



COUNCILLOR DR DAVID WILLINGHAM

Safer Communities Board
Local Government Association
Local Government House
Smith Square
London
SW1P 3HZ

30th July 2020

Dear Members of the LGA Safer Communities Board,

Reference: 20200730/LGMPA84/SEV

I am writing in my capacity as Chairman of Cheltenham's Licensing Committee and our town's Evening and Night-Time Economy Champion to request a government review of Sexual Entertainment Venue (SEV) licensing legislation.

During the Gold Cup race week, the population of Cheltenham increases by approximately 60,000 people, this leads to various issues. One of these is the exploitation of the exemption in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Police and Crime Act 2009, in respect of the provision of sexual entertainment.

In Cheltenham, the existence of the exemption, as defined in section 2A of the Act, has been used by promoters of sexual entertainment, to move from venue, to venue, to venue, and to avoid the robust licensing regime that our Authority has covering SEV. This means that while licensed venues have in the region of forty enforceable licensing conditions, which exist to protect the performers and the customers; venues using the exemption only have an advisory and unenforceable code of conduct. While this is a Cheltenham-based example, this is a national issue.

This legislative dissonance leads to the situation where a minority with moral objections to SEV are calling for the Council to set a nil-limit for SEV across the borough, seemingly without comprehending that this will cause a shift to more venues using the exemption. This will lead to a greater risk to performers, customers and the public, none of whom will have any licensing protections. Since the exemption is written in primary legislation that the Council must comply with, only Parliament can act to resolve these issues.

It is my opinion, and that of the Licensing sub-committee which determines these applications, that currently the law is failing to protect the performers, the customers and the public. It is therefore our opinion that the legislation would benefit from a formal review, to look not just at the impact this loophole has on people and communities, but to also take a wider look at the whole SEV licensing regime.

In a similar fashion to the way the partnership between the Local Government Association (LGA) and the Institute of Licensing (IoL) led to recommendations for a new Bill on taxi and private hire licensing, we would be minded to suggest and request that a thorough review of SEV licensing be undertaken. This should not just look at the operation of the exemption, but a wider range of issues, for example, considering whether in a similar way to licensed drivers, there ought to be a National Register of Refusals and Revocations (NR3) for those involved in SEV, to ensure that performers, customers and the public are protected from unscrupulous operators.

In summary, we feel that the legislation around Sexual Entertainment Venue licensing would benefit from a review led by the LGA and IoL with a view to informing a new Bill improving the powers that local licensing authorities have in regulating these activities. Cheltenham Borough Council, our officers, our Licensing Committee and I would all be happy to participate in, and contribute to, any such review.

We would be grateful if this could be shared with and hopefully considered by the LGA Safer Communities Board at a future meeting and to understand the board's position on this issue.

Yours sincerely

David Willingham

Councillor Dr David Willingham

Cheltenham Borough Council

"Miscellaneous" Licensing Sub-committee – 5 August 2020

Request for national review of SEV Policy

Note from the Chairman – Cllr Dr David Willingham

Executive Summary and Recommendations

At the extraordinary meeting of Council on 29th July 2020, the renewal of the Council's revised Sexual Entertainment Venue Policy was debated and approved.

During the meeting some members moved an amendment that the town should have a nil limit. During the debate on that amendment, concerns about the effect of this and the use of the exemption were raised. The Chairman of Licensing stated that he would write to Ministers, local MPs and others to raise concerns about the exemption.

Members are requested to:

Note the attached letter, a copy of which has been sent electronically to the Local Government Association for the attention of the Safer Communities Board.

Note that similar letters have been sent to the addressees listed below:

Members of Parliament whose constituencies include wards within the Cheltenham Borough Council municipal boundary:

Mr Alex Chalk MP - Cheltenham Constituency

Mr Laurence Robertson MP - Tewkesbury Constituency

The following Ministers:

The Rt Hon Robert Jenrick MP - Secretary of State for Housing, Communities and Local Government

Mr Kit Malthouse MP - Minister of State (Minister for Crime and Policing)

Ms Victoria Atkins MP - Parliamentary Under Secretary of State (Minister for Safeguarding)

The Local Government Association Safer Communities Board

The Institute of Licensing

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