

REPORT FOR:

LICENSING AND GENERAL PURPOSES COMMITTEE

Date of Meeting:

6 September 2010

Subject:

Adoption of Section 27 of Police and Crime Act 2009

Responsible Officer:

John Edwards, Divisional Director
Environmental Services

Exempt:

No

Enclosures:

- 1) Letter from Alan Campbell MP, Parliamentary Under Secretary of State outlining the changes to the law;
- 2) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
- 3) Section 27 of the Policing and Crime Act 2009.

Section 1 – Summary and Recommendations

This report summarises the new amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by the Policing and Crime Act 2009 relating to the creation of the category of 'sexual entertainment venue', and seeks permission to start a public consultation process in relation to Harrow adopting this.

Recommendations:

The Committee is asked to recommend that the Head of Community Safety Services begins a public consultation about Harrow adopting the amendments to the Local Government (Miscellaneous Provisions) Act 1982, made by section 27 of the Policing and Crime Act 2009.

Section 2 – Report

Background

The Local Government (Miscellaneous Provisions) Act 1982 sets out the power of local authorities to licence 'sex establishments'.

The Policing and Crime Act 2009 has recently amended the Local Government (Miscellaneous Provisions) Act 1982 by adding another category of sex establishment – 'sexual entertainment venue'. If adopted, this provides local authorities with additional powers requiring such venues that fall into that category to have a sex establishment licence.

The definition of what would be considered a 'sexual entertainment venue' is set out in the legislation (Schedule 3 Local Government Miscellaneous Provisions) Act 1982).

Financial Implications

There are no financial implications identified at this point in time.

Risk Management Implications

The amendments to the Local Government (Miscellaneous Provisions) Act 1982 provide local Licensing Authorities with an improved regime to control sex establishments. The Licensing Act 2003 has repealed many of the effective controls that existed in London through the London Government (Miscellaneous Provisions) Act 1986 and through the Rules of Management of Entertainment Premises (R1).

The current controls are arguably not sufficient to effectively manage premises such as lap dancing clubs or other venues that would fall into the new 'sexual entertainment venue' category and therefore the authority could find itself unable to appropriately manage such premises if the changes are not adopted.

If any local authority has not adopted the provisions by 6 April 2011, it must consult local people about whether to do so or not. It is therefore recommended that the consultation process be started now, and thereafter a decision can be made about whether to adopt the changes.

Corporate Priorities

Building stronger communities
Improve support for vulnerable people

By licensing sexual entertainment venues (as a category of sex establishments), the Authority would be able to better address the likely concerns of the wider community, and protect vulnerable adults and children.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 24 August 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25 August 2010		

Section 4 - Contact Details and Background Papers

Contact: P Sivashankar
020 8736 6237
licensing@harrow.gov.uk

Background Papers:

- 1) Letter from Alan Campbell MP, Parliamentary Under Secretary of State outlining the changes to the law
- 2) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
- 3) Section 27 of the Policing and Crime Act 2009