

<b>Committee</b>	<b>Date</b>	<b>Classification</b>	<b>Report No.</b>	<b>Agenda Item No.</b>
<b>Overview and Scrutiny</b>	<b>6 September 2011</b>	<b>Unrestricted</b>		<b>6.2</b>
<b>Report of:</b>  <b>Director, Culture, Leisure and Communities</b>  <b>Originating Officer(s):</b>  <b>Sarah Barr, Senior Strategy, Policy and Performance Officer, Chief Executive's Directorate</b>		<b>Title:</b>  <b>Sex Establishments in Tower Hamlets – A Consultation</b>  <b>Ward(s) affected: All</b>		

## **1. SUMMARY**

- 1.1 This report presents the draft consultation documentation, currently being used to consult the residents of Tower Hamlets on a new policy in relation to sex establishments in the borough.

## **2. RECOMMENDATIONS**

- 2.1. Overview and Scrutiny Committee is asked to consider the draft consultation documentation and give feedback in relation to the questions posed.

## **3. BACKGROUND**

- 3.1 New legislation has been introduced that allows local authorities to have greater control and regulation of sex establishments. This includes a category of premises called Sexual Entertainment Venues which includes places where lap dancing and striptease takes place.
- 3.2 As recommended by Government a draft policy has been produced that sets out the Council's approach to sex establishments and how the legislation will be implemented locally. This policy is now being consulted on, and Overview and Scrutiny Committee are being asked to comment as part of that consultation.
- 3.3 In 2008, the Council conducted an Overview and Scrutiny review of striptease premises. An extensive consultation process was carried out and there was an overwhelming response which said that striptease had an adverse impact on neighbourhoods and that the Council should

do all it could to restrict this type of activity. The scrutiny report produced was submitted as evidence for the Government's consultation on the proposed new legislation.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 There are no direct financial implications emanating from this report.

#### **5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)**

- 5.1 On 3 August 2011, Cabinet decided that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) is to apply to the London borough of Tower Hamlets and that Schedule 3 shall come into force in Tower Hamlets on the day that the Council's policy for sex establishments comes into force. Cabinet agreed that the Council's draft policy for sex establishments should be the subject of consultation. This report seeks input from the Overview and Scrutiny Committee as part of the consultation process.
- 5.2 The Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") was amended in April 2010 to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the more robust licensing regime set out in the 1982 Act, rather than dealing with the licensing of such premises under the Licensing Act 2003.
- 5.3 The 1982 Act provides for a category of sex establishment called a "sexual entertainment venue" ("SEV"). These are premises where "relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer". "Relevant entertainment" may take the form of any live performance or any live display of nudity and must be of such a nature that (ignoring financial gain) it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience.
- 5.4 The proposal is that the council will adopt a policy that defines localities and indicates that it is the council's position that there should be no such establishments in Tower Hamlets. If, as proposed, the Council adopts a policy for sex establishments, then the licensing committee (or sub-committees) would deal with applications for licences on their merits on a case by case basis, having regard to the terms of the policy.
- 5.5 Before adopting the policy, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and

those who don't. Some form of equality analysis will be required as the foundation of these considerations.

## **6. ONE TOWER HAMLETS**

- 6.1 The draft Sex Establishment Policy has been developed with "One Tower Hamlets" as being a key part of its rationale. The Policy intends to contribute to retaining the richness in Tower Hamlets' diversity, recognise the importance of place shaping and ensuring connected and cohesive communities through planning and design and encourage respect among communities.

## **7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 7.1 There are no implications in relation to Sustainable Action for a Greener Environment arising directly from this report.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 9.1 It is likely that the proposals if adopted may lead to a Legal challenge from businesses that are currently operating within the Borough. The proposals have been developed with the best available advice and opinion in order to resist any such legal challenge should it be made

## **9. APPENDICES**

Appendix A – Consultation documentation "Sex Establishments in Tower Hamlets – a consultation"

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### **LOCAL GOVERNMENT ACT, 2000 (SECTION 97)**

#### **LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

<b>Background papers</b>	<b>Name and telephone number of and address where open to inspection</b>
None	N/A