

# 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

### 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.