



## Lap Dancing Update

## BRIEFING

### The Current Law

Under the Licensing Act 2003, the procedure for applying for a licence to open a lap dancing establishment is the same as applying for a licence to open a cafe or nightclub. Lap dancing is currently classified as 'regulated entertainment'. Other types of 'regulated entertainment' include playing recorded music to an audience, holding an indoor sporting event or performing a play. According to the Home Office, some estimates suggest that the number of lap dancing establishments in the UK has doubled since 2004.

When deciding whether or not to grant a licence for a lap dancing establishment, under the existing legislation, local authorities can only consider objections relating to the four licensing objectives. The issue of whether the nature of the proposed establishment is appropriate for the area is not a relevant consideration.

There are concerns in local communities about the social impact of lap dancing establishments, but currently communities have little influence over the number and location of lap dancing establishments in their area.

### The New Law

The Policing and Crime Bill, currently at committee stage in the House of Lords, is intended to change the way that lap dancing establishments are

licensed. Lap dancing establishments will be reclassified as 'sex encounter venues' and will require a 'sex establishment licence'.

Local authorities have the power to reject applications for sex establishment licences if they consider that it would not be appropriate to have additional sex establishments in a particular area. It is also possible that a local authority will decide that it is not appropriate to have any sex establishments at all in an area.

The local authority can also take into consideration the character of the local area, whether the premises are appropriate for the type of entertainment and the nature of any other premises in the area. An authority might refuse to grant a licence if the premises are located in a residential area, near a school or place of worship. The local authority may also impose conditions on the granting of the licence such as restricted opening hours or to stop passers-by being able to see the venue's interior.

Local communities and campaign groups will be able to raise objections relating to the character of the area and the number of lap dancing establishments already located there.



### **Transitional Arrangements**

Existing lap dancing clubs will need to apply for a new sex establishment licence if they wish to continue providing lap dancing entertainment.

It has been proposed that there will be a transitional period of 12 months to allow the operators of existing lap dancing establishments to arrange their new licences. The Home Office is currently conducting a consultation, due to conclude in December 2009, to find out how different groups feel about the proposed transitional arrangements.

### **Wider Implications**

The sex encounter venue category will include all venues which regularly provide sexually stimulating entertainment to an audience. It is likely that performance art such as burlesque will fall under the definition of sexually stimulating entertainment. This could be controversial as some may argue that this type of entertainment has a different social impact to lap dancing. However, promoters will be able to show occasional burlesque performances at venues without a sex establishment licence.

It is important for venue operators to be aware that there are strict limits on the frequency and duration of events held at unlicensed venues. The operator of the venue should be careful about the number of events held at the premises to avoid committing an offence.

Other businesses such as lap dancing establishments, which rely on regularly providing sexually stimulating entertainment to attract customers, may suffer under the new legislation. Unlike a premises licence, a sex establishment licence needs to be renewed annually. The lap dancing industry is lucrative but some operators may find it difficult to pay for a sex establishment licence in addition to the licence to sell alcohol. The annual fee for a sex establishment licence varies depending on the local authority. In certain areas the cost for a licence could be up to £20,000 per year.

The industry provides a source of income to many performers and there are concerns about job losses if lap dancing establishments are forced to close under the proposed legislation.

### **Conclusion**

The proposed legislation will give local authorities more scope to refuse licences for lap dancing establishments. We expect that the legislation will not come into force for some months, as the consultation relating to transitional arrangements is still ongoing.

However, campaign groups and local communities interested in raising objections to the licensing of new or existing lap dancing establishments in their area, need to be aware of the ways in which they can take advantage of the proposed legislation. In particular, we suggest that those with concerns about existing clubs seek advice now if they intend to contest licence applications made by those clubs during the transitional period.



Establishments wishing to offer or continue offering lap dancing entertainment may also wish to seek advice on how to deal with the proposed legislation and the best strategy to take when applying for a sex establishment licence

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