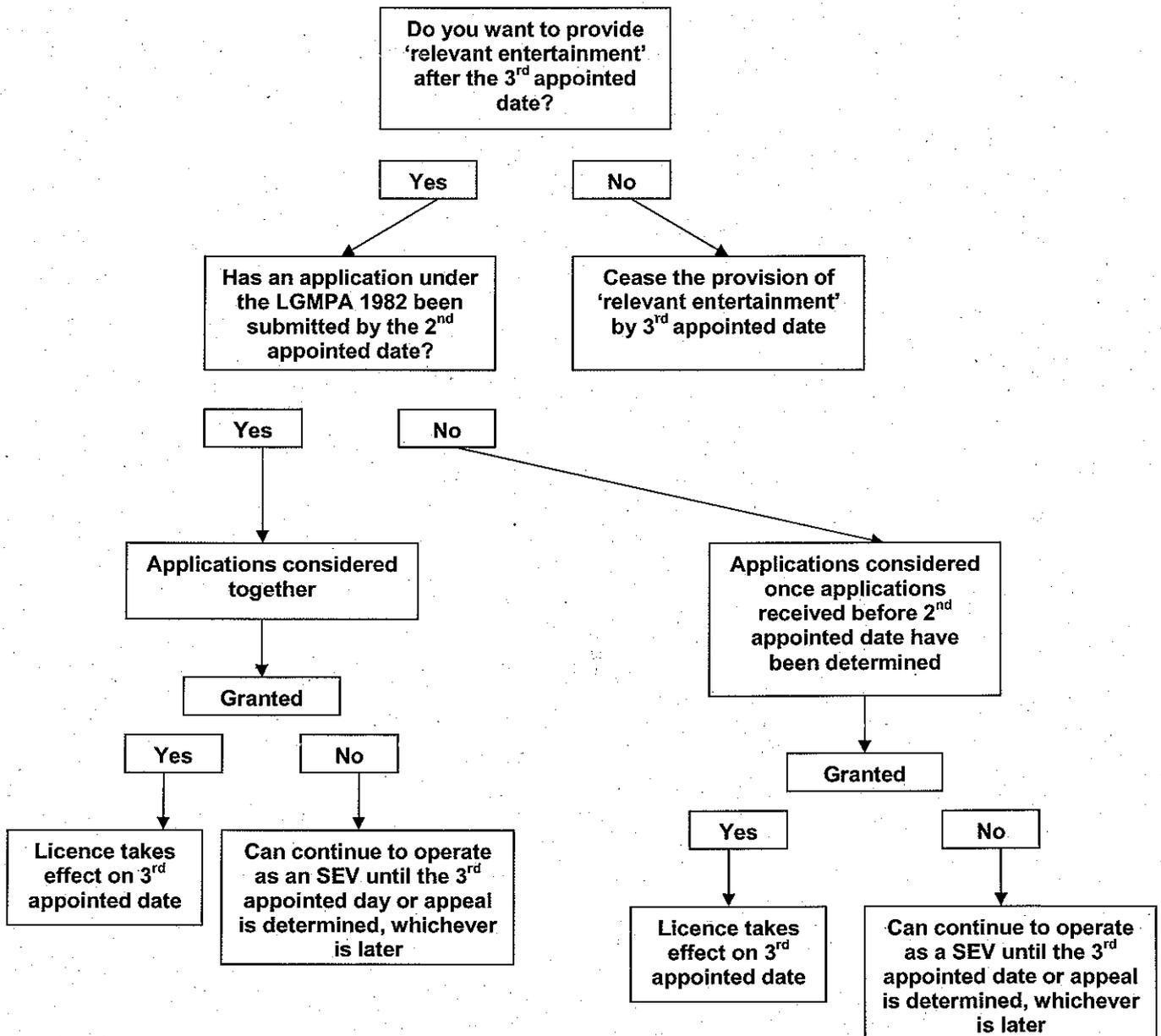
Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	Yes/No	Yes/No
Small Firms Impact Test	Yes/No	Yes/No
Legal Aid	Yes/No	Yes/No
Sustainable Development	Yes/No	Yes/No
Carbon Assessment	Yes/No	Yes/No
Other Environment	Yes/No	Yes/No
Health Impact Assessment	Yes/No	Yes/No
Race Equality	Yes/No	Yes/No
Disability Equality	Yes/No	Yes/No
Gender Equality	Yes/No	Yes/No
Human Rights	Yes/No	Yes/No
Rural Proofing	Yes/No	Yes/No

Annex 1

Proposed Transitional Arrangements for Existing Operators



e-mail: licensing.committee@colchester.gov.uk
website: www.colchester.gov.uk