



Havering

LONDON BOROUGH

LICENSING COMMITTEE AGENDA

7.30pm	Thursday 31 March 2011 <u>PLEASE NOTE DAY NOT WEDNESDAY</u>	Havering Town Hall Main Road, Romford
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Members 11 : Quorum 4

COUNCILLORS:

Conservative Group

Peter Gardner (Chairman)
Georgina Galpin (V C)
Lynden Thorpe (V C)
Linda Trew (V C)
Robert Benham
Frederick Thompson
Melvin Wallace

Residents' Group

Brian Eagling
Linda Van den Hende

Labour Group

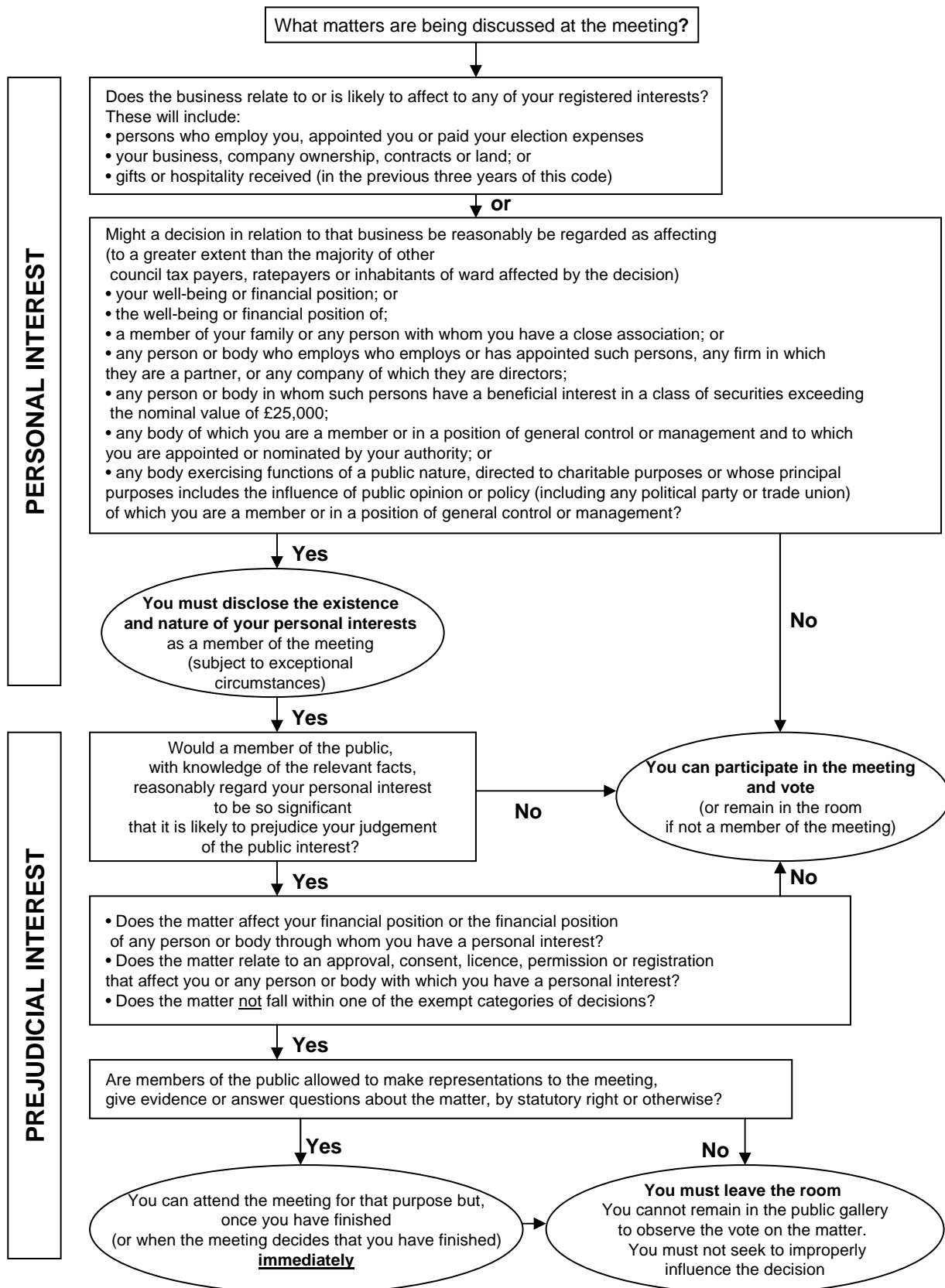
Denis Breading

Independent Residents' Group

Mark Logan

**For information about the meeting please contact: Taiwo Adeoye (01708) 433079
E-mail: taiwo.adeoye@havering.gov.uk**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS
(if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4. MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 17 November 2010, and to authorise the Chairman to sign them.

5. HAVERING DRAFT SEX ESTABLISHMENT POLICY – Report Attached

Approval to consult on the proposal to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 and the draft sex Establishment Licensing Policy.

6. ANY LICENSING UPDATE

Philip Heady
Democratic Services Manager

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**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
Havering Town Hall
17 November 2010 (7.30pm – 7.50pm)**

Present:

COUNCILLORS:

Conservative Group	Peter Gardner (in the Chair), Frederick Thompson, Linda Trew, Lynden Thorpe and Melvin Wallace
Residents' Group	Linda Van den Hende
Labour Group	Denis Breading
Independent Residents' Group	Mark Logan

Apologies for absence were received from Councillors Georgina Galpin and Brian Eagling. Councillor Robert Benham was absent.

Councillor Geoff Starns also attended.

No Member declared an interest in the business before the meeting

The Chairman reminded Members of action to be taken in the event of an emergency

4. MINUTES

The minutes of the meeting held on 27 July 2010 were agreed as a correct record subject to spelling corrections and signed by the Chairman

5. APPROVAL OF HAVERING'S STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003

The Committee received a report that outlined the requirement of section 5 of the Licensing Act 2003 which required all licensing authorities to prepare and publish a statement of Licensing Policy that they proposed to apply in exercising their functions under the Act during the three year period to which the policy applied. The current policy would expire on 7 January 2011.

The Committee was informed that the current Statement of Licensing Policy had been reviewed and rewritten to include good practice, current guidance and experience from implementing the Act. In exercising their functions under the Licensing Act 2003, Licensing Authorities had to have regard to the following four licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The report outlined that the Council was unable to enforce the Act until it had published its draft Statement of Licensing policy, carried out a consultation on the document and finally, had the Statement of Licensing policy approved by full Council. Furthermore, it could only publish its Statement of Licensing Policy if it had paid due regard to guidance issued by the Government. The revised guidance to local authorities on the Licensing Act 2003 published by the Department of Culture, Media and Sport had therefore been fully considered in the drafting of the Statement of Licensing Policy.

The draft statement went for consultation to the following bodies as required by the Act:

- The Chief Police Officer for the Borough
- The London Fire and Emergency Planning Authority
- Bodies representing local holders of premises licenses
- Responsible authorities as defined in the Act
- Residents in the borough

The draft Statement of Licensing Policy was also published on the Havering website with a list of questions to promote a response.

The consultation period began on 2 August 2010 and lasted until 30 October 2010. Comments received related to the Olympics, polycarbonate glasses, and the pool of conditions. Six written representations were received. No comments were received from the trade.

All of the comments had been considered in light of Government guidance and, where appropriate, incorporated into the final version of the Statement of Licensing Policy. The Committee was informed that some comments could not be included because they would not be covered by current legislation and others were covered by existing legislation which should not be duplicated in the Statement of Licensing policy.

RESOLVED

That the Committee recommend to Council the amended statement of Licensing Policy for approval.

A copy of the Havering Draft Statement of Licensing Policy is on display in the Members' Resources Room.

6. LICENSING UPDATE

The Committee received the following updates:

- Licensing fees. That the service was still awaiting the publishing of the responses to the 'Rebalancing the Licensing Act' consultation which was expected in December when the Police Reform and Social Responsibility Bill would also be published. It was proposed in the consultation that fees should be set on a cost recovery basis rather than being set by central government as currently. Other licensing matters would be covered in the Bill but the details were not known at this stage.
- Mandatory conditions. That the final two mandatory conditions came into force on 1 October 2010 and imposed requirements on premises to have and adhere to an age verification policy and to make smaller alcohol measures available.
- Purple Flag scheme – This was an award scheme offered by the Association of Town Centre Management, which recognised excellence in place management in town & city centres at night, setting standards going forward for managing successful evening economies and benchmarking performance. The initiative aimed to improve perceptions of places, address imbalances in activities, retail offer and entertainment, tackle anti-social behaviour and encourage a diverse evening offer; providing significant recognition for Councils and partnerships who delivered key services associated with the night-time economy.

The Committee **NOTED** the updates.

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CHAIRMAN

Date:

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Licensing COMMITTEE

REPORT

31 March 2011

Subject Heading:

Approval to consult on the proposal to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 and the draft Sex Establishment licensing policy.

CMT Lead:

Cynthia Griffin

Report Author and contact details:

Trudi Penman
Licensing and Health and Safety
Divisional Manager

Policy context:

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report seeks the authorisation of the Licensing committee to commence a consultation process on the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27

of the Policing and Crime Act 2009 and the draft sex establishment licensing policy.

RECOMMENDATION

The Licensing Committee notes the details of this report and agrees that there be consultation on (1) the proposal to adopt Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 and (2) the draft sex establishment licensing policy, which would assume that adoption of Schedule 3 is agreed.

REPORT DETAIL

1. The Policing and Crime Act 2009 (PCA09) creates a new category of sex establishment, i.e. the sexual entertainment venue. Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG (MP) A82] is amended by the PCA09 and provides for the adoption of the provisions contained in schedule 3 of this Act. This allows the 'appropriate authorities' to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010.
2. 'Sex establishments' are:
 - a sex cinema
 - a sex shop
 - a sex encounter establishment (but only where the London Borough has so resolved)
 - a hostess bar (but only where the London Borough has so resolved)
 - a sexual entertainment venue
3. A sexual entertainment venue is defined as follows:

LG (MPA) 82 Schedule 3

"2A "sexual entertainment venue" means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph "relevant entertainment" means—

(a) any live performance; or

(b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)."

LB Havering had resolved on 13th October 1982 to adopt the previous provisions of Schedule 3 which included regulation of sex encounter establishments and hostess bars. These will continue to apply until the new Schedule 3 is adopted.

A sex encounter establishment is a premise which provides performances wholly or mainly for the sexual stimulation of customers, services or entertainment involving the exposure of private parts and premises displaying images stimulating sexual activity, e.g. lap dancing club.

4. There is no requirement on a Local Authority to adopt the amendments to Schedule 3, but if Havering decides not to do so then the existing policy under the unamended Schedule 3 will continue to apply. This means that adult entertainment including lap dancing may be licensed under the Licensing Act 2003 as a category of “music and dancing”. A premises licence under the Licensing Act 2003 has no expiry date compared to a licence under the LG (MP) A82 which is valid for one if a Local Authority considers that the legislation should be adopted then it should construct a policy to address such issues. Such a policy should:

- include the Local Authority’s approach to such matters
- guide and reassure the public and other public authorities
- ensure transparency
- ensure consistency
- guide and focus its committees
- relate grounds for a refusal of a licence
- define conditions
- define procedures

Please see attached draft Sex Establishment Policy. Appendix 1.

5. Once schedule 3 has been adopted the LG (MP) A82 will prohibit anyone from using any premises as a sex establishment unless they have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose.
6. Schedule 3 LG (MP) A82 provides an exclusion to the operation of this Act for premises licensed under the Licensing Act 2003 [LA03] for regulated entertainment or late night refreshment; however, in London, this exemption is to be removed and replaced by an amendment to the LA03 to the effect that relevant entertainment for the purposes of schedule 3 of LG (MP) A82 is not regulated entertainment for the purposes of LA03. Premises
7. The London Borough of Havering would need to pass a fresh resolution to adopt the amended LG (MP) A82 and specify the day on which the provisions are to come into force (this day can be no earlier than one month after the date of resolution). The Local Authority must then publish

a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into force.

8. The Local Authority has a duty to consult 'local people' in relation to whether the Local Authority should make such a resolution under Para 4 Schedule 3 Policing and Crime Act 2009 'Local people' has a wide geographical meaning in this instance and relates to persons who live or work in the area of the Local Authority. It is proposed to have a ten week consultation ending on the 10th June 2011.
9. If the Local Authority is going to consult on the issue of whether it adopts the amended version of Schedule 3 LG (MP) A82 it is also prudent to consult at the same time on the content of the draft policy as this will inform the decision as to whether the Authority should adopt the amended Schedule and will afford those interested to comment on the proposed policy at the same time.
10. A license is not required for the sale or supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

Reasons for the decision

11. If the Council wants to control the number of sex establishments in this Borough they must consult before deciding to adopt schedule 3.

Financial Implications and risks:

12. There are no specific financial implications in consulting on the adoption of Schedule 3, as it will be done via the website and mainly electronically.

Currently, there are no sex establishments within the Borough.

Currently, and without the adoption of schedule 3, should such an establishment be licensed, that license would be covered by the Licensing Act, fees for which are set by government. At the moment, an average Licensing Act fee is c£250 application fee, plus an annual fee of c£180.

If Schedule 3 is adopted, then the Council can set sex establishment fees on cost recovery basis. The licence would be valid for one year and the fee, which has been based on estimated costs, would be £8,000 from April 2011.

Legal Implications and risks:

13. The Authority should consult as set out at paragraph 9 above. Any consultation must be meaningful in that it must give those consulted enough information and enough time to comment and it must be prior to any final decision making.

Provided the consultation meets these criteria the risks of any legal challenge over the consultation process should be minimised.

Otherwise the applicable legal provisions are more fully described in the detail of the report.

Human Resources Implications and risks:

14. There are no direct human resources implications to this report

Equalities and Social Inclusion Implications and risks:

15. An equality impact assessment will be carried out during the period of the consultation and the results will be reported to Council before the Council makes a final determination.

Background Papers List

Draft Sex Establishment policy

Consultation questions.

1982 Council Minute adopting Schedule 3



Haverling

LONDON BOROUGH

Draft Sex Establishment policy

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1. Introduction

- 1.1 This document sets out the London Borough of Havering's draft policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.
- 1.2 This document relates to applications for sex establishment licences covering:
 - Sex entertainment venues
 - Sex cinemas

The LBH is currently consulting on the proposal to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the section 27 of the Policing and Crime Act 2009. If following this consultation the Council decides to adopt the schedule this policy will apply from the adoption date proposed to be 1st September 2011.

- 1.3 The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patron, employees, residents and communities. Please refer to paragraph 5 for more details.
- 1.4 The procedure sets out:
 - The process for making an application, and
 - The process the Council will follow in considering and determining an application for a sex establishment.

2. Review and Consultation

2.1 In developing the policy for the three kinds of sex establishment (sex shop, sex cinema, and sex entertainment venue); the Council has had regard to Schedule 3 of the local Government (Miscellaneous Provision) Act 1982, as provided due under the Policing and Crime Act 2009. The draft policy was approved for consultation by the Licensing Committee on the xxxx xxxx 2011. It is subject to change dependent upon any relevant government guidance and secondary legislation that may be issued.

2.2 The Council recognises the important role that regulatory authorities, the licensed trade, residents, businesses and other stakeholders have to play in influencing this policy. It therefore intends to take a wide range of views on the policy as part of its consultation which takes place over a ten week period before finalising and publishing the policy if the Council decides to adopt the amended Schedule 3 following the consultation. Any frivolous comments received will not be considered.

2.3 Consultation on this policy will take place with:

The Chief Officer of Police for the London Borough of Havering

One or more persons who appear to the authority to represent the interests of persons carrying on sex establishment businesses in the authority's area and

One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by or otherwise have interest in the policy. This includes but is not limited to:

- Regulatory authorities such as the fire authority, trading standards, community safety and child protection.
- Interested parties such as residents associations and trade associations
- Councillors
- Residents via the Council website

2.4 The licensing authority will give due weight to the views of those consulted and amend the Policy where appropriate following responses received. In determining what weight to give particular representations, the factors to be taken into account will include:

- The merits of any representation
- Who is making the representation(what is their expertise or interest)
- What their motivation may be for their views
- How many other people have expressed the same or similar views

- How far the representation relates to matters the Council should include in its Policy.
- 2.5 The full list of consultees, comments made and their consideration is available with the Licensing Committee report date xxx xxxx 2011
- 2.6 If the Local Authority adopts the amended Schedule 3 the final policy will be published via the LBH website www.havering.gov.uk. Hard copies will be available upon request from the Public Protection Service.
- 2.7.1 Should you have any comments regarding this policy please send them via email or letter to Licensing@havering.gov.uk

Licensing Team
Public Protection
Mercury House
Mercury Gardens
Romford
Essex
RM1 3SL

- 2.8 Once adopted, the Council may review the policy from time to time as it deems to be appropriate.

3. Definitions

The Act

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

The Policy

This refers to the (draft) sex establishment licensing policy.

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that each ward within the borough represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ward.

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

The Council

This means the London Borough of Havering

Display of nudity

This means:

- In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- In the case of a man: exposure of his pubic area, genitals or anus.

The Licensed Premises

This is a premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required for operating. Note that licences are not required for the sale, supply or demonstration of birth control items.

The Organiser

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Sex articles

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory function.

Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

4. Policy Consideration

- 1 The London Borough of Havering is a borough with an ancient history and an exciting future. Havering is one of the largest boroughs in Greater London, with a population of around 225,000 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.
- 2 The name 'Havering' devolves from the Royal Liberty of Havering, to which Edward IV granted a charter in 1465. Edward the Confessor was the first notable person to have a connection with the area. He occupied the royal house in the village of Havering atte Bower.
- 3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is a Museum in Romford town centre. Leisure facilities are second to none, with three leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map appendix 2

The Councils Vision

The Corporate Havering Sustainable Community Strategy 2008 provides information on the Council's aims and performance, effectively providing a means for the public to ascertain how the Council is performing. The Council's ambition for Havering is simply to provide our residents with the highest quality of life in London.

This "Living Ambition" is underpinned by five goals:

- Goal for environment: Ensuring a clean, safe and green borough.
- Goal for learning: Achieving excellence in education and learning.
- Goal for towns and communities: To provide opportunities for all from economic, social and cultural activity.
- Goal for value: To deliver high customer satisfaction and a stable Council tax and value for money from all sector service providers.
- Goal for individuals: To value and enhance the lives of every individual.

- 4.5 Licensing relates to a number of different aspects of the community strategy. Licensing in Havering will, as far as possible, embrace the vision and act to support its achievement.

4.6 The Community Safety strategy vision for Havering is to create a safe, welcoming, healthier and more prosperous place where people choose to live, work and visit.

4.7 The mission of the Havering Community strategy is to:

- Create a thriving successful and healthy community for all
- Make Havering an inclusive place in which to live, work and visit
- Create a dynamic, prosperous economy driven by a well educated and trained workforce
- Create a good quality of life in Havering for now and the future, through actions that contribute locally, nationally and internationally to sustainable development.

4.8 The Council aims to integrate this policy with the objectives of the Havering community strategy so that it contributes to achieving the vision of the borough. As such and with reference to appendix 1 , the provision of sex establishments is considered by this Council to contradict and undermine its stated aims. The Council's 'nil per ward policy' responds to this concern and in addition to the above is based on the following borough factors which justify this safeguarding regulatory step:

Ward profiles

Borough profile

Locations of:

Premises attracting vulnerable people such as GP surgeries and addiction centres

Areas and premises attracting families such as leisure and sport facilities and play spaces, parks and open spaces

Premises attracting young people such as schools, nurseries and other education establishments

Places of worship

4.9 It is the Council's view that having regard to each ward and recognising that because of the mix of uses, the character, the strategic vision and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in its wards. The association that sex establishments have with the part of the 'sex industry' and adult entertainment means that they are not suitable for location in those parts of the borough associated with commerce, family retail and entrepreneurship, nor are they appropriate for location in residential areas or areas frequented by families and children.

- 4.10 Working with our partners in Health, Education, the Police and the business and voluntary sectors, the Council will continue to ensure that it reasonably and proportionately reflects the needs of its local communities through:

Continued consultation will take place by responding to complaints and by reviewing the policy in 5 years.

The promotion of a consistent and fair approach to regulation

Consultation with the police and other agencies as appropriate, to establish protocols for effective enforcement.

- 4.11 The Council understands that the co-ordination and integration of policies, strategies and initiatives is important. This policy takes account of, and is supported by, other Council policies and relevant legislation mentioned below. Through partnership working, the Council will seek to secure the proper integration of its policy with other licensing policies, local crime prevention, planning, tourism, cultural strategies and any other plans introduced for the management of town centres and the night time economy.

- 4.12 This policy has therefore had regard to:

Havering Community Strategy

Havering's Enforcement Policy

Section 17 of the Crime and Disorder Act 1998

The Human Rights Act 1998

The Disability Discrimination Act 1995

Havering's Statement of Licensing Policy (Licensing Act 2003)

Havering's Statement of Principles (Gambling Act 2005)

5. General Policy

Principles to be applied

5.1 Specific mandatory grounds for refusal of all licence are set out in the Act.

A licence cannot be granted:

- i. to anyone under 18 years of age
- ii. to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- iii. to someone who has been refused a new or renewal of a licence within the last 12months (from the date of making the application)
- iv. to an individual who is not resident in the United Kingdom or has not been resident for 6 months prior to the making of an application
- v. to a company not incorporated in the United Kingdom

5.2 The Council has determined that the following principles will apply

5.3 The Council has set a limit on the number of sex establishments that it thinks is appropriate for its relevant localities. The Council treats each ward in the borough as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments for each ward is as follows:

Wards	Appropriate number
Brooklands	0
Cranham	0
Elm Park	0
Emerson park	0
Gooshays	0
Hacton	0
Harold Wood	0
Havering Park	0
Heaton	0
Hylands	0
Mawneys	0
Petitts	0
Rainham and Wennington	0
Romford Town	0
St Andrews	0
South Hornchurch	0
Squirrels Heath	0
Upminster	0

- 5.4 There is no right of appeal against a decision based on this element of the Policy

Other Considerations

General

- 5.5 Every application will be considered on its merits on a case by case basis in determining applications to grant, refuse, renew, transfer or vary a licence.
- 5.6 The applicant must effectively address the policies on the appropriate number and the character of the relevant locality/ward in order for any grant of an application to be considered.
- 5.7 Sex establishments are not to be functionally visible to passers by on retail thoroughfares or pedestrian routes.
- 5.8 The Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Police
- Fire Brigade
- Planning
- Environmental Health
- Community Safety
- Licensing Authority
- Children Services
- Interested parties (local residents/businesses)
- Any representations made by the applicant.

New Applications

5.9 The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (please refer to paragraph 5.3)
- d) the grant or renewal of a licence would be inappropriate having regard to: the character or the relevant locality

The use to which any premises in the vicinity are put; or

The layout, character or condition of the premises, vehicle, vessel, all in respect of which the application is made.

5.10 The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licenced premises is such that granting a licence is considered inappropriate.

5.11 The Council shall not normally grant a licence to operate as a sex establishment where there are residentially occupied premises, schools (including nursery groups) and other places/access routes used to a significant degree by children or young persons, or places of worship within 100 metres of the premises seeking a licence.

5.12 The Council may also have regard to the following factors:

- The proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons.
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises
- The proximity to shopping centres
- The proximity to community facilities/ halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The potential impact of the licensed activity on crime and disorder and public nuisance

- The potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated
- The nature and concerns of any objections received from residents/establishments objecting to the licence application
- Any evidence of complaints about noise and/or disturbance caused by the premises
- Current planning permission/planning requirements on the premises
- Any current planning policy considerations
- Proximity of other sex establishments
- Whether there is planned regeneration of the area
- Any current licensing permissions related to the premises in relation to activities, uses and hours
- Comments /observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- The suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:
 - a) Previous knowledge and experience of the applicant
 - b) Any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other borough
 - c) Any report about the applicant and management of the premises received from objectors or the police and any criminal convictions or cautions of the applicant
 - d) Any other relevant reason.

5.13 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.

5.14 All applications for new licences for sex establishments, as described in the act shall be referred to the Licensing Sub committee for decision.

Renewal Applications

5.15 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

- 5.16 When considering a renewal application the Council may take into account the criteria set out at paragraph 5.11, and:
- The type of activity to which the application relates
 - The duration of the proposed licence
 - The days and hours of the operation of the activity
 - The layout and condition of the premises
 - The use to which other premises in the vicinity are put
 - The character of the locality in which the proposed premises are situated
 - The levels of crime and disorder in the area
 - Past demonstrable adverse impact from the activity
 - Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts
- 5.17 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 5.18 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the Licensing Subcommittee for decision.

Variation Applications

- 5.19 Where an application is made to vary any of the terms and conditions on an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 5.11 and 5.15.

6. The Application Process

Making an Application

- 6.1 Any application should be made in writing to the Licensing team. The service is open from 9.00 am to 17.00 Monday to Friday. The service contact number is 01708 432777. Please note that applications may take 8-12 weeks to determine.
- 6.2 Applicants for a licence must complete and return the application form (which can be provided on request from the licensing team) together with:
- Five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - Five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - Five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - Five sets of plans (scale 1;50) showing the layout of the sex establishment;
 - The correct fee as set by the Council's Licensing Committee
- 6.3 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. Notices are available from the Licensing team and on the website. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.
- 6.4 Applicants are also required to place a public notice in a local paper with a wide distribution in Havering at their expense. A specimen advertisement is available from the Licensing Service and on the website. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 6.5 Officers from Building control and the Fire Authority will inspect the premises to ensure that the required technical standards are met. If works are required to bring the building up to standard, than applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.

- 6.6 As part of the established procedure for dealing with applications, noise officers are consulted. If there is the possibility of noise nuisance for example from amplified music. These officers may also carry out an inspection and recommend noise insulation work. Any requirements they identify must be complied with at all times any licence is in force.
- 6.7 Comments on applications are also sought from Councillors, the Police, the Head of Planning and any other relevant person as deemed appropriate by the Council.
- 6.8 Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (e.g. Town and country Planning Act 1990) or byelaws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with this.

Renewal of Licences

- 6.12 To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence so the licence can run concurrently.
- 6.13 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Variation of Licence

- 6.14.1 The application form, with relevant plans and fee should be sent to the Licensing team. Please note that applications for variation of the licence are also subject to the site and newspaper notice requirements set out in the above paragraphs 6.3 and 6.4.
- 6.13 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.
- 6.14 All Variation applications for sex establishment licences must be referred to the Council's Licensing Sub-committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of licence

- 6.15 The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations on an Application

- 6.16 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the licensing team setting out the ground of objection.
- 6.17 The Council will consider the interests of the applicant and those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 6.18 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Sub Committee.

- 6.19 However, the ground of any objection made on the application must be provided to the applicant prior to the determination of the application. The report to the Licensing subcommittee may have the full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 6.20 Additionally, the applicant and any persons who have made representations and who wish to attend the hearing will have the opportunity to address the licensing subcommittee before the application is determined.

7. Duration of Licence

- 7.1 Sex establishment licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.

8. Appeals

8.1 There is no right of appeal:

- Against refusal of licence on the grounds set out in paragraph 5.1 or 5.3 above, unless an applicant can prove the appropriate ground of refusal does not apply to them
- Where refusal of licence is based on the grounds set out in paragraph 5.9 (c) and (d) above
- against conditions applied to a licence

8.2 Any appeal to the Magistrates Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

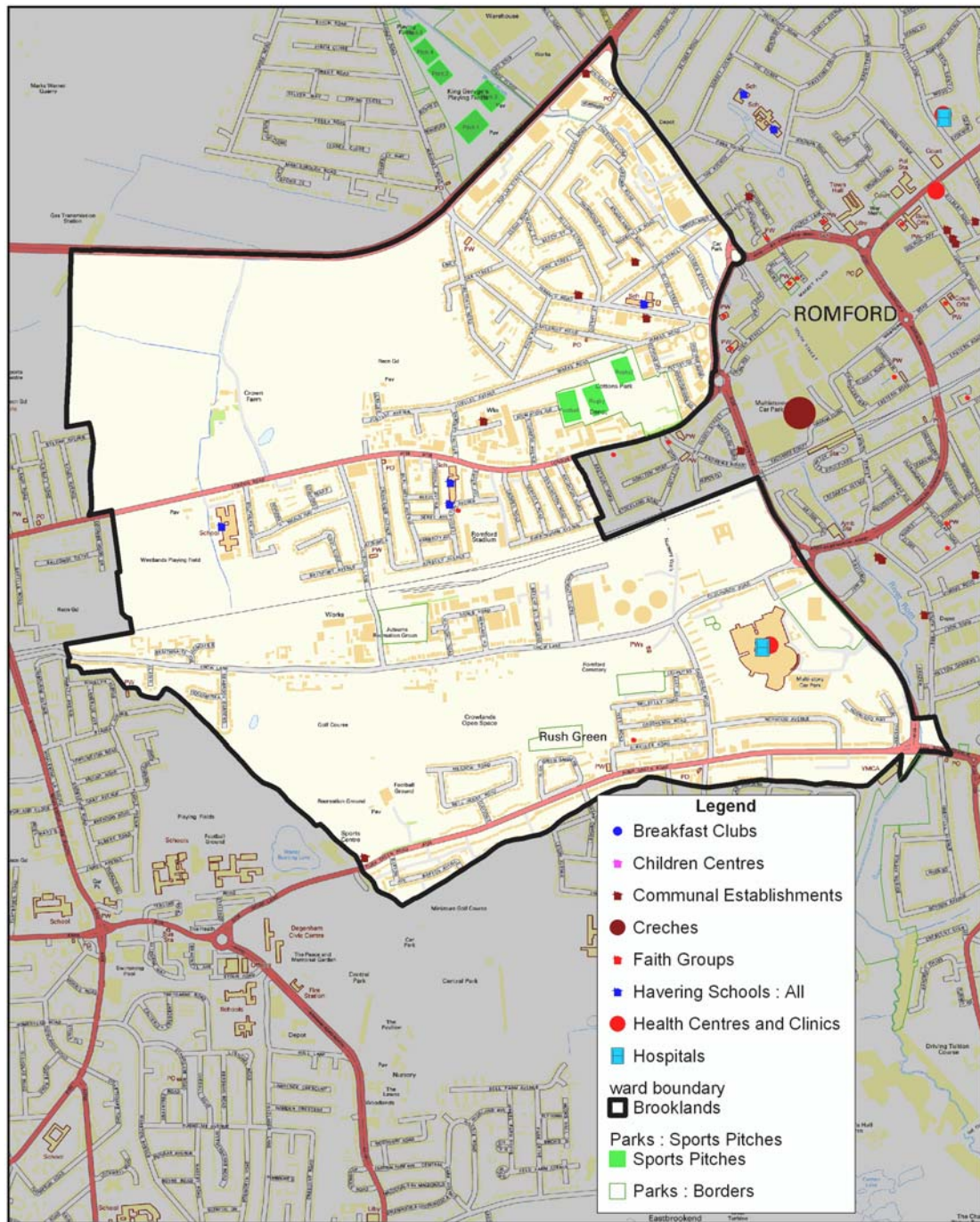
8.3 Where an appeal is lodged (other than on grounds stated at paragraph 8.1) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

Appendix 1

Character and Locality Maps by Ward

Sex Establishment Licensing Policy Ward Report

Brooklands



Brooklands Map Reference: TQ5087

Scale @ A4 1:16000
Date: 12/11/2010
Scale
0 150 300 450 600 750 m

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 Romford, RM1 3BD
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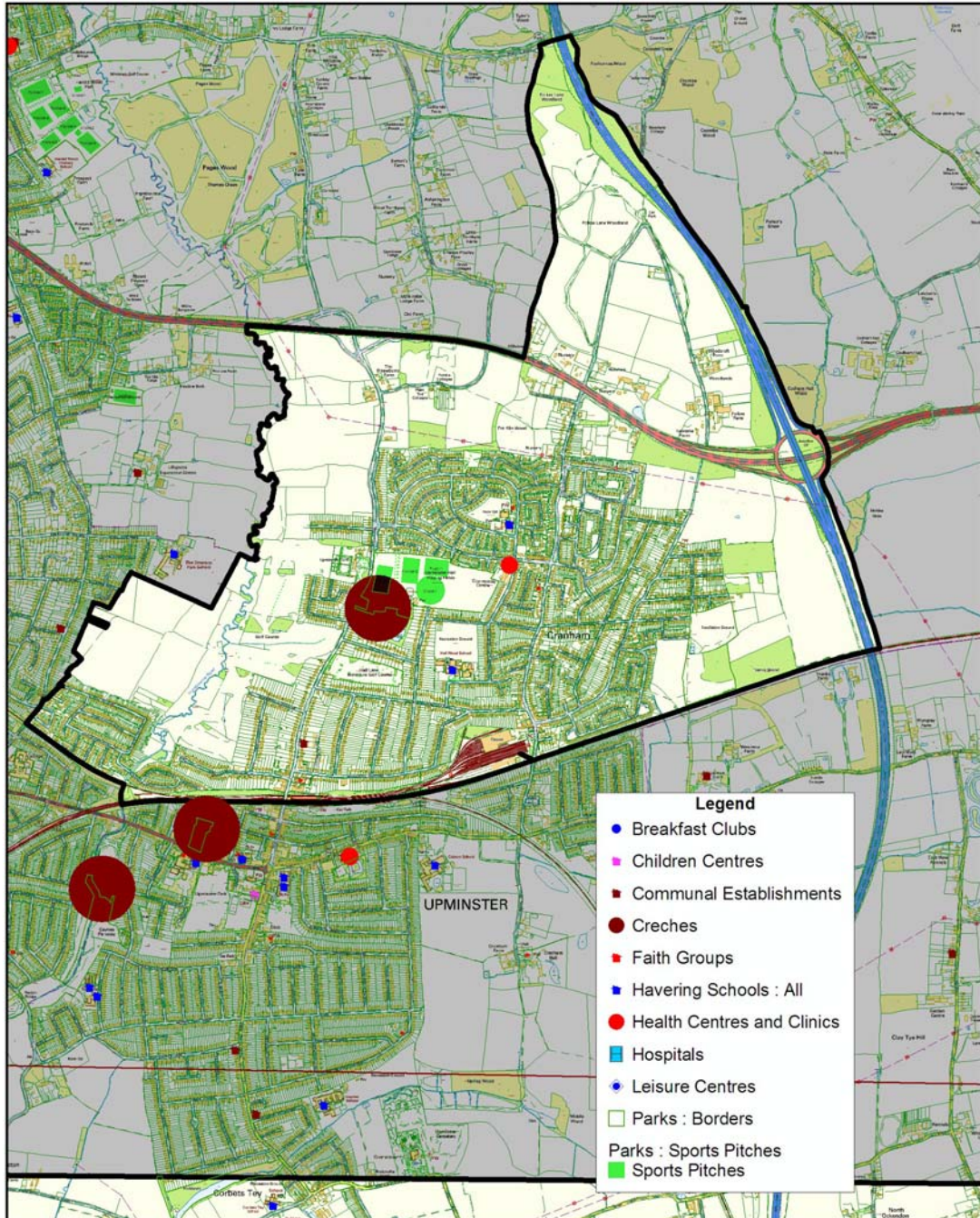
Brooklands ward contains a population of 13,602 which equates to approximately 6% of Havering's residents. 21% of Brooklands' population is young people while 16% is older people. 36% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,352 households.

The ward contains:

- two primary schools and one secondary school
- twenty-two communal establishments
- two faith group premises
- one health centre/clinic
- one hospital
- one leisure centre
- three parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Cranham



Cranham		Map Reference: TQ5787	↑ N
	Scale @ A4 1:23000 Date: 16/11/2010	Scale 0 200 400 600 800 1000 m	
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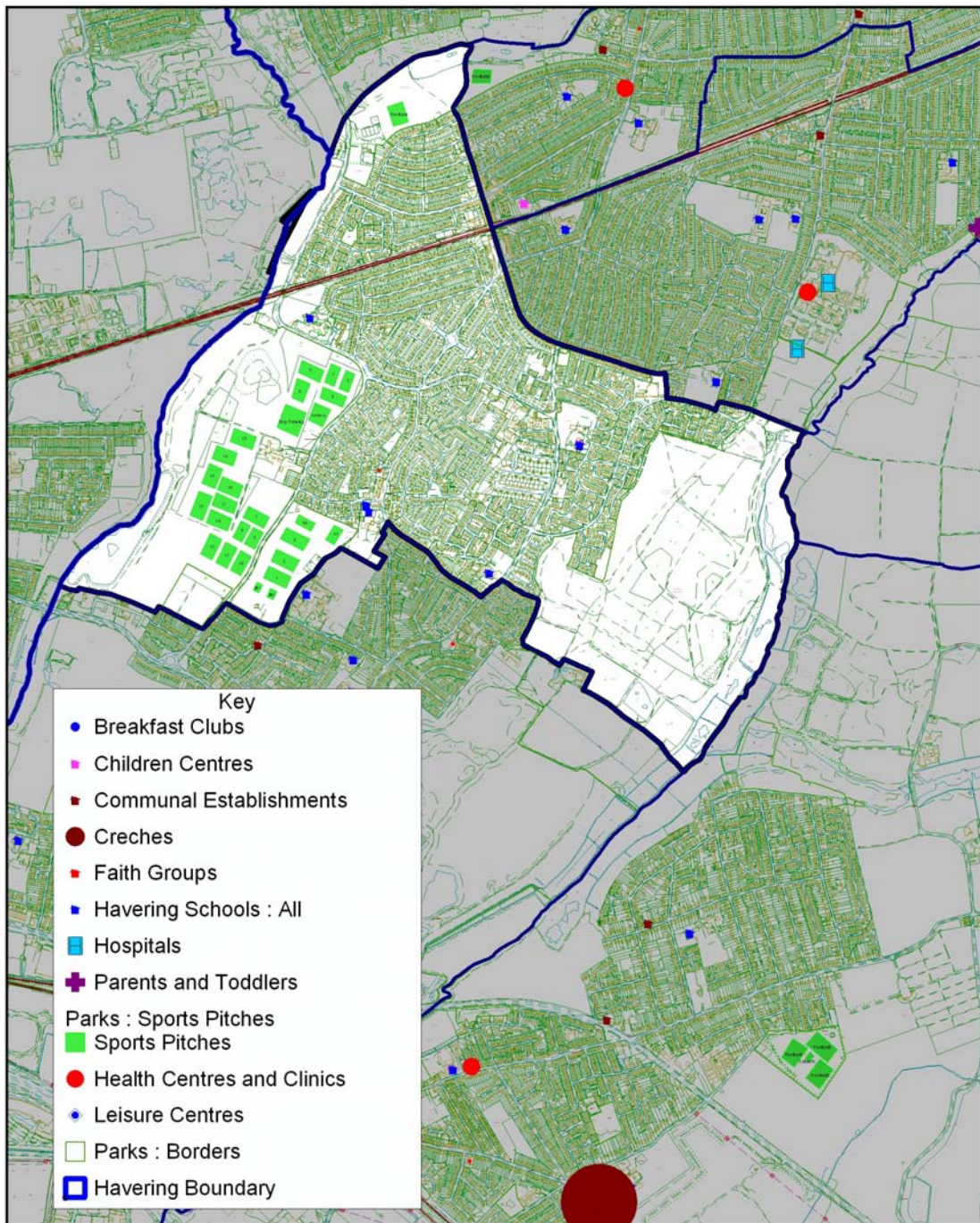
Cranham ward contains a population of 12,458 which equates to approximately 5% of Havering's residents. 17% of Cranham's population is young people while 27% is older people. 42% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy 5,117 households.

The ward contains:

- one communal establishment
- three faith group premises
- one primary school and one secondary school
- one health centre/clinic
- one parent/toddler group
- two leisure centres
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Elm Park



Elm Park

Map Reference: TQ5284

	Scale @ A4 1:20000 Date: 06/01/2011	Scale 0 200 400 600 800 1000 m
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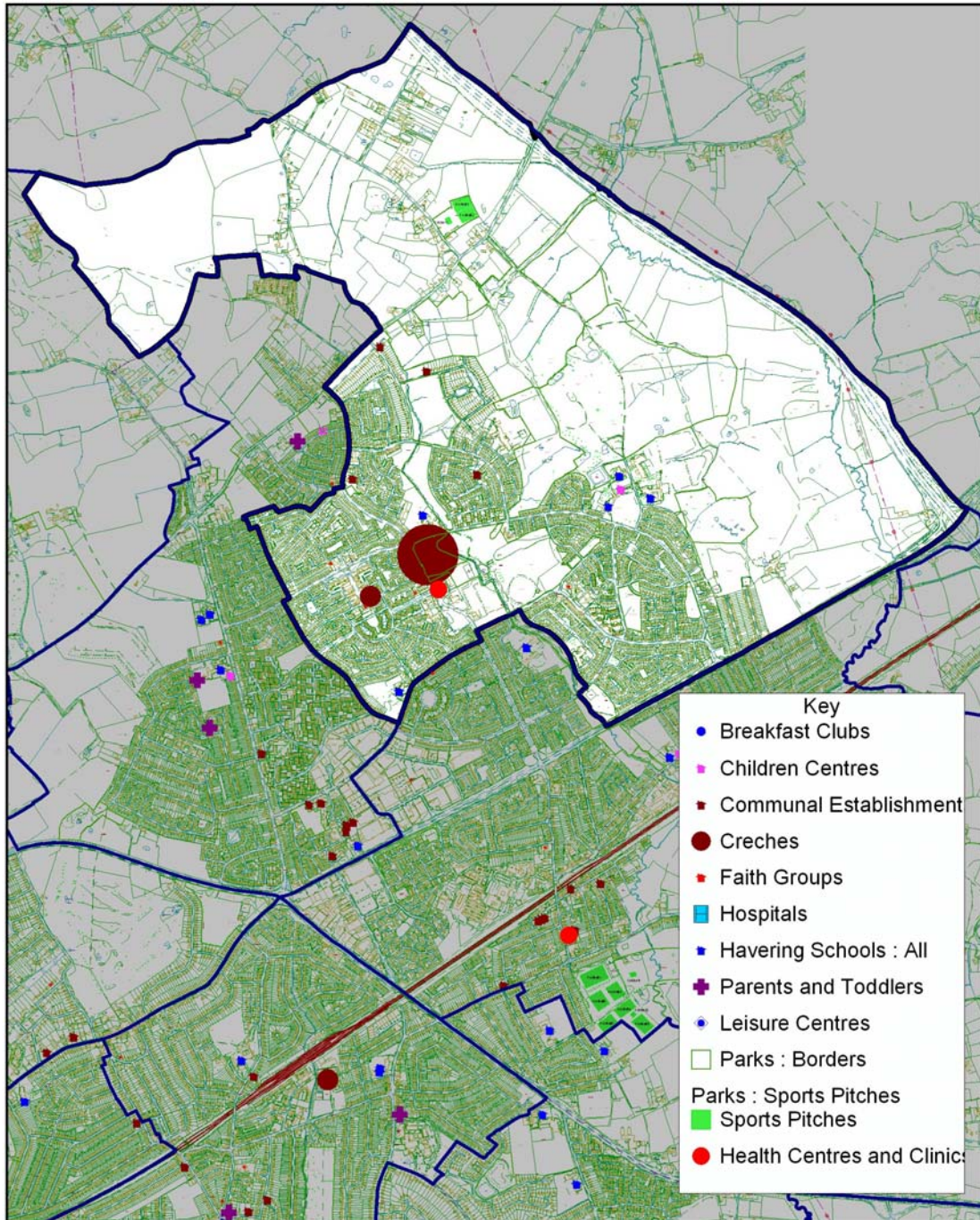
Elm Park ward contains a population of 12,207 which equates to approximately 5% of Havering's residents. 19% of Elm Park's population is young people while 23% is older people. 40% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 4,946 households.

The ward contains:

- one children's centre
- one faith group premises
- seven parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Gooshays



Gooshays

Map Reference: TQ5491

Scale @ A4 1:25000
Date: 06/01/2011

Scale
0 250 500 750 1000 1250 m

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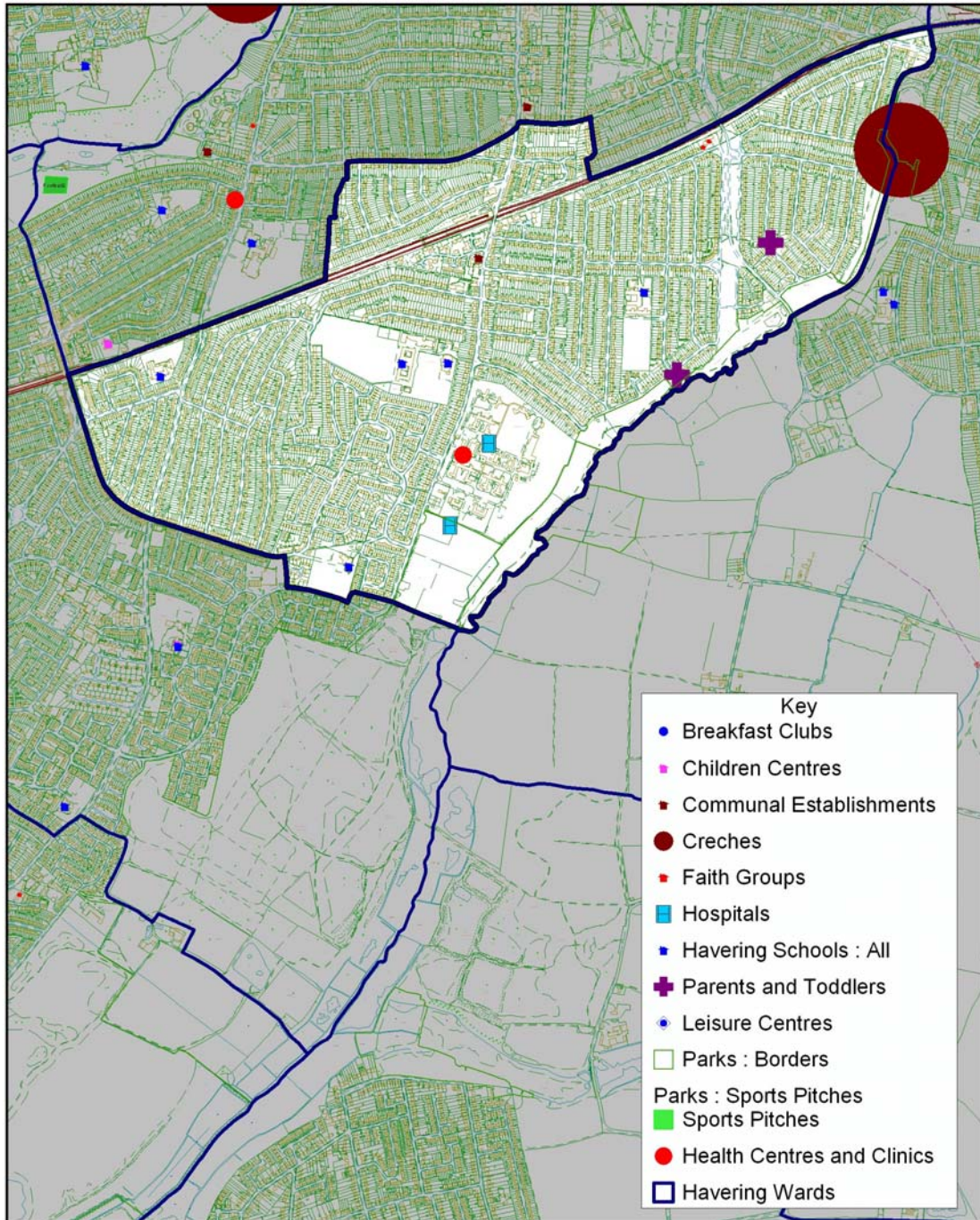
Gooshays ward contains a population of 14,237 which equates to approximately 6% of Havering's residents. 23% of Gooshays' population is young people while 17% is older people. 27% of the ward's residents are married, of which 15% have dependent children. The population of the ward occupy 5,916 households.

The ward contains:

- two children's centres
- seven communal establishments
- one crèche
- one infant school, one junior school, two primary schools, one secondary school, one special school and one independent school
- nine faith group premises
- one health centre/clinic
- one leisure centre
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Hacton



Hacton

Map Reference: TQ5384

Scale @ A4 1:16000
Date: 06/01/2011

Scale
0 150 300 450 600 750 m

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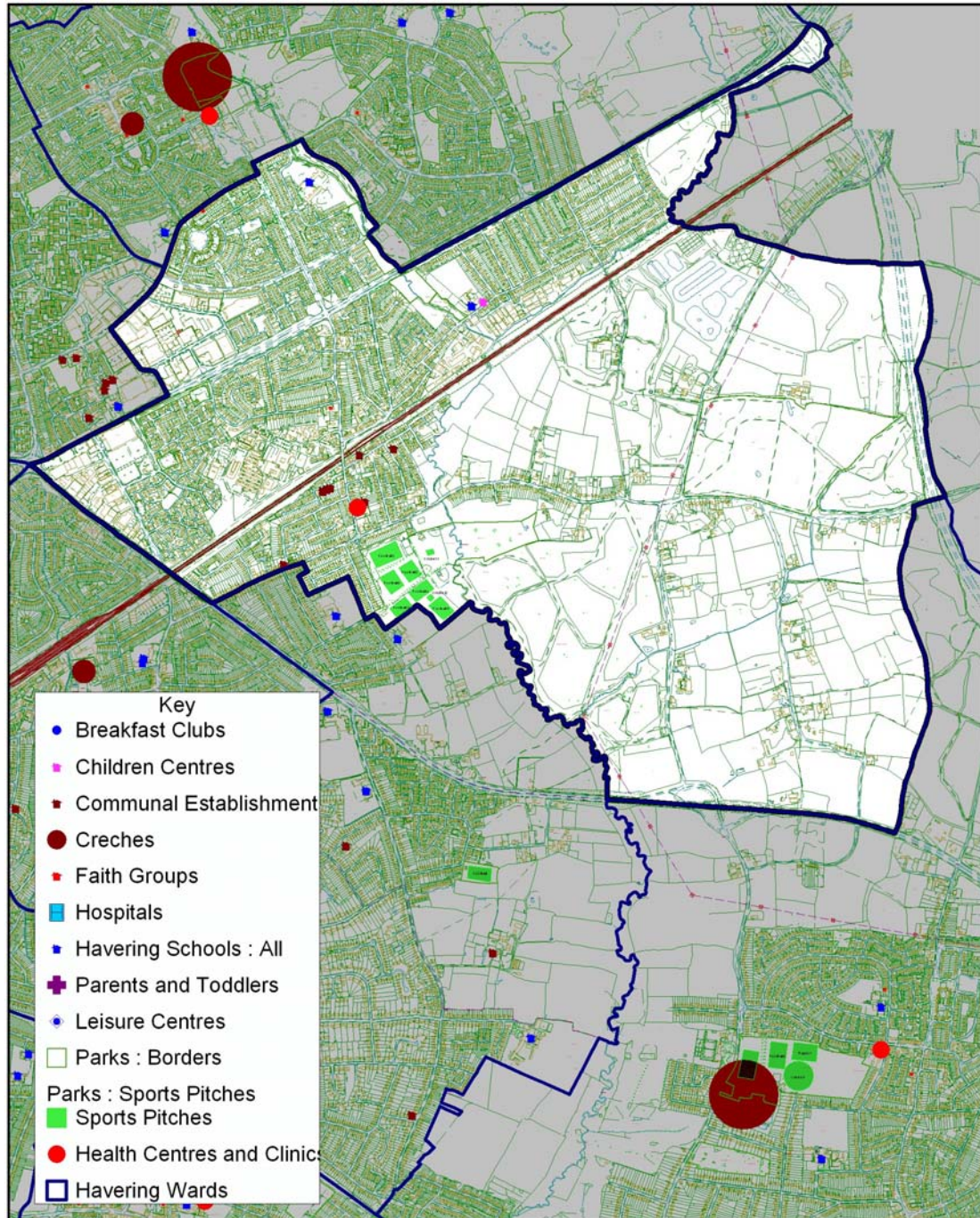
Hacton ward contains a population of 12,547 which equates to approximately 5% of Havering's residents. 17% of Hacton's population is young people while 23% is older people. 45% of the ward's residents are married, of which 23% have dependent children. The population of the ward occupy 4,836 households.

The ward contains:

- two children's centres
- eight communal establishments
- one crèche
- two primary schools and one secondary school
- thirteen faith group premises
- two health centres/clinics
- two hospitals
- two parent/toddler groups
- two leisure centres
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Harold Wood



Harold Wood Map Reference: TQ5589

Scale @ A4 1:22000
Scale
0 200 400 600 800 1000 m
Date: 06/01/2011

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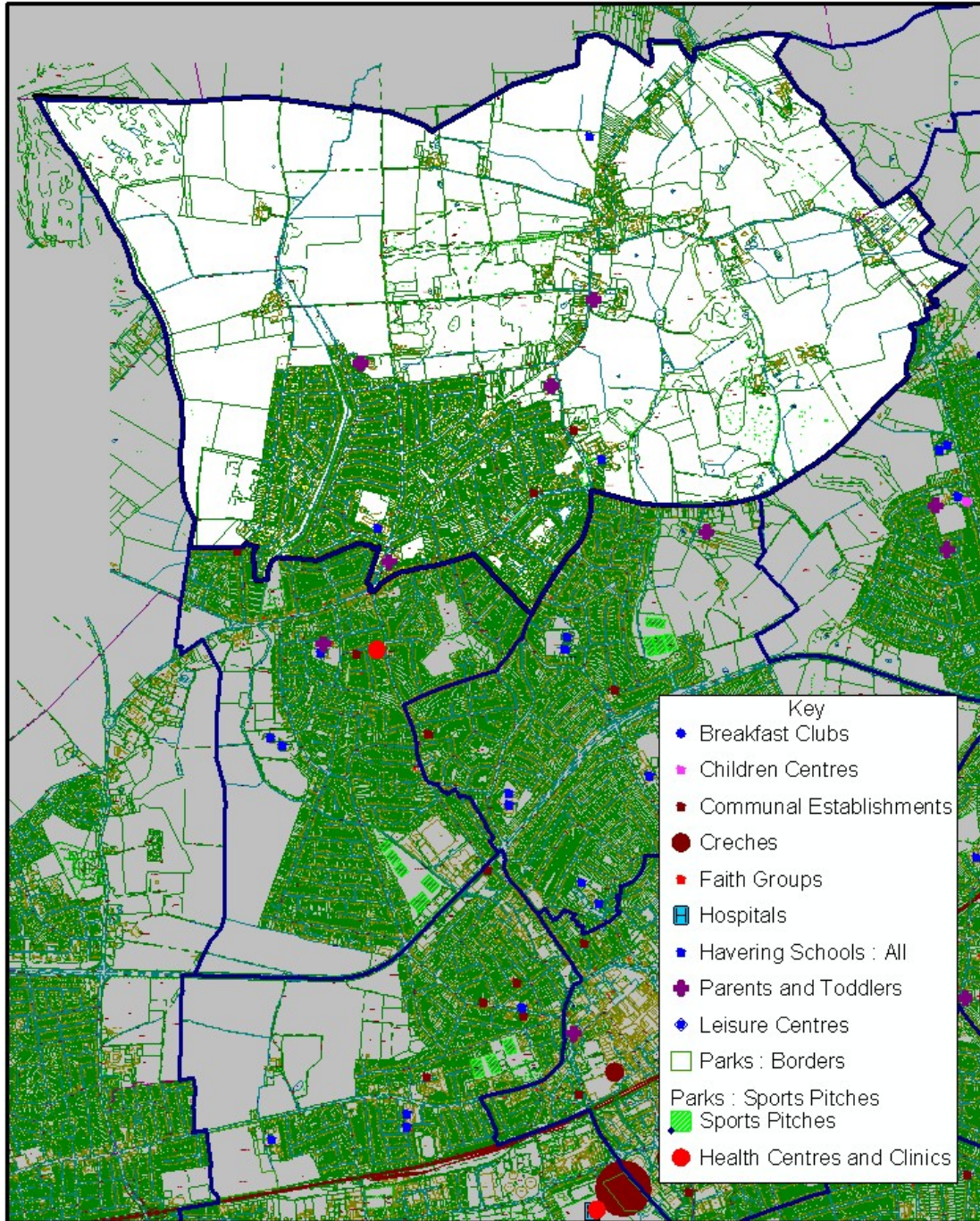
Harold Wood ward contains a population of 12,443 which equates to approximately 5% of Havering's residents. 18% of Harold Wood's population is young people while 20% is older people. 36% of the ward's residents are married, of which 17% have dependent children. The population of the ward occupy 5,199 households.

The ward contains:

- one children's centre
- three primary schools and one secondary school
- seven communal establishments
- two faith group premises
- one health centre/clinic
- eight parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Havering Park



Havering Park		Map Reference: TQ5091	↑ N
		Scale @ A4 1:27000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
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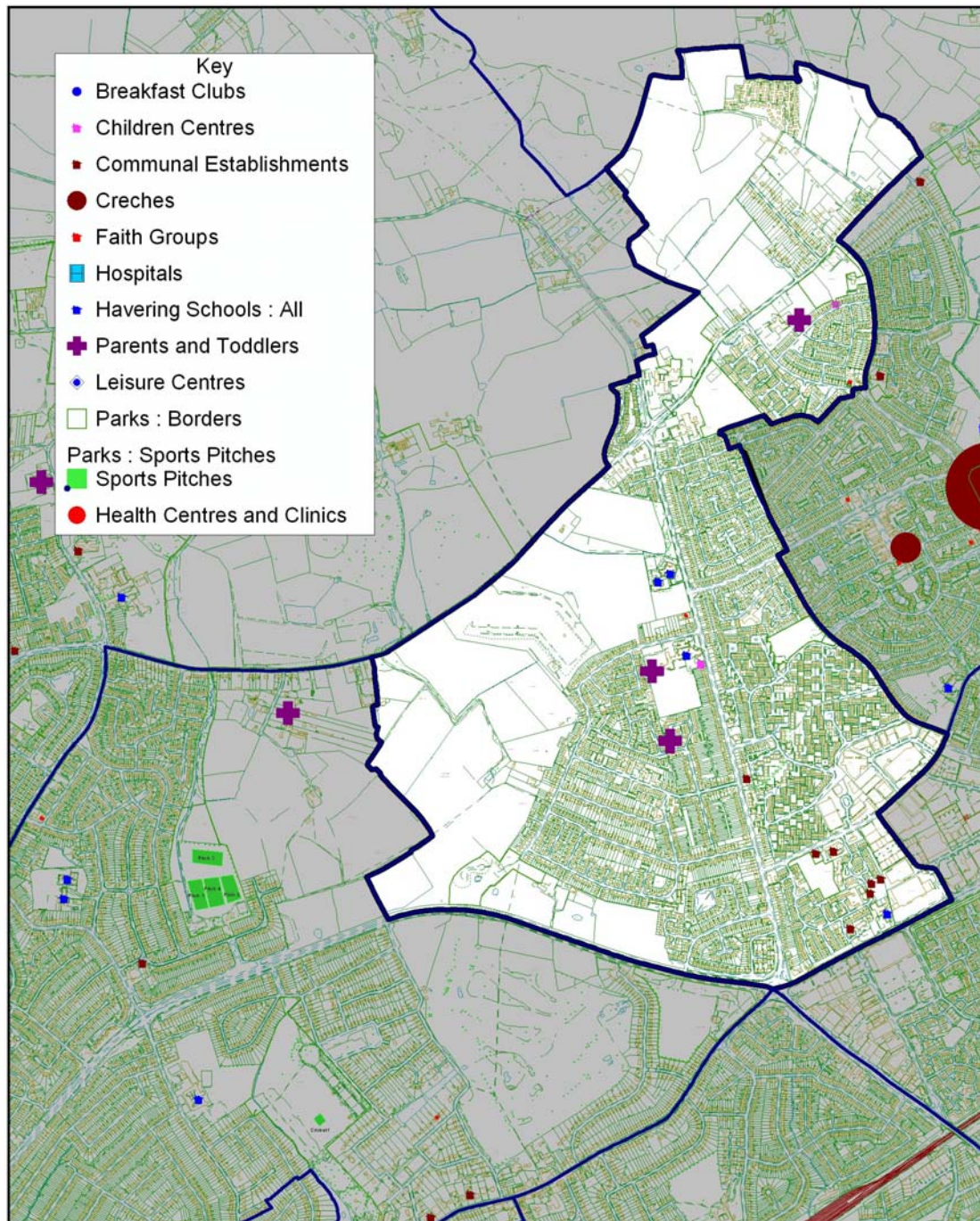
Havering Park ward contains a population of 12,454 which equates to approximately 5% of Havering's residents. 21% of Havering Park's population is young people while 20% is older people. 41% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy 4,819 households.

The ward contains:

- two children's centres
- three primary schools, one secondary school and one independent school
- two communal establishments
- three faith group premises
- five parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Heaton



Heaton

Map Reference: TQ5291

	Scale @ A4 1:17000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m
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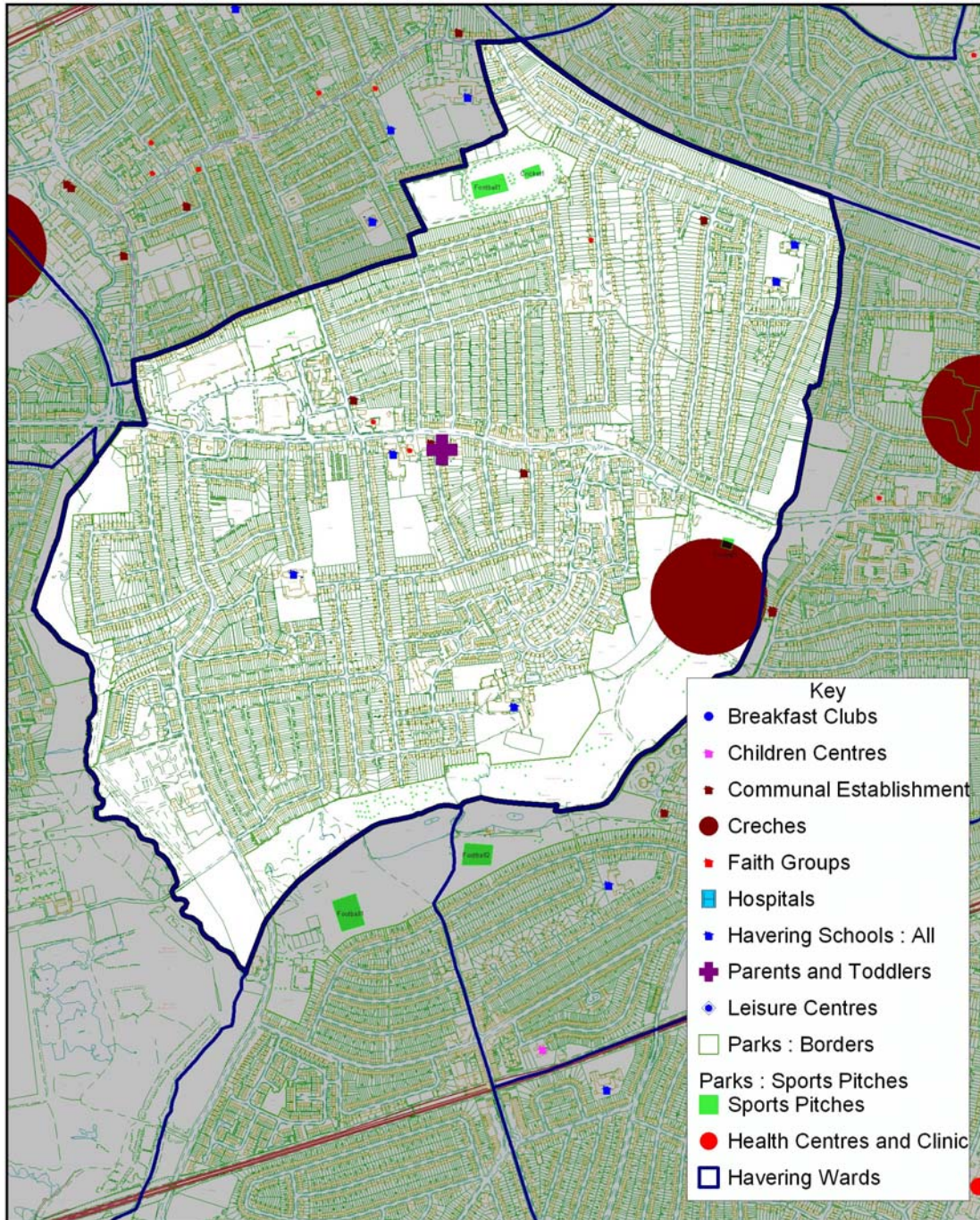
Heaton ward contains a population of 12,086 which equates to approximately 5% of Havering's residents. 21% of Heaton's population is young people while 20% is older people. 31% of the ward's residents are married, of which 13% have dependent children. The population of the ward occupy 5,150 households.

The ward contains:

- one breakfast club
- one primary school, one junior school, one infant school and one special school
- eight communal establishments
- three faith group premises
- three parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Hylands



Hylands

Map Reference: TQ5286

	Scale @ A4 1:13000 Date: 06/01/2011	Scale 0 125 250 375 500 625 m
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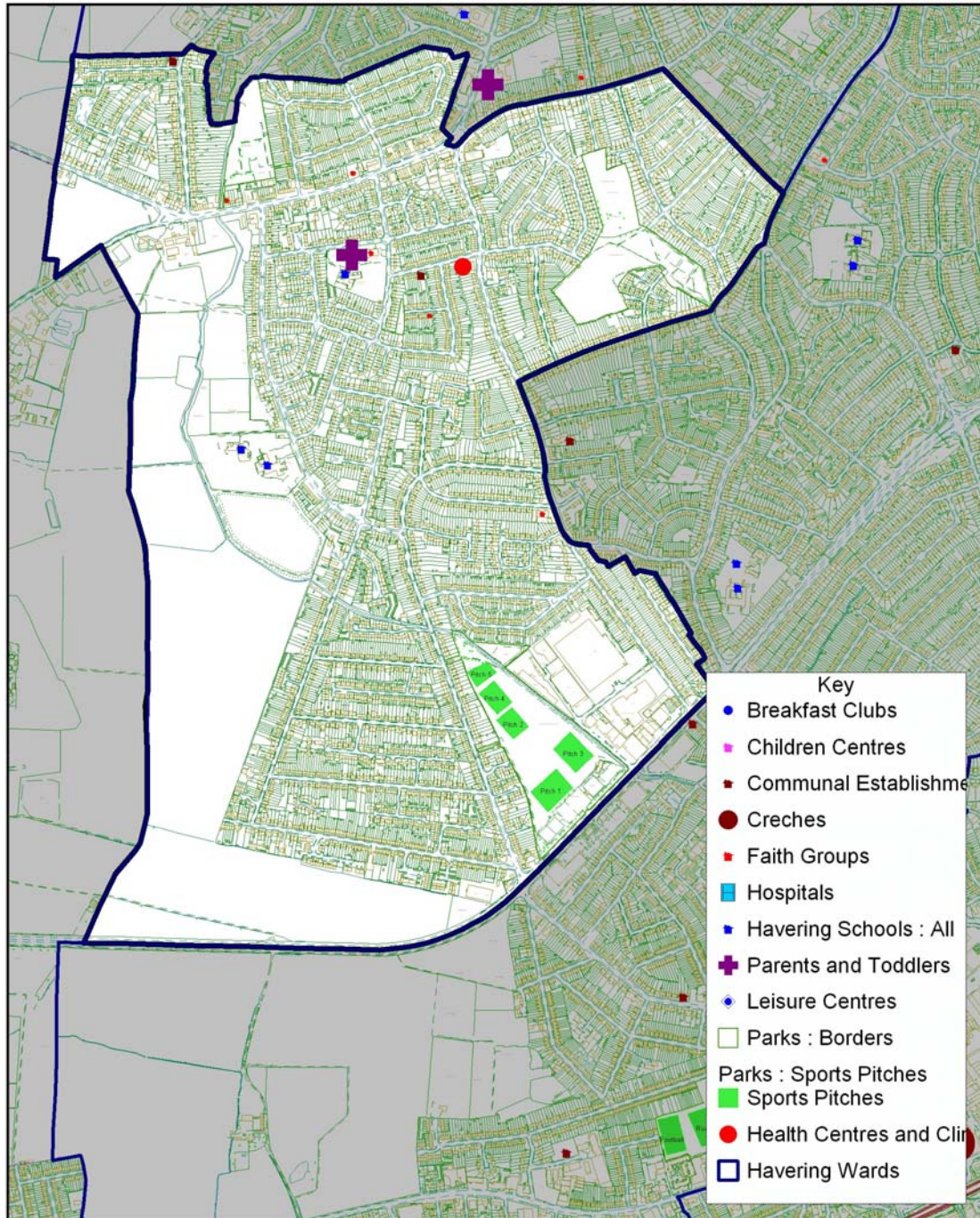
Hylands ward contains a population of 12,885 which equates to approximately 5.6% of Havering's residents. 19% of Hylands' population is young people while 18% is older people. 48% of the ward's residents are married, of which 25% have dependent children. The population of the ward occupy 4,750 households.

The ward contains:

- two breakfast clubs
- two primary schools, one junior school, one infant school and one secondary school
- twelve communal establishments
- three faith group premises
- one parent/toddler group
- one leisure centre
- two parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Mawneys



Mawneys Map Reference: TQ5089

Scale @ A4 1:13000
Scale

Date: 06/01/2011
0 125 250 375 500 625 m

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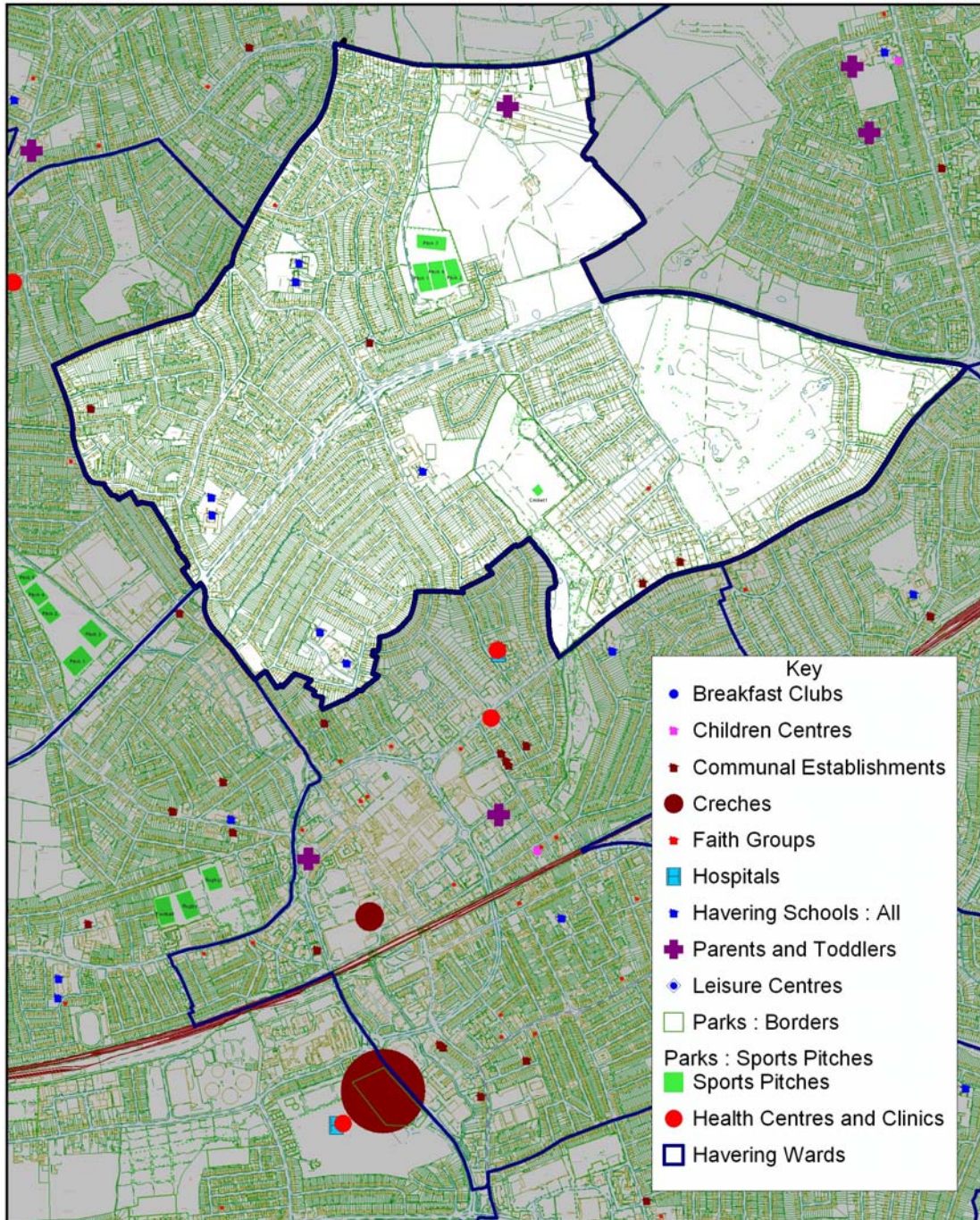
Mawneys ward contains a population of 12,380 which equates to approximately 5% of Havering's residents. 20% of Mawneys' population is young people while 21% is older people. 31% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,186 households.

The ward contains:

- two primary schools, one infant school and one junior school
- two communal establishments
- five faith group premises
- one health centre/clinic
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Pettits



Pettits Map Reference: TQ5189

Scale @ A4 1:18000
Scale

Date: 06/01/2011
0 150 300 450 600 750 m

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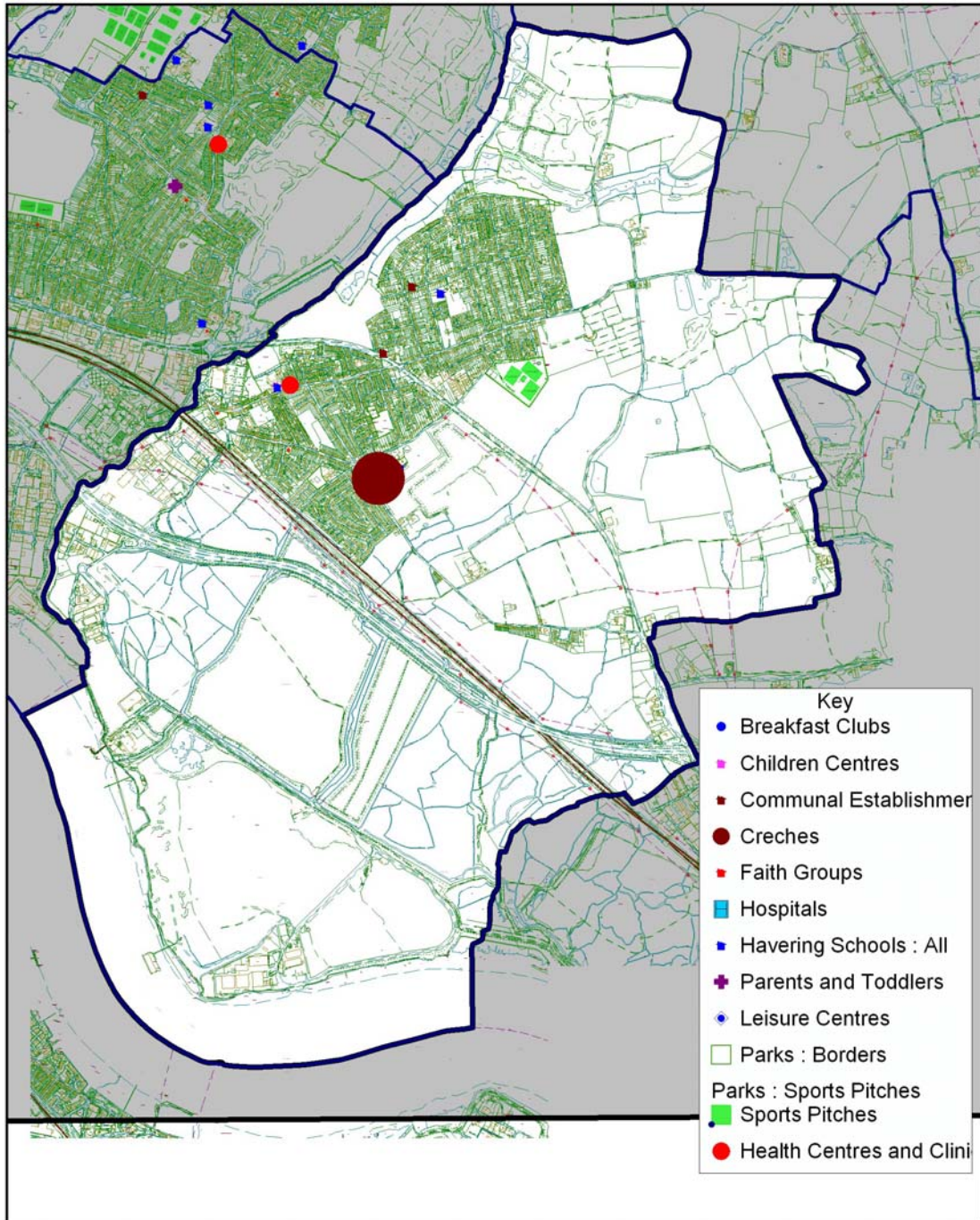
Pettits ward contains a population of 12,781 which equates to approximately 5.5% of Havering's residents. 19% of Pettits' population is young people while 23% is older people. 47% of the ward's residents are married, of which 23% have dependent children. The population of the ward occupy 4,981 households.

The ward contains:

- two primary schools, two junior schools, two infant schools and one secondary school
- four communal establishments
- two faith group premises
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Rainham & Wennington



Rainham & Wennington

Map Reference: TQ5381

	Scale @ A4 1:29000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
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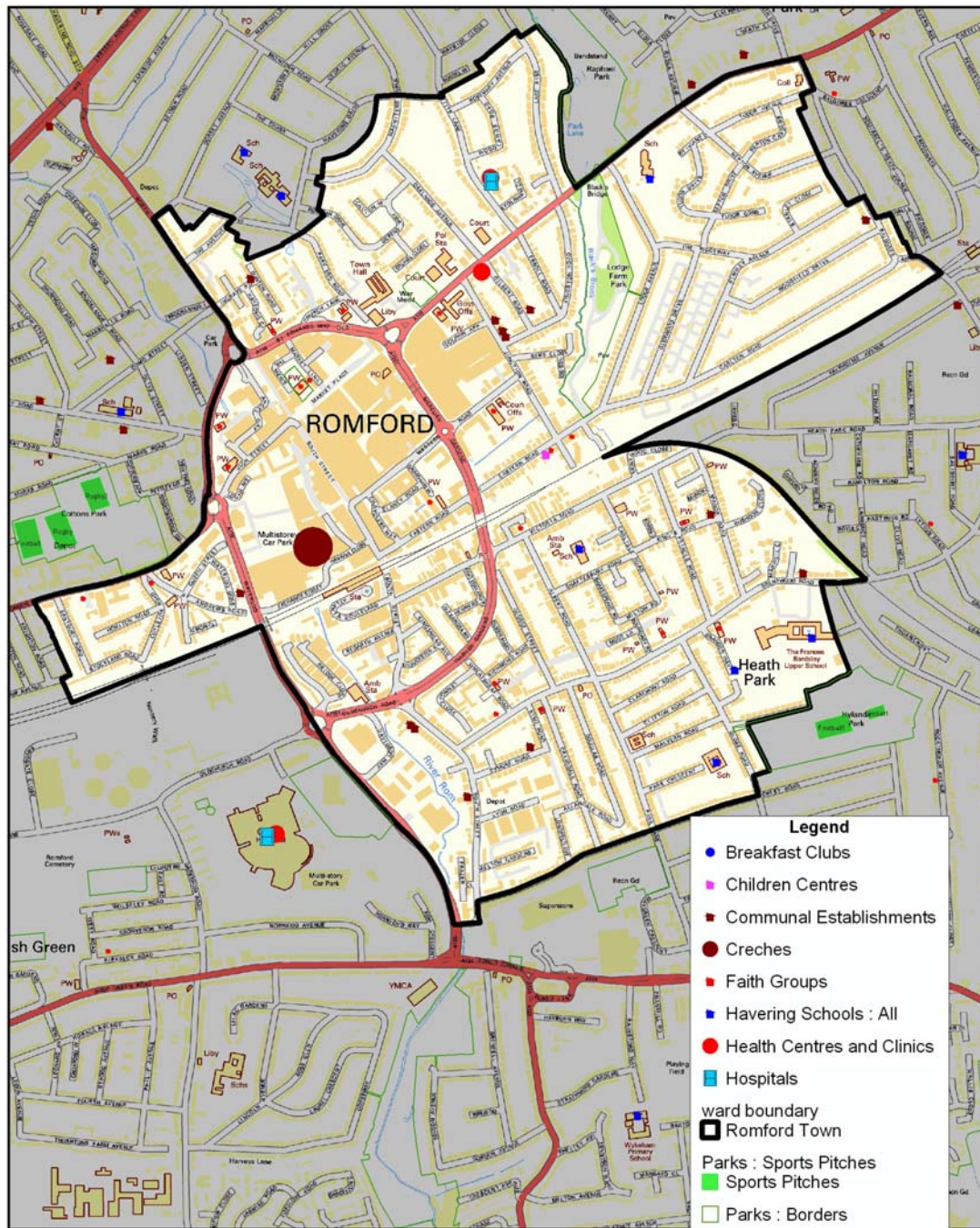
Rainham & Wennington ward contains a population of 12,489 which equates to approximately 5% of Havering's residents. 19% of Rainham & Wennington's population is young people while 20% is older people. 42% of the ward's residents are married, of which 20% have dependent children. The population of the ward occupy 4,814 households.

The ward contains:

- three primary schools and one secondary school
- one children's centre
- two communal establishments
- two faith group premises
- one health centre/clinic
- one leisure centre
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Romford Town



Romford Town

Map Reference: TQ5188

	<p>Scale @ A4 1:13000 Date: 12/11/2010</p>	<p>Scale 0 125 250 375 500 625 m</p>
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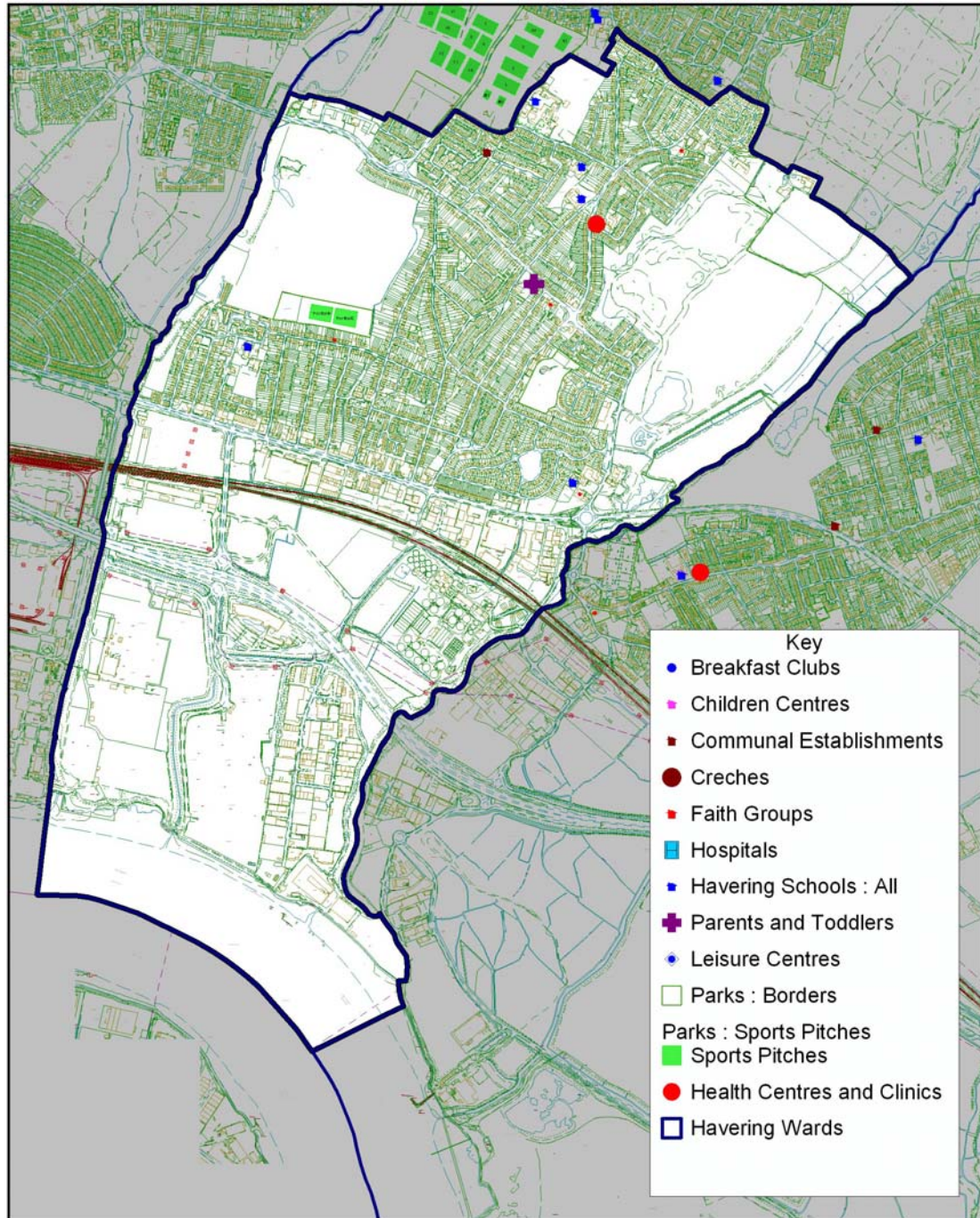
Romford Town ward contains a population of 14,564 which equates to approximately 6% of Havering's residents. 18% of Romford Towns' population is young people while 16% is older people. 33% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,834 households.

The ward contains:

- two primary schools, one secondary school and two independent schools
- two breakfast clubs
- one children's centre
- thirteen communal establishments
- two crèches
- twenty faith group premises
- two health centres/clinics
- one hospital
- two parent/toddler groups
- one leisure centre

Sex Establishment Licensing Policy Ward Report

South Hornchurch



South Hornchurch		Map Reference: TQ5182	↑ N
	Scale @ A4 1:20000 Date: 06/01/2011	Scale 0 200 400 600 800 1000 m	
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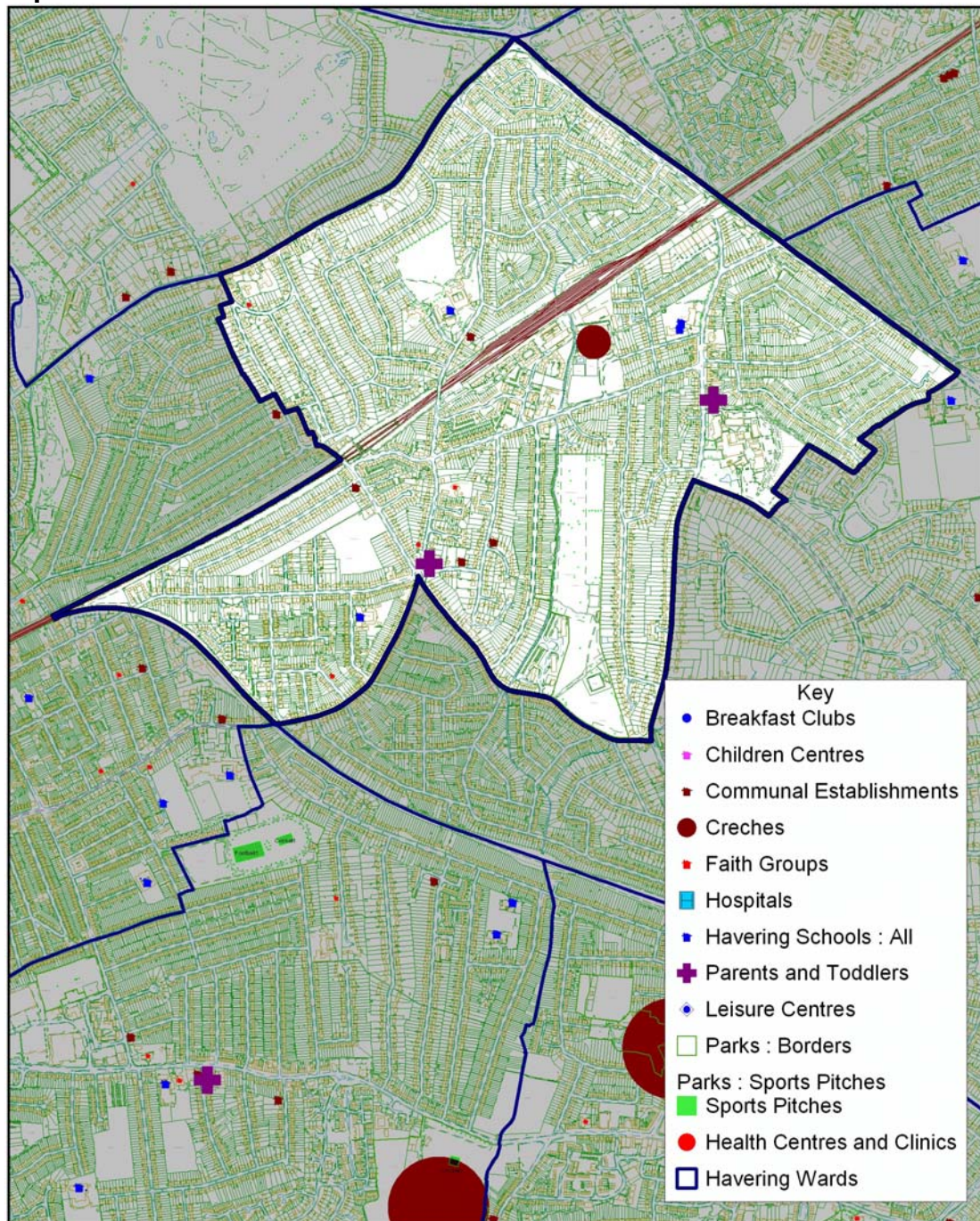
South Hornchurch ward contains a population of 12,979 which equates to approximately 5% of Havering's residents. 20% of South Hornchurch's population is young people while 20% is older people. 39% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,207 households.

The ward contains:

- one infant school, one junior school, two primary schools and one secondary school
- one children's centre
- one communal establishment
- four faith group premises
- one health centre/clinic
- one parent/toddler group
- two parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Squirrels Heath



Squirrels Heath Map Reference: TQ5388

Scale @ A4 1:15000
Date: 06/01/2011
Scale
0 150 300 450 600 750 m

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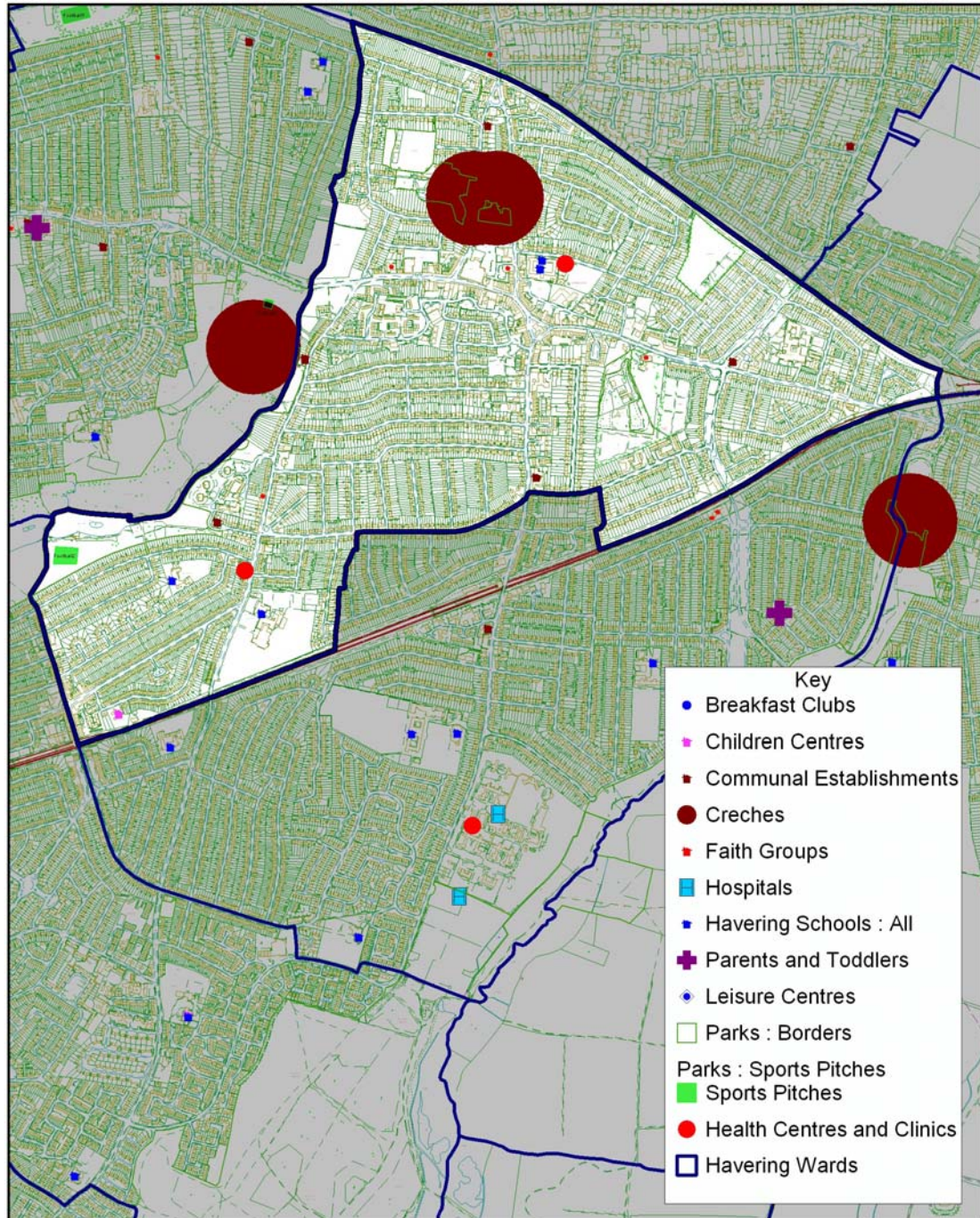
Squirrels Heath ward contains a population of 12,246 which equates to approximately 5% of Havering's residents. 19% of Squirrels Heath's population is young people while 19% is older people. 41% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 4,889 households.

The ward contains:

- two junior schools, two infant schools, one secondary school and one independent school
- four communal establishments
- one crèche
- five faith group premises
- two parent/toddler groups
- one park with a sports pitch

Sex Establishment Licensing Policy Ward Report

St Andrew's



St Andrews

Map Reference: TQ5386

Scale @ A4 1:16000
Date: 06/01/2011

Scale
0 150 300 450 600 750 m

Havering
 LONDON BOROUGH

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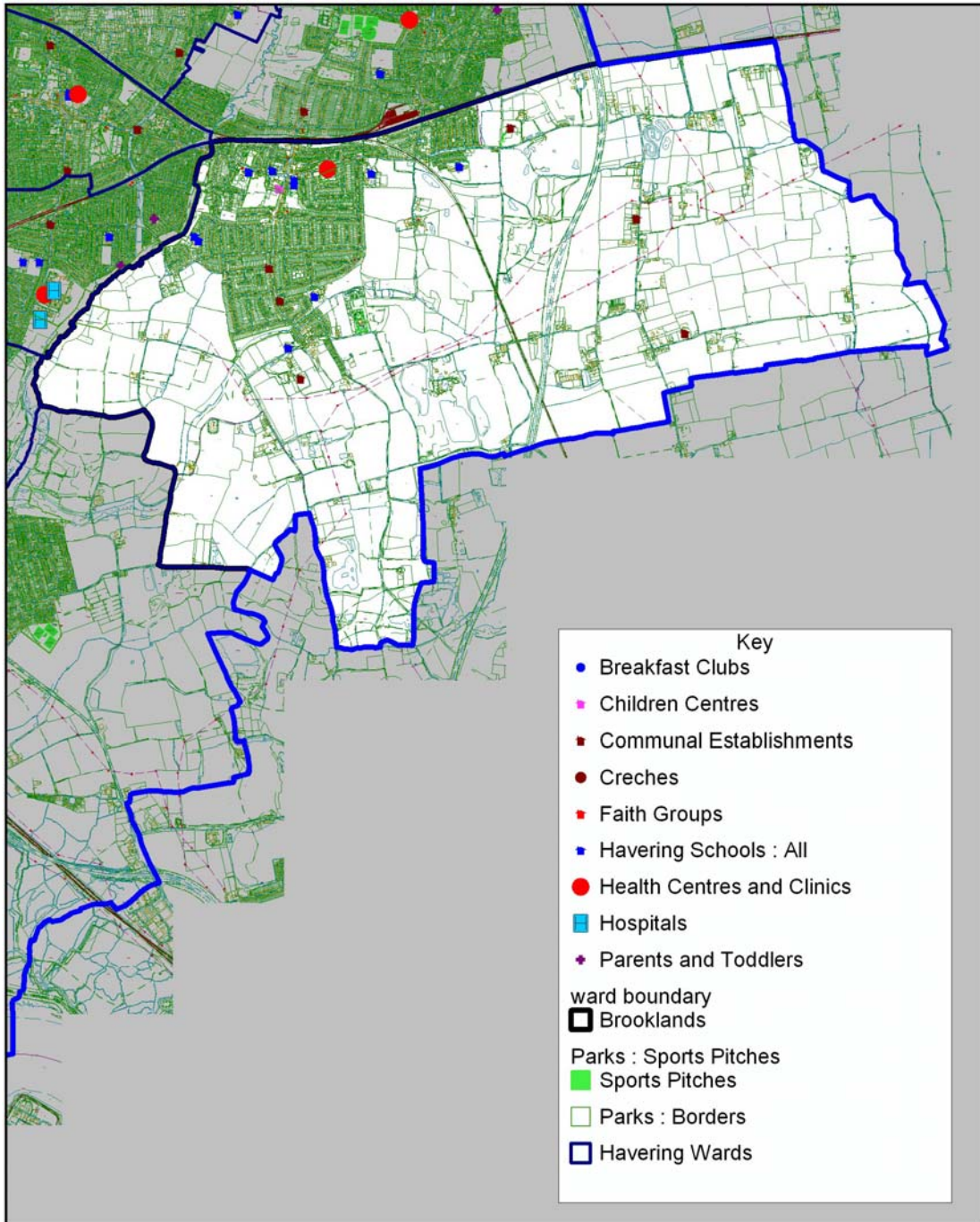
St Andrews ward contains a population of 13,115 which equates to approximately 6% of Havering's residents. 17% of St Andrews' population is young people while 23% is older people. 40% of the ward's residents are married, of which 20% have dependent children. The population of the ward occupy 5,418 households.

The ward contains:

- one primary school, one infant school, one junior school and one secondary school
- one children's centre
- six communal establishments
- four faith group premises
- two health centres/clinics
- three leisure centres
- one park with sports pitches

Sex Establishment Licensing Policy Ward Report

Upminster



Upminster	Map Reference: TQ5782	↑ N
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	Scale @ A4 1:45000 Date: 06/01/2011	Scale 0 400 800 1200 1600 2000 m
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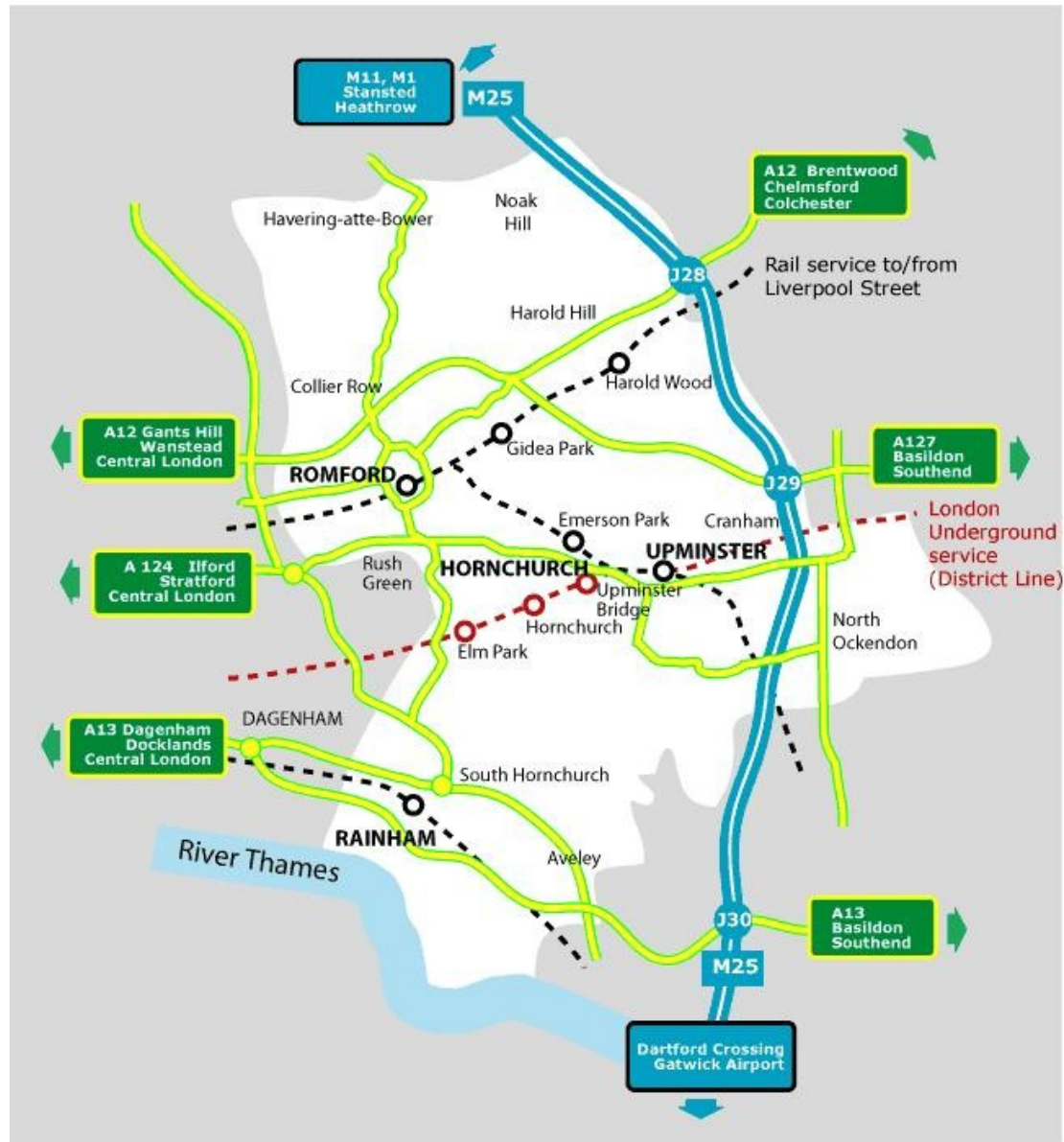
Upminster ward contains a population of 13,099 which equates to approximately 6% of Havering's residents. 18% of Upminster's population is young people while 24% is older people. 48% of the ward's residents are married, of which 23% have dependent children. The population of the ward occupy 4,939 households.

The ward contains:

- three primary schools, one junior school, one infant school, three secondary schools, one special school and one independent school
- one children's centre
- seven communal establishments
- six faith group premises
- one health centre/clinic
- one parent/toddler group
- two leisure centres

Appendix 2

London Borough of Havering



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London Borough of Havering 100024327

Consultation on the adoption of the amended schedule 3 of the Policing and Crime Act 2009 and the proposed sex establishment licensing policy.

The Policing and Crime Act 2009 (PCA09) creates a new category of sex establishment, i.e. the sexual entertainment venue. Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG (MP) A82] is amended by the PCA09 and provides for the adoption of the provisions contained in schedule 3 of this Act. This allows the local authority to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010.

A sexual entertainment venue is defined in LG (MPA) 82 Schedule 3

as follows:

“2A “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

(a) any live performance; or

(b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).”

LB Havering had resolved in 1983 to adopt the previous provisions of Schedule 3 which included regulation of sex encounter establishments and hostess bars. These will continue to apply until the new Schedule 3 is adopted.

A sex encounter establishment is a premises which provides performances wholly or mainly for the sexual stimulation of customers, services or entertainment involving the exposure of private parts and premises displaying images stimulating sexual activity, e.g. lap dancing club.

There is no requirement on a Local Authority to adopt the amendments to Schedule 3, but if Havering decides not to do so then the existing policy under the unamended Schedule 3 will continue to apply. This means that adult entertainment including lap dancing may be licensed under the Licensing Act 2003 as a category of “music and dancing”. A premises licence under the Licensing Act 2003 has no expiry date compared to a licence under the LG (MP) A82 which is valid for one year. If a Local Authority considers that the legislation should be adopted then it should construct a policy to address such issues.

Once schedule 3 has been adopted the LG (MP) A82 will prohibit anyone from using any premises as a sex establishment unless they have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose.

The London Borough of Havering would need to pass a fresh resolution to adopt the amended LG (MP) A82 and specify the day on which the provisions are to come into force (this day can be no earlier than one month after the date of resolution). The Local Authority must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into force.

The Local Authority has a duty to consult 'local people' in relation to whether the Local Authority should make such a resolution under Para 4 Schedule 3 PCA09 'Local people' has a wide geographical meaning in this instance and relates to persons who live or work in the area of the Local Authority. It is proposed to have a ten week consultation ending on the 10th June 2011.

If the Local Authority is going to consult on the issue of whether it adopts the amended version of Schedule 3 LG (MP) A82 it is also prudent to consult at the same time on the content of the draft policy as this will inform the decision as to whether the Authority should adopt the amended Schedule and will afford those interested to comment on the proposed policy at the same time.

A license is not required for the sale or supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

Summary

Position if the amended LG (MP) A82 is not adopted

- Unamended LG (MP) A82 continues in force. Applicants may still obtain licenses for sex encounter establishments under LG(MP)A82
- Premises licenses can be used to cover some sexualised activities. Often the notices of applications for such licenses do not explicitly state that sexualised activities will take place. Premises licenses do not have any expiration and can only be determined on a review or a few other situations such as bankruptcy or death of the licensee or by surrender
- the category of sex encounter establishments will still apply

- At present there are no premises licensed under either LG(MP)A82 or the Licensing Act 2003 which provide any licensable sexualised entertainment

Position if the LG (MP) A82 is adopted

- The new category of sexual entertainment venue will apply
- Any sexual entertainment venue requires a license under this Act
- Adverts will require the applicant to be specific about the nature of the proposed activities
- Each license will only last for 1 year

In either case it is possible for the Authority to set a nil limit on the number of LG (MP) A82 licenses it grants in any particular area.

Questions for Sex Establishment Policy consultation.

1. Should the London Borough of Havering (LBH) adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 to control sex establishments?
2. Should Havering allow any sex establishments in the borough? If so what type of sex establishments and whereabouts should they be located in the borough.
3. If LBH adopt schedule 3 do you approve of the draft policy? If not please provide details of any comments.
4. Do you agree with a nil policy for each ward in the borough? If not, are there any wards where a nil policy is appropriate and if so which ones?

Council Meeting, Minutes, 13th October 1982

- 31 SCHOOL GOVERNMENT: EDUCATION COMMITTEE REPORT, 13TH JULY 1982 (P.23C/37C)

It was resolved on the motion of the Mayor that this report be adopted.

- 32 SEX ESTABLISHMENTS: JOINT REPORT OF ENVIRONMENTAL AND GENERAL SERVICES COMMITTEE, (15TH SEPTEMBER 1982) and POLICY AND RESOURCE COMMITTEE, (29TH SEPTEMBER 1982) (P.38C/39C)

It was resolved on the motion of the Mayor that this report be adopted.

- 33 NATIONAL HEALTH SERVICE: POLICY AND RESOURCES COMMITTEE REPORT, 29TH SEPTEMBER 1982 (P.40C/42C)

It was resolved on the motion of the Mayor that this report be adopted.

- 34 NUCLEAR FREE ZONE: HAVERING CAMPAIGN FOR NUCLEAR DISARMAMENT - petition

The following motion and amendments were debated together pursuant to a direction of the Mayor under Standing Order 26:-

- (a) Motion proposed by Councillor Cook and seconded by Councillor R.E. Whitworth

That the Havering Council accepts and acts upon the petition presented by the Havering Campaign for Nuclear Disarmament by declaring that the London Borough of Havering becomes henceforth a nuclear free zone.

- (b) Amendment proposed by Councillor Remfry and seconded by Councillor L.F. Long

Delete all words after "Council" in the first line to the end and insert "declares that the transportation, dumping or storage of nuclear basic and/or waste material shall be prohibited within the confines of the borough"

so that the motion reads -

"That the Havering Council declares that the transportation, dumping or storage of nuclear basic and/or waste material shall be prohibited within the confines of the borough".

To be submitted to the meeting
of the Council on 13th October 1982

JOINT REPORT OF THE ENVIRONMENTAL AND GENERAL SERVICES
COMMITTEE (15TH SEPTEMBER 1982) AND THE POLICY AND
RESOURCES COMMITTEE (29TH SEPTEMBER 1982)

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 -
CONTROL OF SEX ESTABLISHMENTS

We have considered a report (which has been sent to all Council members) upon the provisions of this Act relating to the control of sex establishments.

The Act received the Royal Assent on 13th July 1982. Part II and Schedule 3 relate to the control of sex establishments which are defined as sex cinemas or sex shops, and their provisions come into force on 13th October 1982 so far as sex cinemas are concerned, and on 13th July 1982 so far as sex shops are concerned.

The Council may resolve that Schedule 3 of the Act should apply to their area as from a day specified in the resolution. That date must be at least one month after the date of the resolution and public notice of that resolution must be given stating the general effect of the Act's provisions.

Once Schedule 3 is in force in a particular area, no person may use any premises etc., as a sex establishment except under licence from the local authority although a local authority may waive the requirement of a licence in appropriate cases. A local authority may grant or renew a licence subject to specified terms, conditions and restrictions and any such licence will remain in force for one year or for such shorter period as the local authority thinks fit.

We consider it desirable for this Council to control sex establishments in the borough and -

WE RECOMMEND the Council to resolve that:-

- (1) Schedule 3 of the Act should apply to the area of the Council with effect on and from 1st December 1982.

Environmental and General Services, 15th September 1982 and Policy and Resources Committees, 29th September 1982 - report

- (2) The Chief Executive or the Controller of Administrative and Legal Services on his behalf be authorised to carry out the necessary procedural steps in connection with the bringing of Schedule 3 into force accordingly.
- (3) The fee for an application for a licence under these provisions should be £50 (subject to any subsequent variation under the delegated powers referred to below).
- (4) The scheme of delegation be varied as follows:-
 - (a) The discharge of all of the Council's functions under Schedule 3 of the Act be included in the powers delegated to the Environmental and General Services Committee.
 - (b) The Head of Public Protection Division and each Environmental Health Officer and Shops and Offices Inspector be authorised to exercise the powers (relating to entry and inspection) conferred by sub-paragraphs (1), (2) and (3) of paragraph 25 of Schedule 3 in relation to sex establishments in the Council's area.
 - (c) The Chief Executive or the Controller of Administrative and Legal Services on his behalf be authorised to prosecute or take any other appropriate proceedings (including the seeking of warrants) arising in any way out of Schedule 3.
 - (d) The Chief Executive or the Controller of Administrative and Legal Services on his behalf be appointed as the Authorised Officer for the purposes of paragraph 13(6) of Schedule 3 (certifying copies for proceedings).