

LICENSING AND GENERAL PURPOSES COMMITTEE MINUTES

1 MARCH 2011

Chairman: * Councillor Mano Dharmarajah

Councillors:

* Ramji Chauhan (3)	* Krishna James
* Mrinal Choudhury	* Ajay Maru
* John Cowan	* John Nickolay
* David Gawn	* Phillip O'Dell (3)
* Stephen Greek (4)	* Raj Ray
* Susan Hall	* Simon Williams
* Thaya Idaikkadar	* Stephen Wright (2)

* Denotes Member present
(2), (3), (4) Denote category of Reserve Members

29. Attendance by Reserve Members

RESOLVED: To note the attendance at this meeting of the following duly appointed Reserve Members:-

Ordinary Member

Councillor Krishna Suresh
Councillor Manji Kara
Councillor Stanley Sheinwald
Councillor Husain Akhtar

Reserve Member

Councillor Phillip O'Dell
Councillor Ramji Chauhan
Councillor Stephen Greek
Councillor Stephen Wright

30. Declarations of Interest

RESOLVED: To note that there were no declarations of interests made by Members.

31. Minutes

RESOLVED: That the minutes of the meeting held on 22 November 2010 be taken as read and signed as a correct record, subject to the following amendment:

- Minute 25, second bullet point, the second sentence be changed to read: "Following the inspection, Ms Khan had stated that she was happy with what she had seen and that the new licence would be issued shortly".

32. Public Questions, Petitions and Deputations

RESOLVED: To note that no public questions were put, or petitions or deputations received at this meeting.

RECOMMENDED ITEMS

33. Consideration of adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009

The Committee received a report of the Divisional Director of Environmental Services, which outlined amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009.

An officer informed the Committee that the Local Government (Miscellaneous Provisions) Act 1982 had introduced a licensing regime that allowed local authorities to control sex establishments and that the Council had adopted the relevant part of the Act in 1983. However, Section 27 of the Policing Crime Act 2009 inserted a new category of sex establishment known as "sexual entertainment venue" into Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The modification allowed local authorities to insist that premises operating as sexual entertainment venues obtained a sex establishment licence. The officer explained that the Council would only be able to licence such venues if it adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009.

Public consultation had taken place between 11 October and 31 December 2010 and residents had been asked whether they wished the Council to adopt the amendment. The consultation had also allowed residents to comment on the Council's proposed Sex Establishment Licensing Policy, which set out how Harrow would assess applications for Sex Establishment Licences. The Policy proposed that each Ward in Harrow be considered as a "relevant locality" for the purpose of the Local Government (Miscellaneous Provisions) Act 1982 and that the appropriate number of sex establishments in each relevant locality be set at zero. Whilst applications for sex establishment

licences would be considered on a case by case basis, the Policy would allow for a presumption of refusal for such applications.

Following questions from Members, officers clarified the following points:

- some neighbouring boroughs had sexual entertainment venues, although none existed in Harrow;
- the consultation had been advertised on the Council's online consultation portal and in local newspapers. Officers had also written to resident associations, inviting them to respond to the consultation;
- the way in which the legislation was written allowed the Council to lawfully implement a Sex Establishment Licensing Policy that had an in-built presumption of refusal. Challenges to the Policy would have to demonstrate the way in which a sexual entertainment venue would benefit Harrow;
- there was no evidence that licensing against sexual entertainment venues pushed the market underground. In general, most sexual entertainment operators wished to operate legally and would not risk operating without a licence;
- the Council could not prevent a venue holding one-off sexual entertainment events, provided that the number of events did not exceed 12 per year.

Resolved to RECOMMEND: (to Council) That

- (1) the Council adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009;
- (2) the Council adopt the proposed Sex Establishment Licensing Policy, as set out in the report.

RESOLVED ITEMS

34. Exclusion of the Press and Public

RESOLVED: That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential information in breach of an obligation of confidence, or of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 for the reasons set out below:

<u>Item</u>	<u>Title</u>	<u>Reason</u>
8.	Information Report – Early Retirement Update Appendix	Information under paragraphs 3 and 4 (contains information relating to the financial or

business affairs of any particular person / information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter).

9. Information Report – Voluntary Severance Scheme Appendix Information under paragraphs 3 and 4 (contains information relating to the financial or business affairs of any particular person / information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter).

35. INFORMATION REPORT - Early Retirement Update

The Committee received a report of the Corporate Director of Finance together with a confidential appendix, which provided an update on the number and financial impact of successful early retirement applications since 1 December 2009. The Divisional Director of HR & Development responded to Members' queries on the confidential appendix.

The Chairman stated that he would like the Early Retirement Sub-Committee to play a bigger role in the determination of early retirement applications. An officer stated that a number of recent cases had been agreed using the Council's urgent non-executive action decision-making process and had therefore not been considered by the Early Retirement Sub-Committee.

RESOLVED: That

- (1) the report be noted;
- (2) Members be provided with details of the early retirement cases that had been agreed using the Council's urgent non-executive action decision-making process since 1 December 2009.

36. INFORMATION REPORT - Voluntary Severance Scheme

The Committee received a report of the Assistant Chief Executive together with a confidential appendix, which provided an update on the Council's Voluntary Severance Scheme and the cost to the pension fund. The Divisional Director of HR & Development responded to Members' queries on the confidential appendix.

RESOLVED: That the report be noted.

(Note: The meeting, having commenced at 7.30 pm, closed at 8.18 pm).

(Signed) COUNCILLOR MANO DHARMARAJAH
Chairman