



COUNCIL, 28th JANUARY 2015

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Adoption of the Sex Establishment Licensing Policy and 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 to commence on the 1st March 2015.

SUMMARY

Cabinet approved the adoption of the Sex Establishment Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82) at the meeting on the 12th Feb 2014 however due to a technical issue and following further legal advice the decision is being referred to Council for confirmation of approval.

RECOMMENDATIONS

That Council confirm approval of :

- 1) the adoption of the Sex Establishment Licensing Policy attached, and
- 2) 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 to commence on the 1st March 2015.

REPORT DETAIL

1. Cabinet approved the adoption of the Sex Establishment Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A82) at the meeting on the 12th Feb 2014 However, the report and thereby the Cabinet resolution did not make reference to a specific commencement date. This report addresses that and on further legal consideration it is judged more appropriate that Full

- Council make the decision to adopt the legislation thereby better safeguarding the Council's position.
2. The London Borough of Havering needs 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 effect.
 3. The full reasons for adoption of the legislation and policy are set out in the Cabinet Report of 12 February 2014 and the minutes which are attached.

Financial Implications and Risks:

While there were financial implications around the decisions described in this report, there are none directly associated with this report.

Legal Implications and Risks:

The legal implications of a decision to impose a nil sex establishment policy were set out in the Cabinet Report along with implications of the consultation exercise. As discussed there was considered to be a low risk of any successful challenge.

This Report to Council has been necessitated to minimise the risk of a challenge to the omission of the date for implementation in the original Cabinet decision. On reflection it was also considered more appropriate and would minimise any potential challenge for the final confirmatory decision to be taken by full Council as individual decisions in respect of licensing under the LG (MP)A 82 are non-executive functions.

Human Resource Implications and Risks:

There are none directly associated with this report.

Equalities and Social Inclusion Implications and Risks:

There are none directly associated with this report.

Council, 28 January 2015

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Background paper List

None.

Attachments

1. Report to Cabinet, 12 February 2014
2. Sex establishment licensing policy
3. Summary of consultation
4. Equality analysis
5. Extract from minutes of Cabinet, 12 February 2014