



STAFF REPORT ACTION REQUIRED

Review of Adult Entertainment Regulations

Date:	May 15, 2012
To:	Licensing and Standards Committee
From:	Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2012\Cluster B\MLS\LS12008

SUMMARY

The purpose of this report is to respond to the March 29, 2012 request from the Licensing and Standards Committee to submit a staff report on the Municipal Licensing and Standards (“ML&S”) review of the City's adult entertainment regulations. The Committee requested that the review include an examination of regulations in different jurisdictions, the development of an inspection and enforcement protocol, consideration of any measures to improve working conditions for entertainers, and a discussion of the issue of licensing versus registration of burlesque entertainers.

The Committee also requested that it be provided with a copy of the Minutes of Settlement between the City of Toronto and the House of Lancaster Inc. The City Solicitor has submitted a separate confidential report on this matter.

This report provides a status update on the work completed to date with respect to the review and outlines divisional impacts that have resulted in the delay. Staff are unable to report back to the Committee at this time on the items requested; however, a high-level summary of the review plan is contained herein.

ML&S consulted the City Solicitor in the preparation of this report.

RECOMMENDATION

The Executive Director, Municipal Licensing and Standards, recommends that:

1. The Licensing and Standards Committee receive this report for information.

Financial Impact

There are no financial impacts as a result of this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its March 30, 2011 meeting, the Licensing and Standards Committee requested that the Executive Director, ML&S consider the amendments proposed by the Adult Entertainment Association of Canada ("AEAC") as part of its review of the adult entertainment regulations.

Committee Decision (see item LS2.3):

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=4453>

At its March 29, 2012 meeting, the Licensing and Standards Committee requested that the Executive Director, ML&S provide a report on the ML&S review of the adult entertainment regulations.

Committee Decision (see item LS12.6):

<http://app.toronto.ca/tmmis/viewPublishedReport.do?function=getDecisionDocumentReport&meetingId=5639>

ISSUE BACKGROUND

Adult entertainment parlours ("AEPs") and burlesque entertainers are required to be licensed under Toronto Municipal Code Chapter 545, Licensing ("the Bylaw"). There are currently 17 licensed AEPs operating in the City of Toronto and 1,502 valid burlesque entertainer licences.

Staff held a meeting with the Adult Entertainment Association of Canada ("AEAC") on May 18, 2011 to discuss its concerns and review the three proposals brought forward to the March 2011 Committee meeting:

1. No-touch provisions: The AEAC is concerned that the no-touch provisions are too broad and can be abused by enforcement staff or the Police. The AEAC is recommending that specific behaviours be identified as prohibited.
2. View-from-the-stage provisions: The AEAC maintains that it is not practical to require that performances only be conducted in plain view of the main stage. Instead, the AEAC recommends that performances be conducted in public view.
3. Entertainer-licensing provisions: The AEAC claims that the current licensing system negatively impacts entertainers by creating permanent public records of

their occupation. The AEAC recommends that a registration system maintained by the clubs be implemented instead.

A consultation with burlesque entertainers took place on June 1, 2011. Engaging the participation of this stakeholder group in a public consultation format was challenging, and is evidenced by the low turn-out of only 20 participants, despite sending an individual notice to every licensed person. At this consultation, the AEAC presented staff with a petition signed by over 300 entertainers in support of its three recommendations.

COMMENTS

Subsequent to the June, 2011 consultation, internal discussions on the comprehensive review plan were commenced. However, a number of challenges arose that impacted the progress of the review.

Municipal Licensing and Standards currently has three full-time policy staff assigned to policy development. These resources are currently tasked with a significant number of policy review items previously requested by the Licensing and Standards Committee, such as Issues Related to Student Housing, Clothing Drop Boxes, Vapour Lounges, and Year-Round Patio pilot project development. In addition to these tasks, there are a number of more complex initiatives, such as the Taxicab Industry review, Street Food Vending project, Toronto Animal Services program review, identified projects related to the Licensing Categories and Business Fees review, a review of the Tow Truck Industry.

The complexity of the issues related to the adult entertainment industry, including the need to look at the broader issues tied to the industry, will require significant consultation. This consultation is anticipated to include the Toronto Police Service, Toronto Public Health, Legal Services, in addition to other agencies, such as the Canadian Border Services Agency and Immigration Canada, other municipalities, a broader cross-section of the industry, and the public.

The objective of the review will be to develop a regulatory system that best serves the interest of the public and the industry, keeping in mind the municipal purpose for such regulations.

The dedicated resource assigned to this review has been seconded to the ML&S Policy team effective May 7, 2012, and has begun to outline the review plan which will continue throughout the summer.

The Review Plan

To effectively respond to the Committee's request, staff propose that a review of the adult entertainment regulations be conducted according to the following action plan, divided into overlapping stages:

1. *Research* - on other relevant jurisdictions and on the issues surrounding the adult entertainment industry (May - September 2012):
 - a. *Preliminary* – gathering and review of existing materials
 - b. *Comparators* – discussions with the representatives of jurisdictions pertinent to the review (e.g. London, Windsor, Ottawa, Hamilton and Mississauga, including the local police service (where possible)
 - c. *Analysis* - comprehensive analysis of the relevant data/material, including the information collected during all the consultations

2. *Consultations* (June - July 2012):
 - a. *External* - adult entertainment business owners and operators, burlesque entertainers, the general public, Canada Border Services, and Citizenship and Immigration Canada
 - b. *Internal* – City of Toronto Legal Services, Toronto Public Health, Toronto Police Service, Licensing Services, and Corporate Information Management Services

3. *By-law and Legal Review* (May – August 2012):
 - a. *In-depth review* - of the current applicable licensing by-law to test relevance and measure impact analysis of any considered changes
 - b. *Legal Services review* - to assess impacts of any by-law amendments
 - c. *Corporate Information Management Services* - to include a review of legal and policy aspects related to public access to information (historical and current) on licenses issued to burlesque entertainers

4. *Municipal Licensing and Standards Internal process review* (May – August 2012):
 - a. *Review* - of existing by-law enforcement protocols and standard operating procedures relevant to the industry
 - b. *Development* - of enhanced protocols and training plans, including complaint intake and handling, inspection protocols, and appropriate investigative techniques

5. *Recommendation development and preliminary report review* (July – August 2012):
 - a. *Development - of researched and reasoned recommendations*, with a thorough impact analysis, and draft report compilation
 - b. *Review* – of the draft report, inclusive of all recommendations, by all internal stakeholders

6. *Final report review and delivery to the Licensing and Standards Committee* (August – October, 2012)
 - a. *Consultation* – with the industry and stakeholders to discuss the intentions of the staff report and to provide for additional input
 - b. *Delivery of the report* - to the Licensing and Standards Committee meeting and opportunity for submissions and deputations

While it is acknowledged and understood that the industry has waited a prolonged time for the completion of this review, it is imperative that the appropriate time is taken and the necessary focus is given to properly address the issues in a complete manner. The review plan, as detailed above, outlines this objective by allowing a well-researched and reasoned approach to the review.

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SIGNATURE

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