

## Appendix B

### HISTORICAL BACKGROUND

- In January 2014 the province amended *The Alcohol Control Regulations, 2016* to allow strippers to perform in licensed establishments.
- In February 2014 the Administration proposed amendments to the *Regina Zoning Bylaw No. 9250* (Zoning Bylaw) to change definitions related to adult entertainment in response to the changes to *The Alcohol Control Regulations, 2016*. At the time, a single delegation appeared representing burlesque dancers who provide burlesque dance performances locally from time to time for local events. They sought clarification regarding the permitted land use for adult entertainment, which was limited to industrial zones. Council approved the amendment to the Zoning Bylaw, but referred the question of occasional burlesque events to Administration. No response has been provided to City Council since that time. This remains the only outstanding formal referral on the issue of adult services.
- In December 2013 the Supreme Court of Canada found several sections of the *Criminal Code* unconstitutional on the basis that the laws jeopardized sex workers' *Charter* rights to life, liberty, and security of the person (the *Bedford* decision). The prohibition against keeping a bawdy house was struck down as unconstitutional on the basis it denied sex workers the ability to operate within a building. The prohibition on operating within a building was found to be unconstitutional because it had a serious impact on the sex workers' safety, which was not outweighed by the objective of combatting neighbourhood disruption. The prohibition against living off the avails of prostitution was struck down as overbroad because while it targeted exploitative people, it also punished people that were hired for the sex workers' protection (i.e. security guards, receptionists, drivers).
- In December 2014 the federal government amended the *Criminal Code* in response to the *Bedford* decision. The amendment made it legal to sell one's own sexual services but retained the laws making the purchase of sexual services illegal as well as the sale of the sexual services of another person.
- In January 2015 City Council considered a recommendation to approve a discretionary use application to locate a strip club in the industrial area of the city. The proposed club met all zoning requirements of the Zoning Bylaw. When the recommendation was considered, twenty delegations appeared and petitions with over 2,500 signatures were received opposing the approval of the application.

In denying the recommendation, City Council cited the following concerns:

- The legal uncertainty arising from recent changes to federal criminal legislation provincial liquor regulations.
- Public health and safety concerns, notably as expressed by the public, the lack of regulation and licensing of workers, as well as the potential for increased costs of law enforcement.

- Insufficient parking for the proposed development.
- Lack of collaboration among agencies to ensure worker health and safety.
- Lack of information regarding the building ownership and/or corporate structure of the applicant.
- Adverse impact on adjacent properties and the related negative impact on the overall neighbourhood.

The minutes of the January 2015 meeting include no referral to the Administration for an additional review of adult entertainment. However, the Administration undertook to investigate the licensing of adult services. This report is a follow-up to that undertaking.

- In April 2015, after briefly permitting strippers in licensed establishments, the Saskatchewan government amended the liquor regulations to ban strippers where alcohol is served (including special event permits). The regulations provide for an exception for charitable events once a year. This represents the only provincial regulation of adult services.