

Consultation on Sex Establishments Policy in Tower Hamlets

On behalf of
London Borough of Tower Hamlets



Prepared by SMSR Ltd



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INVESTOR IN PEOPLE



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1.0 Introduction

Background

In 2009 the last government granted local authorities greater powers to control and regulate sex establishments in their areas, such as lap dancing, pole dancing and table dancing clubs, strip shows, peep shows and live sex shows. This was in response to local authorities' concerns that the existing system did not allow local people to have any control over whether sex establishments operated in their communities.

An assessment conducted by Tower Hamlets Council played an important part in influencing the government to introduce the new legislation. The assessment included a consultation to find out what local people thought of sex establishments in the community.

The responses the Council received from local people and organisations were overwhelmingly weighted against having sex establishments in the borough, saying they have an adverse impact on neighbourhoods and that the council should do all it can to restrict this type of activity.

Subsequently the council adopted the government's new legislation and with a view to implement they produced a draft policy which says that there is no location within Tower Hamlets suitable for sex establishments.

This draft policy was based on views previously provided by the community, issues of community cohesion and empowerment, concerns about level of crime and fear of crime, and the suitability of localities to have sex establishments.

Following a series of focus groups held in the borough, the Council developed a questionnaire that gave the community, local businesses and organisations the opportunity to have their say on the proposals.

SMSR Ltd is an independent research company with twenty years' experience of working for the public sector and who specialise in local government consultation measuring performance and perceptions across the UK.

In November 2011, SMSR Ltd was commissioned by the London Borough of Tower Hamlets to process all completed questionnaires, analyse the data and report the findings. In addition SMSR Ltd was asked to analyse the findings of four focus groups¹ held earlier in the year and a number of legal submissions sent to the Council from legal companies on behalf of four local organisations. The findings of these and the questionnaire results are featured in this report.

¹ SMSR also recruited the groups on behalf of the Council.

Research Aims and Objectives

The overall aim of the research is to provide an independent measure of residents, businesses and local organisation's opinions and feedback on the proposal for nil sex establishments in the borough of Tower Hamlets.

The main objectives of the research were as follows:

- To measure levels of agreement or disagreement with the way in which the Council have defined 24 areas or localities based on certain characteristics in order to be able to decide whether any part of Tower Hamlets is a suitable location for sex establishments.
- To understand why respondents are in agreement or disagreement on the defined localities.
- To measure levels of agreement that the Council's policy considerations which they have identified are the right elements to consider when summing up the characteristics of an area.
- To understand why respondents are in agreement or disagreement with the Council's policy considerations
- To measure the level of agreement with the proposal that there should be nil sex establishments in the borough
- To understand why respondents are in agreement or disagreement with the Council's proposal for nil sex establishments
- To give respondents the opportunity to provide any other comments regarding the draft sex establishment policy.

The survey has been designed to provide statistically valid data but also provide information that is particularly important to the council's decision making on this important issue.

Report Structure

Included in the report is a set of topline findings which provides quick reference to all the questions asked throughout the survey. Any significant differences in opinion across the demographic variables are also illustrated and commented on throughout the report, including age, gender, ethnicity, sexuality, religion and area.

The findings from the focus group meetings are also highlighted and discussed in this report which is followed by an analysis of the expert/legal submissions.

An executive summary brings together the findings from all three forms of consultation and is followed by SMSR's conclusions and recommendations.

Acknowledgements

SMSR would like to thank Colin Perrins for his continued help throughout the processing and analysing stage of the consultation and his regular input and interest in the overall process. Thanks also go to Susan Mulligan and John McCrohan for their contributions as well as all the residents, businesses and stakeholders who gave up their time to complete a survey, attend a focus group or made a written or legal submission.

2.0 Executive Summary

2.1 Questionnaire Findings

Localities

Three-quarters (75%) of all respondents were in agreement with the defined localities. The most popular comment in favour of the defined localities was:

- It is logical/makes sense/I agree

The most frequent comment against was:

- The localities have been designed to implement a nil establishment policy / council agenda

Policy considerations re localities

Overall, 60% felt the policy considerations have incorporated the right elements. The most popular comment in favour was:

- Policy considerations are valid/I agree with the policy considerations

The most frequent comment against was:

- The Council is biased/have an agenda to implement nil establishments

Proposed nil sex establishment policy

Approximately half (52%) were in support of the proposal with 48% against. However, bearing in mind the sampling error of approx. +/- 2% we can only conclude that opinion was split. The most popular comment in favour of a nil policy was

- Sex Establishments cause/attract crime and ASB

The most frequent comment against was that

- The establishments create no more problems than regular bars/clubs.

Throughout the survey findings, there are very strong and more frequent responses from those against the council's proposals, with a significant number suggesting this is an unfair and bias process and policy.

Overall

In terms of residents, then overall the survey has produced an inconclusive split vote especially when one takes the sampling error into the account. Running sub analyses highlights the sub groups who are either in support of or against the proposed policy.

- Those in favour are more likely to be: Male, Asian/Asian British and these with a Muslim belief/religion
- That not in favour tended to be: Female, Black/Black British / and White respondents.

2.2 Focus Group Findings

Overall the focus groups have demonstrated that resident's opinion is almost equally divided towards the proposed Council's 'nil policy' regarding sex establishments in Tower Hamlets.

Area definition

Overall there was widespread agreement with the use of the 24 areas to define Tower Hamlets. However concern MUST be raised that the focus group discussions appear to focus on the validity of these 24 areas in terms of them defining / representing Tower Hamlets rather than in terms of their impact on the proposed sex establishment 'nil' policy.

Policy Considerations

The focus groups demonstrated widespread support for the policy considerations included in the consultation especially those which states that any such establishment must not be located near to:

- Residential areas.
- Places frequented by children (schools, playgrounds, leisure centres)
- Doctor's surgeries

Views were mixed with regards to religious establishments, some stating that this created a moral dimension and others feeling that provided the mutual hours of operation did not coincide then it wasn't important. The one area of concern raised about the proposed policy considerations was the apparent lack of reference to crime statistics and the impact that any sex establishment may have upon them in a given area especially in terms of:

- Anti-social behaviour
- Drugs

The Nil Policy

As has been previously noted, opinion was evenly split with regard to the proposed nil sex establishment policy. A variety of concerns were raised relating mainly to

- **Overall** issues of freedom of choice.
- **Policy** - This should be on a case by case basis and allowed in certain designated / specific areas.
- **Economic** - that sex establishments give an economic boost to the area and create jobs
- **Policy considerations** – that the definition of localities had been chosen to compliment / reinforce the proposed nit sex establishment policy.

Overall

These focus groups resulted in opinion that was also split towards the proposed 'nil sex establishments' policy. It was instead suggested that a limited/targeted policy, in certain specific designated areas be considered, with each application being on a case by case basis with there being clear operational policy / enforcement.

2.3 Expert Submissions

'Expert' submissions were made by the legal representatives of four existing establishments together with written statements from three representative organisations, CAPE, Rainbow Hamlets and OBJECT together with a submission from a private resident.

Locality definition

The legal submissions argued twofold:

- i) That the locality should not be predefined but rather be application specific
- ii) That the basis of the definition is designed to confirm the proposed policy.

Rainbow Hamlets felt the area definition process had not been transparent.

Policy considerations

The legal submissions argued that there is no evidence basis for the stated policy elements and that they are only relevant in the context of 'pre-defined localities' which are disputed.

Cape suggested that the Council adopts the City of Leicester's policy of shutting existing clubs that were too close to residential areas as did OBJECT quoting authorities that had already introduced a nil policy.

Rainbow Hamlets felt that the policy references and privileges some communities over others e.g. based on ethnicity and faith.

The proposed nil Policy

All the legal submissions and Rainbow Hamlets strongly objected to the proposed policy, raising the following points:

- **Moral or religious objections**

That there is a bias towards these and that one cannot just base a policy on moral or political objections.

- **Human rights**

That it has not been demonstrated how the proposed policy has taken the human rights of the welfare of current owners and operators into consideration of currently licensed establishments.

- **Consultation**

That it isn't in accordance with the statutory provisions of the legislation but has been done in such a way as to support the Council's draft policy.

- **Inconsistency of argument.**

That there is inconsistency between saying:

- a) Each case will be decided on its merits and
- b) That applications from existing traders are unlikely to be considered an exception to the policy'

- **Bias in Mayor's statement.**

They claim its wording is such that it invites solely negative comments and takes no account of any positive factors or refers to any police evidence or crime statistics.

- **Positive evidence on how lap dancing clubs are run**

That there are several previous reports which have not been taken into consideration which contain positive comments about the way lap dancing/strip clubs operate.

- **Economic issues**

There is no reference to the economic impact of a nil policy.

Other comments

- Concern relating to the robustness of the consultation process used for the 2008 review of striptease that is referred by the Authority.
- The authority has adopted a moral stance towards sexual entertainment venues as shown by the differences between the positive statements in the LBTH Borough development policy and the negative statements in the consultation document regards the impact of 'sexual entertainment venues'.
- They also question the robustness and validity of the finding of the Authorities' scrutiny committee regards 'licensing of strip clubs'.
- An individual submission stated his opposition to the proposed nil policy as a resident of the Borough stating it cannot be defended on moral or equalities grounds.

Overall

There is strong and passionate opposition from the four existing organisations, Rainbow Hamlets and a resident and the existing organisations have the legal backing/expertise behind them and therefore the key arguments put forward by these organisations should be considered and reviewed accordingly. It is clear, not unsurprisingly, that they are very much against the 'nil sex establishments' proposal.

However, both CAPE and OBJECT were strongly in favour of the proposed nil policy quoting the following key arguments:

- a) Other authorities that had introduced such a policy and had strong reasons for doing so
- b) In the case of OBJECT, they stated a series of assertions linking lap dancing clubs with various aspects of negative social behaviour, attitudes and values together with a focus on equality.

Both claim the fundamental rationale behind their arguments was one of equality.

3.0 Methodology/Sample

Background

The draft policy was designed by the Council based on views previously provided by the community and by taking these views into account and considering the aims and objectives mentioned earlier, the Council designed a questionnaire that they felt would give all stakeholders an opportunity to give their views on the policy and the proposals.

Questionnaire

The questionnaire was sent out as a hard copy to all households and businesses and included a letter from the Mayor explaining the rationale behind the consultation. The opportunity to receive a translation was also provided as part of the questionnaire with 23 different languages highlighted.

Included on the letter which accompanied the survey was a link; giving all the option to complete the survey online. The link was also publicised across Tower Hamlets during the consultation period.

In total 4,302 surveys have been included in the final sample, an analysis of which makes up the first section of this report.

Any questionnaires that did not include a Tower Hamlets postcode or that had an unrecognisable postcode were removed from the sample unless a link to the borough could be established. In addition 121 were excluded after a hand writing expert commissioned by the Council identified these as duplicated surveys.

The breakdown of the final sample is as follows:

Gender	Number of Responses	Percentage of responses
Male	1,026	23.8%
Female	2,203	51.3%
Transgender	12	0.3%
Prefer not to say	113	2.6%
Not stated	948	22.0%

Age	Number of Responses	Percentage of responses
12-19	120	2.8%
20-25	519	12.1%
26-34	1,028	23.9%
35-43	742	17.2%
44-52	454	10.6%
53-59	206	4.8%
60-64	96	2.2%
65+	104	2.4%
Prefer not to say	115	2.7%
Not stated	918	21.3%

Ethnicity	Number of Responses	Percentage of responses
Asian or Asian British	1,467	34.0%
Black or Black British	154	3.6%
Mixed/Dual Heritage	128	3.0%
White	1,201	28.0%
Other	0	0.0%
Prefer not to say	312	7.2%
Not stated	1,040	24.2%

Religion	Number of Responses	Percentage of responses
None	558	13.0%
Buddhist	40	0.9%
Christian	616	14.3%
Hindu	32	0.7%
Jewish	43	1.0%
Muslim	1,286	29.9%
Sikh	27	0.6%
Other faith	76	1.8%
Prefer not to say	542	12.6%
Not stated	1,082	25.2%

Disability	Number of Responses	Percentage of responses
Yes	136	3.2%
No	2,577	59.9%
Prefer not to say	351	8.2%
Not stated	1,238	28.8%

Sexual Orientation	Number of Responses	Percentage of responses
Bisexual	147	3.4%
Gay man or lesbian/gay woman	161	3.7%
Heterosexual	2,123	49.3%
Other	579	13.5%
Not stated	1,292	30.0%

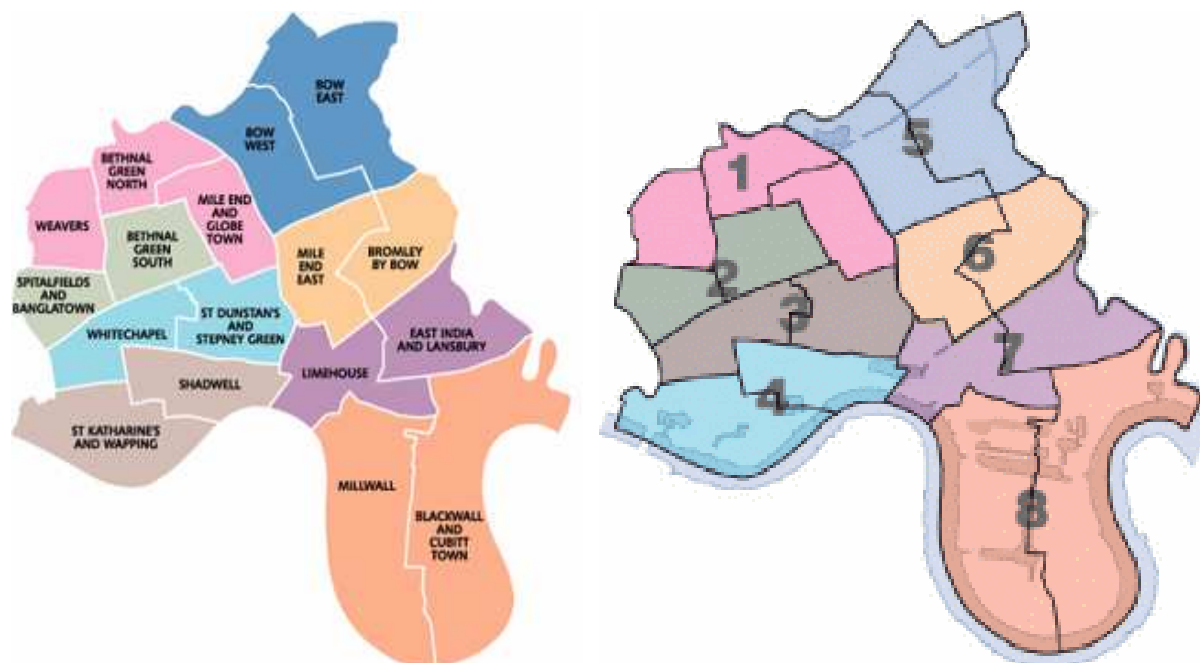
LAP Area	Number of Responses	Percentage of responses
LAP 1	918	21.3%
LAP 2	520	12.1%
LAP 3	562	13.1%
LAP 4	407	9.5%
LAP 5	193	4.5%
LAP 6	427	9.9%
LAP 7	405	9.4%
LAP 8	235	5.5%
E1-E14 ²	560	13.0%
Out of area with link to TH	75	1.7%

² This covers anyone who gave either an E1, E2, E3 and E14 that was not a full postcode

Focus Groups

Prior to the questionnaire development, the Council ran 4 focus groups across the Borough to establish a more in-depth view of the policy and proposals. These groups were recruited by SMSR Ltd using the Council's citizen's panel and were facilitated by officers from the Council. The results of the groups are discussed in this report.

The group venues were selected to ensure that all attendees had a random chance to be invited from all eight of the LAP's which each event aiming to include and cover two individual LAP's.



The dates, locations and profile of each group are as follows:

Monday, 26th September 2011, Crisp St Idea Store (LAP's 7 & 8)
Attended: 10 (7 males / 3 females)

Tuesday 27th September 2011, Whitechapel Idea Store (LAP'S 3 & 4)
Attended: 11 (6 males / 5 females)

Wednesday 28th September 2011, Bow Idea Store (LAP'S 5 & 6)
Attended: 9 (5 males / 4 females)

Thursday 29th September 2011, St Hilda's Community Centre (LAP's 1 & 2)
Attended: 17

A separate consultation was set-up and facilitated by Rainbow Hamlets on behalf of the LGBT community on 24th October 2011 at Oxford House.

Legal Submissions

In addition to the formal consultation methodologies carried out by the Council, a number of legal submissions were submitted. There were submissions from three legal firms representing 4 different organisations

There were also written submissions received from three representative organisations: the Chair of CAPE (Community Against People Exploitation, OBJECT, Rainbow Hamlets together with a submission by an individual citizen of Tower Hamlets. An analysis of these submissions is also included in this report.

Rounding

It should be noted that when the results of the questionnaire are discussed within the report, often percentages will be rounded up or down to the nearest one per cent. Therefore occasionally figures may add up to 101% or 99%.

Sampling error

As with any survey, the results are exact and are subject to a sampling error resulting from the fact that a) it was not a census and b) there is variability across residents in regards their views / opinions.

Sampling error is defined in two ways:

- i) The size of the error e.g. +/- 3%
- ii) The level of confidence in the result e.g. 95%

The actual calculation of the error is based on a statistical formula which is based on the following:

- The sample size – 4,302
- The populations size – approximately 238,000³
- The degree of variability of opinion – assumed to be 50%.

This gives a sampling error of
+/- 1.5% @ 95% confidence i.e. 3.0% in total
This error increases to
+/- 1.9% @ 99% confidence i.e. 3.6% in total

³ Office for National Statistics 2010 Mid Year Population Estimates

4.0 Results

4.1 Questionnaire Results

4.1.1 Background

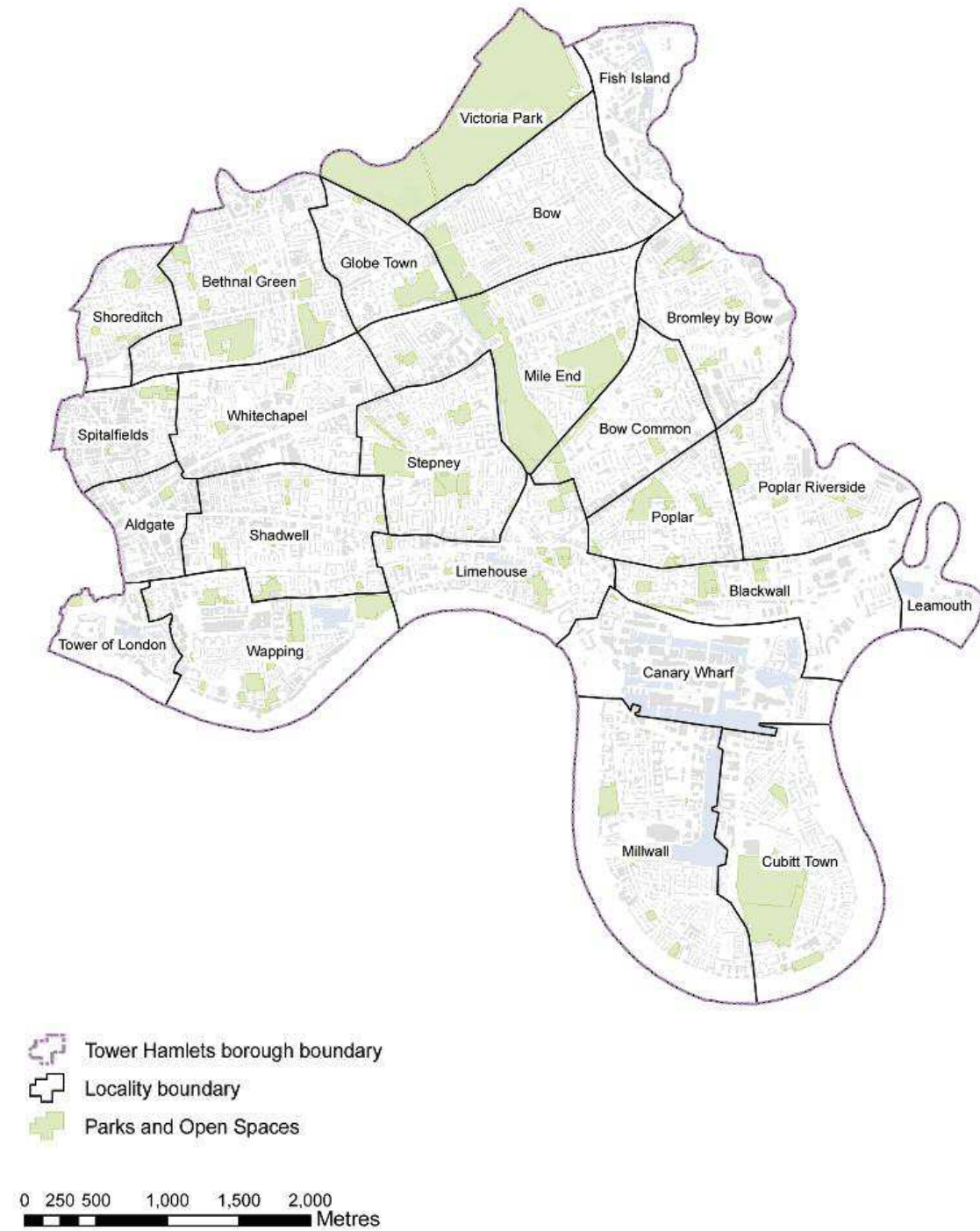
The vast majority of respondents that completed a questionnaire said they were a resident (89%), with 7% of respondents stating they were a business and 4% mentioned another link that they had to the borough.

Are you?		
Link to Borough	Number	Percentage (%)
A Resident	3808	88.6
A business	286	6.6
A trade organisation	6	0.1
Other	167	3.9
Not competed	35	0.8
Total	4,302	100.0

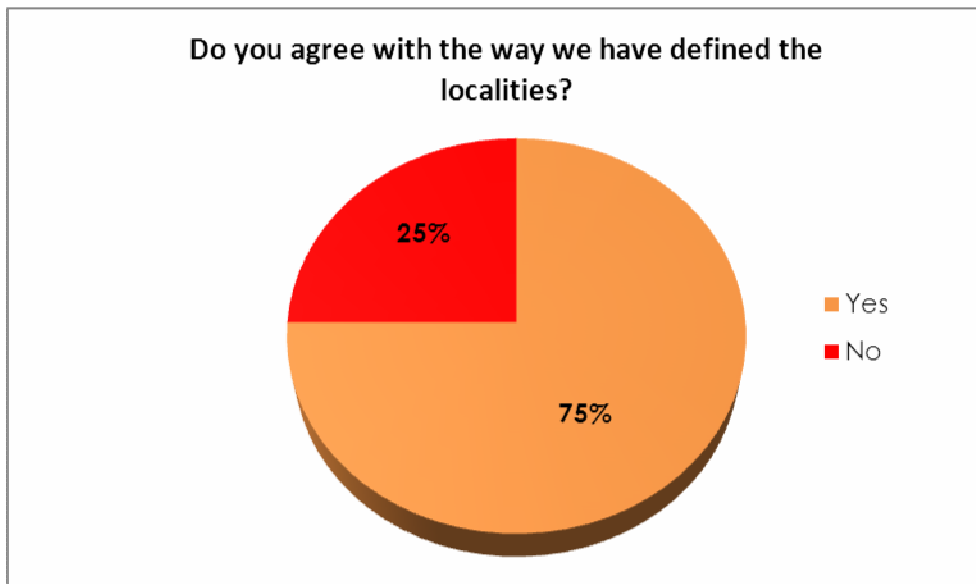
Included in the 'other' response were employees, links to family members, links to local religious organisations or charity organisations, those studying in the area or someone that owns a property in the borough.

4.1.2 Localities

In order to decide whether any part of Tower Hamlets is a suitable location for sex establishments, the Council defined specific areas within the borough, based on their characteristics as follows:



Respondents were asked to state whether they agree with the way the localities had been defined. Three-quarters of all respondents were in agreement with the defined localities, whilst 25% were not.

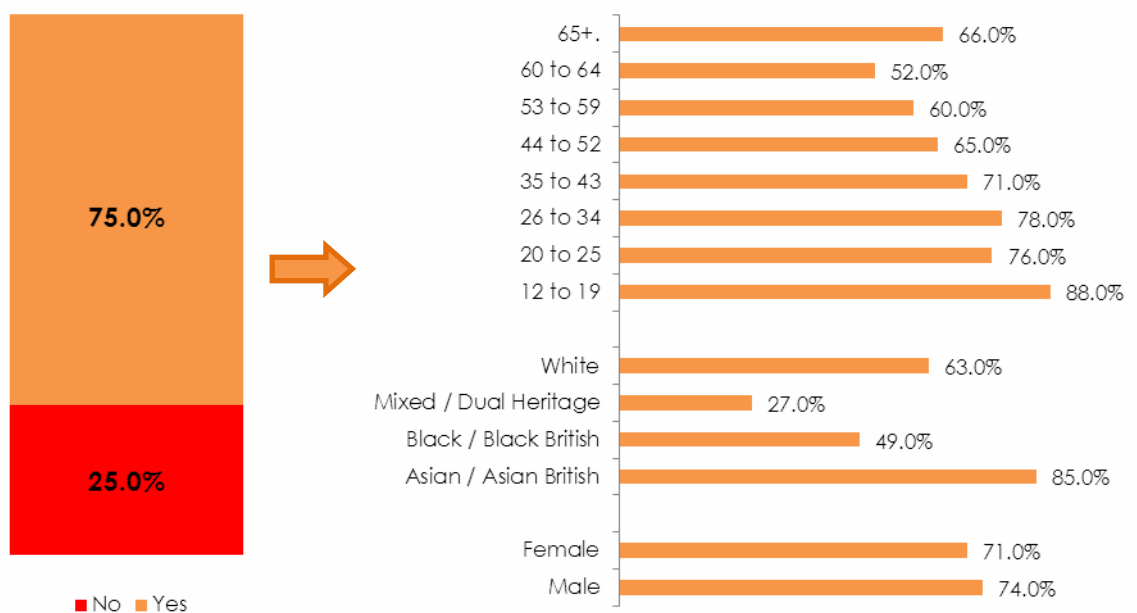


Base No: 4,197

Variations in overall result

a) Ethnicity/Age/Gender

Those with an Asian /Asian British background (85%) and those aged 12-19 gave the highest level of support for the defined localities, whilst those aged 53-59 (60%) and 60-64 (52%) along with respondents with a mixed /dual heritage (27%) and black / black British background (49%) gave far lower levels of support.



b) Religion

The vast majority of respondents (89%) with a Muslim religion/belief agreed with the defined localities, compared to 60% of Christians and 64% of those with no belief.

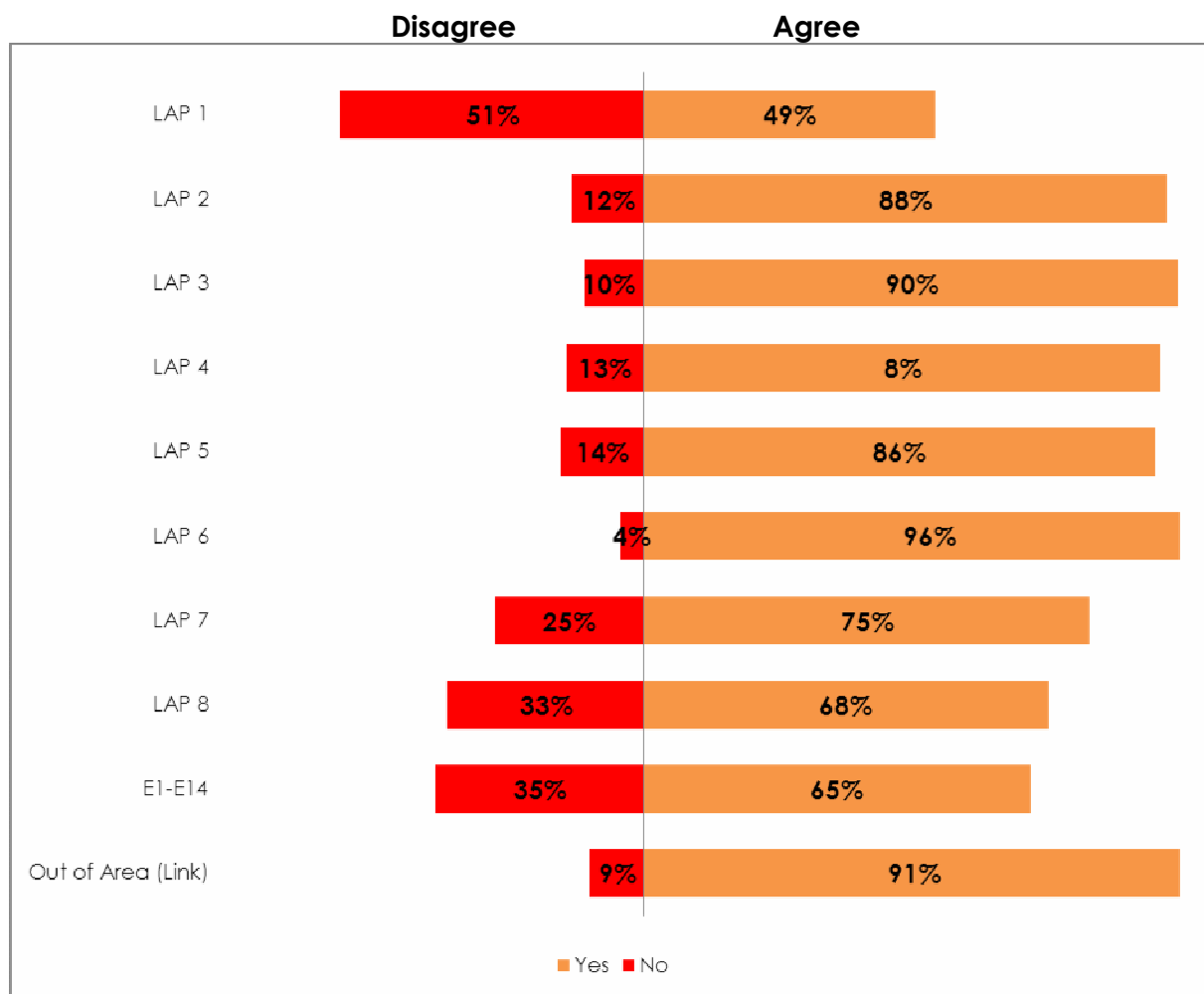
c) Sexuality

Heterosexual respondents also indicated higher levels of agreement (72%) especially when compared with bisexual respondents (62%) and gay and lesbian respondents (56%).

d) LAP

More than 85% of those living in LAP's 2 (88%), 3 (90%), 5 (86%) and 6 (96%) said they agreed with the defined localities. More than 9 out every ten respondents living out of the area also agreed with the mapping criteria.

Those living in LAP 1 indicated the highest level of opposition as 51% disagreed with the defined localities, leaving 49% in agreement.



4.1.3 Reasons for Agreement / Disagreement

A total 100 explanations were provided from those who agreed with the defined localities proposed by the Council with 38 of these suggesting it was a logical or sensible map.

Why? (Yes)		
Reason	Number	Percentage* (%)
It is logical/makes sense/I agree	38	13.8
It accurately reflects communities/localities within the borough	28	10.2
It is clear / easy to understand	22	8.0
Because they are equal in size and population density	7	2.5
It seems to cover all the major areas	5	1.8

*of the overall response to the question why?

Although just 25% disagreed with the defined localities, these respondents were more vocal in their reasoning giving 188 responses in total. A third of these responses to the question 'why?' was based on the view that the localities had been designed specifically to reinforce the council agenda of a nil policy.

Why? (No to proposed policy)		
Reason	Number	Percentage* (%)
Localities have been designed to implement nil establishments policy / council agenda	90	32.7
Some existing areas have been split in two	22	8.0
The political/ward boundaries should be used	19	6.9
The map is not clear enough/difficult to understand	17	6.2
The localities are not fair to people involved with establishments	13	4.7
The areas do not address the problem or are not relevant	8	2.9
There should be fewer localities	5	1.8
Localities should be larger	3	1.1
Localities should be defined by high streets	3	1.1
The needs of each locality should be looked at	3	1.1
Surrounding areas and people will be affected by the change	2	0.7
Difficult to say as I don't know the area well	2	0.7
Some areas have been excluded	1	0.4

*of the overall response to the question why?

4.1.4 Policy Considerations

The council summarised the characteristics of each locality by looking at the following aspects:

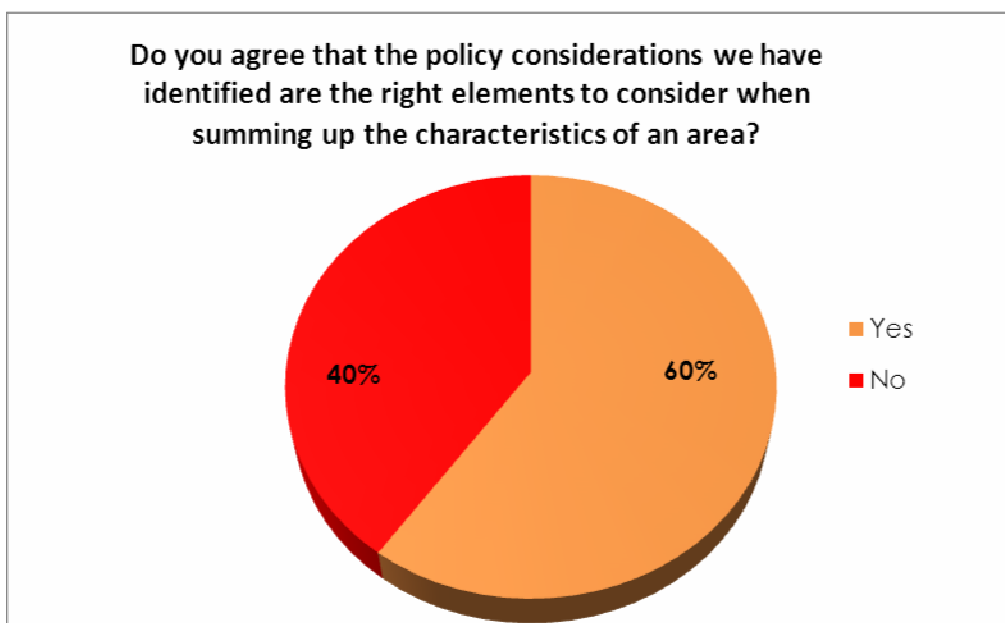
- Increase in population and residential density and related infrastructure
- Borough ethnicity profile
- Economic and health specific deprivation
- Our diverse cultural communities.

They also considered the 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 educational establishments
- Places of worship
- Residential properties

Respondents were then asked to state whether they agreed that the policy considerations have identified the right elements when making the locality summarisation.

Overall there was a 60/40 split in favour of those that said 'yes' the policy considerations have incorporated the right elements.



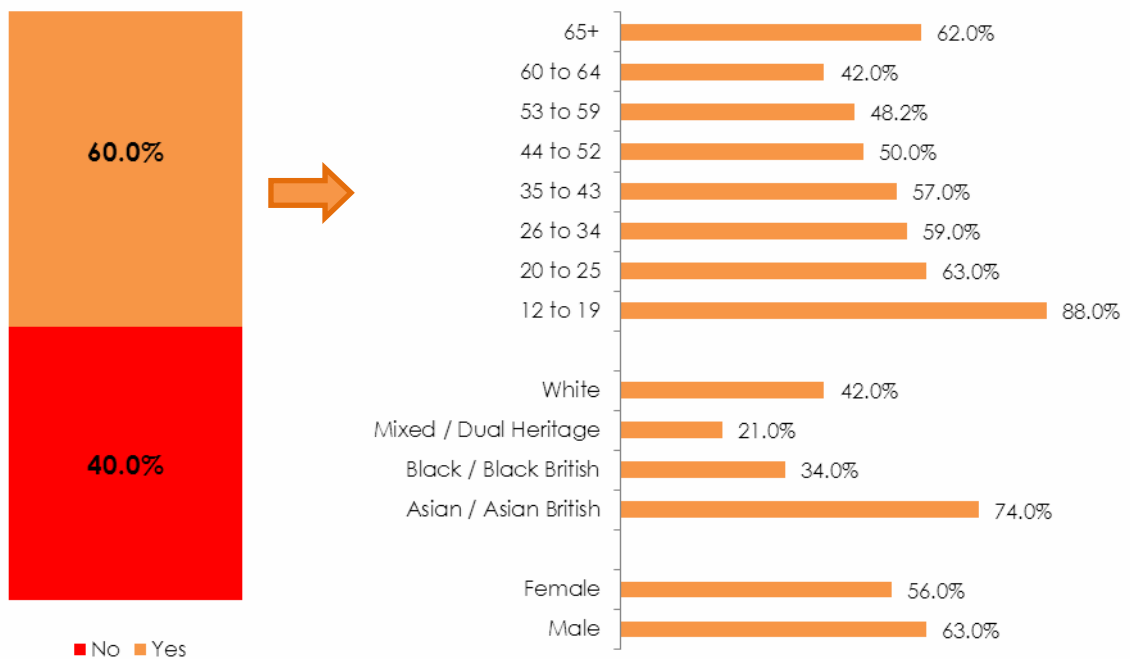
Base No: 4,078

Variances in overall result

Looking at other sub analyses, there is a similar picture to the levels of agreement in regards the defined localities.

a) Ethnicity/Age/gender

The younger age groups: 12-19 (88%), 20-25 (63%) and those with an Asian /Asian British background (74%) gave higher levels of support for the Council's policy considerations. Male respondents (63%) were more in favour than female respondents (56%).



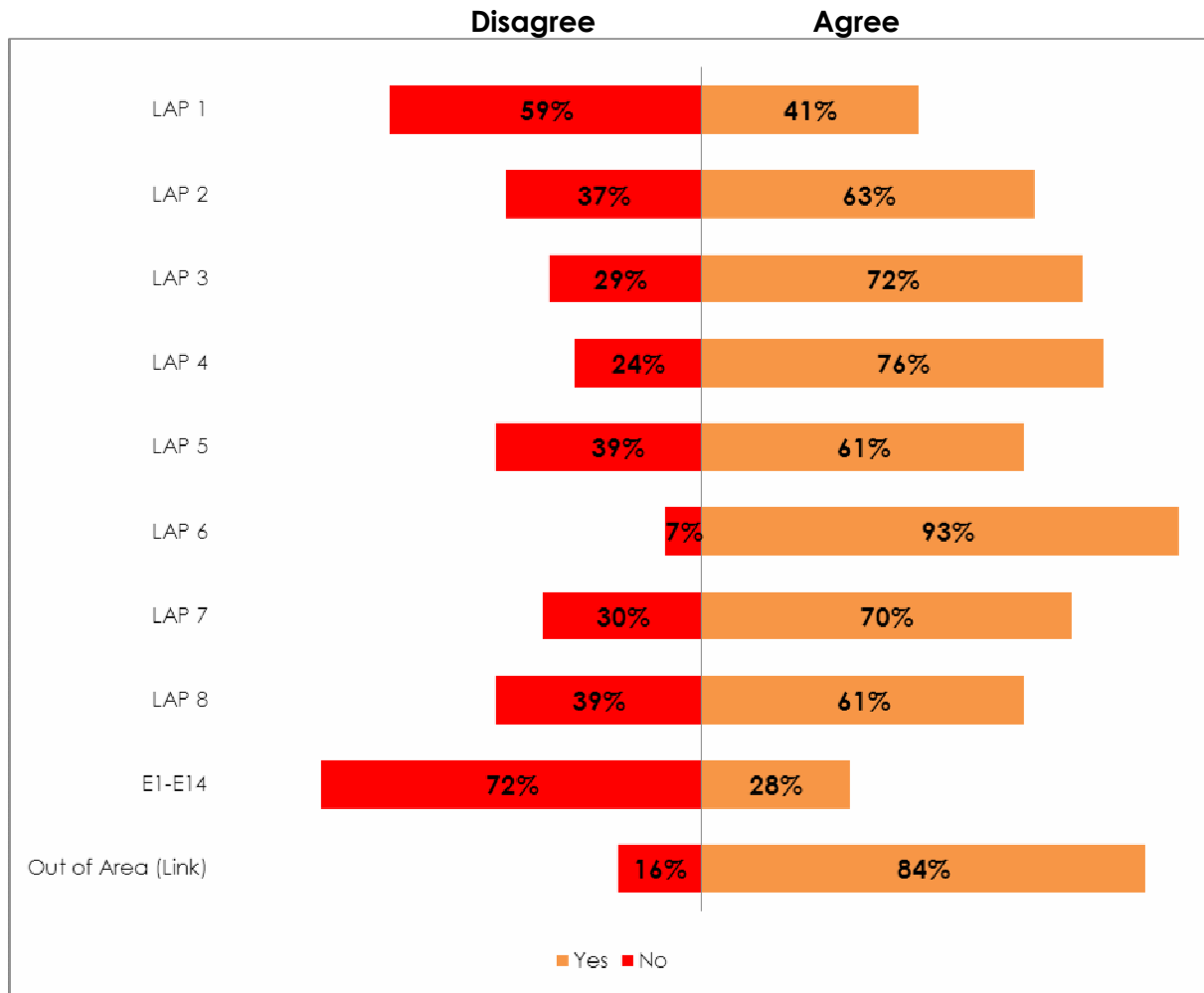
b) Religion

In regards religion, 81% of Muslim respondents agreed the council had identified the right elements when summing up the characteristics of an area; as opposed to two-thirds of Christian respondents who disagreed with policy considerations in summing up an area.

LAP

Those living in areas E1-E14 (72%) were less likely to agree with this policy consideration and again LAP 1 residents were more likely to disagree (59%).

The vast majority of those living in LAP 6 (93%) agreed with the policy considerations.



4.1.5 Reasons for Agreement / Disagreement

There were 77 comments provided by those who supported the policy consideration. They were mainly in general agreement that the Council had identified the right elements when summing up the characteristics of an area.

Why? (Yes)		
Reason	Number	Percentage* (%)
Policy considerations are valid/I agree with the policy considerations	54	15.7
They are fine/logical/alright/make sense	12	3.5
These characteristics are typical of any London Borough	6	1.7
Methodology is not listed as to how you characterise localities	4	1.2
Groups can work together	1	0.3

*of the overall response to the question why?

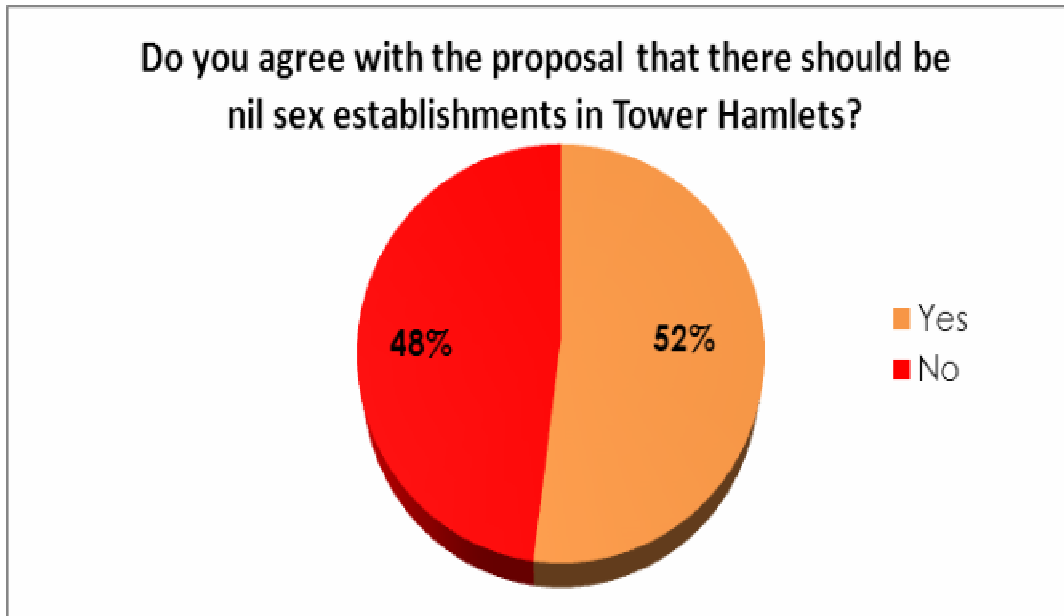
More than a fifth (23%) said they believed the Council had an agenda to implement the nil sex establishments and that the policy is biased. Approximately 12% of those who gave a reason for their initial answer said they couldn't see the point of the question and (10%) that it is legally and morally wrong to prevent freedom of choice).

Why? (No)		
Reason	Number	Percentage* (%)
Council is biased/have an agenda to implement nil establishments	78	22.7
Can't see the point to this question, its validity or relevance	40	11.6
Legally and morally wrong to prevent freedom of choice	35	10.2
Multicultural society means everyone's rights should be considered	33	9.6
Existing sex establishments are well run and contribute to the economy	33	9.6
Policy considerations have no bearing on sex establishments	30	8.7
Religion or ethnicity should not sum up an area	28	8.1
No problems arise as most establishments only open evenings	25	7.3
Other characteristics should be considered	17	4.9
Licensed premises and betting offices are more damaging to society	9	2.6
Any establishment should be looked at individually, not generically	1	0.3
Proposal appears to stereotype individuals	1	0.3
Unlikely to confuse a sex establishment with a school, church, mosque etc	1	0.3

*of the overall response to the question why?

4.1.6 Proposed nil sex establishment policy

When respondents were asked whether or not they agreed with the proposed policy, 52% were in support of the proposal and 48% were against. Bearing in mind the sampling error of approx. +/- 2% it is fair to say that opinion was split.

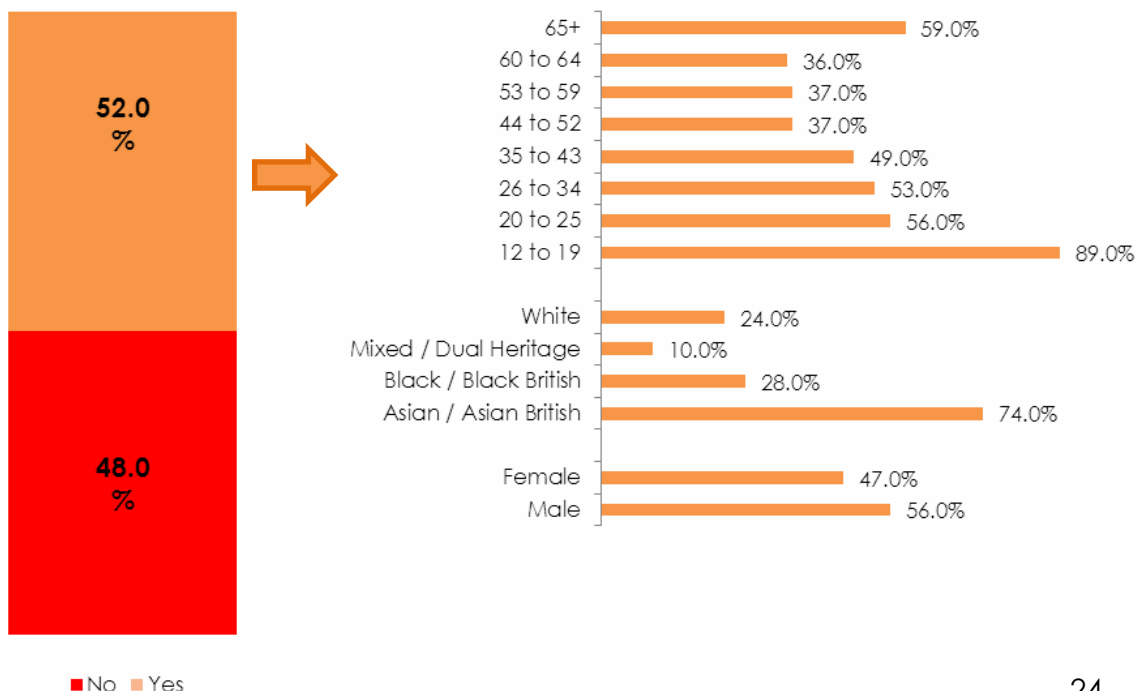


Base: 4,147

Variations in overall result

a) Ethnicity/Age/gender

In terms of being in favour of the proposal, males (56%) were more supportive of the nil sex establishments' proposal; as were those with an Asian or Asian British background (74%). Those aged 12-19 (89%), 20-25 (56%), 26-34 (53%) and 65+ (59%) all indicated higher levels of agreement than the 52% average.



b) Religion

Muslim respondents were hugely in favour of a nil policy (82%). Christian respondents (81%) and those with no religion (75%) were less supportive of this proposal.

c) Sexuality

Heterosexual respondents had a fairly split opinion with 47% for and 53% against. Just over a third (37%) of bisexual respondents were in favour as where just 12% of gay or lesbian respondents.

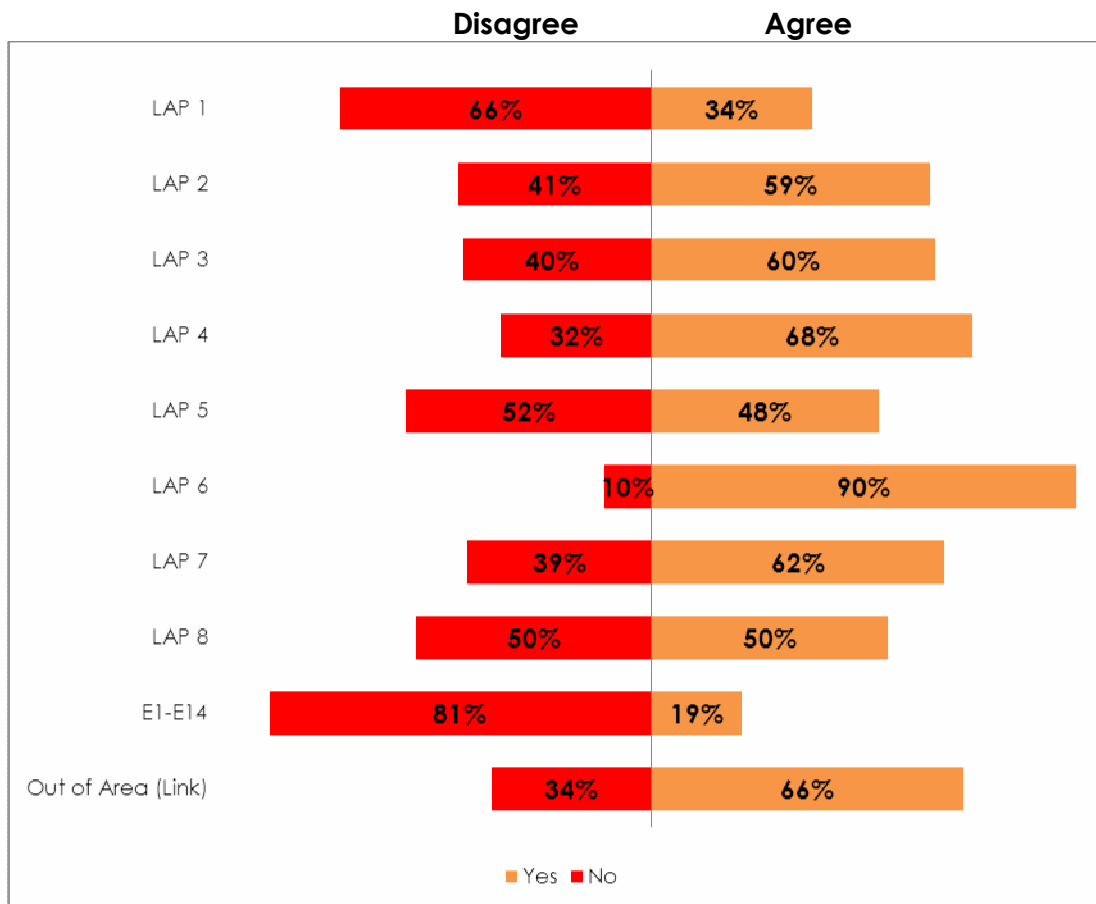
d) Against the proposed policy

More than half of the following demographics were **against** the proposal:

- Females (53%),
- Black / Black British (72%),
- Mixed/dual heritage (90%),
- White (76%),
- Those aged 35-43 (51%), 44-59 (63%) and 60-64 (64%).

LAP

Opinions in different LAP's varied from one to another with the highest levels of support emanating from LAP 1 and the highest level of opposition coming from those living in E1-E14 who didn't give a full postcode.



4.1.7 Reasons for Agreement / Disagreement

Of the 331 responses from those who agreed with a nil policy, approximately 8% argued that sex establishments can contribute to levels of crime and ASB, 6% were also concerned that children can be exposed or corrupted and that it encourages exploitation of women and sex trafficking.

Why? (Yes)		
Reason	Number	Percentage* (%)
Sex Establishments lead to cause/attract/crime and ASB	60	7.5
Children should not be exposed to/corrupted by establishments	50	6.2
Encourages degradation/exploitation of women/sex trafficking	49	6.1
Not suitable for residential/family areas	42	5.2
Sex establishments are against religion/cultures/morals	38	4.7
Establishments harms/corrupts families/communities	31	3.9
My general opinion/no reason given	21	2.6
Establishments bring in undesirable people to the area	12	1.5
Establishments encourage promiscuous/immoral behaviour	10	1.2
It causes people to feel unsafe/uncomfortable/vulnerable	8	1.0
Due to policy considerations stated	7	0.9
Establishments harm businesses and the local economy	2	0.2
There are establishments in other boroughs which people can travel to	1	0.1

*of the overall response to the question why?

In total 507 responses were provided as to why respondents had disagreed with the nil policy, with 90 of these who said they did not believe sex establishments to cause any more problems than a regular bar or club.

Why? (No)		
Reason	Number	Percentage* (%)
Establishments create no problems/no more than regular bars/clubs	90	11.2
Controlled/safe environment for entertainment/I enjoy establishments	76	9.5
Establishments boost employment/economy	72	9.0
Sex establishments should remain as a legal/regulated business	51	6.3
Reduces illegal establishments/activities	51	6.3
My general opinion/no reason given	31	3.9
Groups are trying to impose their beliefs on the borough	28	3.5
Sex establishments are part of the borough's history/identity	22	2.7
Would destroy people's businesses/livelihoods	20	2.5
The Council's bias/has an agenda	19	2.4
Policy too extreme/all or nothing	17	2.1
Definition of sex establishments is unclear	15	1.9
More evidence required to back up policy	11	1.4
There are suitable areas for establishments in Tower Hamlets	2	0.2
Leads to increase in safety due to more security staff	2	0.2

*of the overall response to the question why?

4.1.8 Other comments

Finally respondents were asked if they had any other comments with regard to the draft policy, resulting in a total of 922 responses. As with the other comments, these were both positive and negative and many echoed previous comments made earlier in support of their previous 'yes' or 'no' answers. The table below shows the most frequent responses.

Do you have any other comments regarding the draft sex establishment policy?		
Comment	Number	Percentage* (%)
In favour		
I generally agree with the policy/there should be no sex establishments in Tower Hamlets	130	14.1
Establishments lead to/cause/attract crime and ASB	120	13.0
Children should not be exposed to/corrupted by establishments	51	5.5
Establishments are against religion/cultures/morals	46	5.0
Establishments are degrading/exploitative of women	40	4.3
Against		
A nil policy is against freedom of choice/human rights/equal opportunities	106	11.5
Establishments create no problems/causing no harm/discreet	88	9.5
Closing establishments will damage the economy	75	8.1
Sex establishments should remain as a legal/regulated business	62	6.7
Sex establishments provide enjoyable entertainment	47	5.1
I generally do not agree with the policy of nil establishments	46	5.0
A nil policy may drive establishments underground / illegal / unsafe	44	4.8
The policy is driven by religion	43	4.7

4.2 Focus Group Results

4.2.1 Background

The focus groups all followed the same structure, addressing the same three questions that were on the survey consultation form:

- 1 Do you agree with the way we have defined the 24 localities (specific areas within the borough, based on their characteristics)?
- 2 Do you agree that the policy considerations we have identified are the right elements to consider when summing up the characteristics of an area?
- 3 Do you agree with the proposal that there should be 'nil' sex establishments in Tower Hamlets?

Some groups had a preliminary session where various general issues were discussed such as the definition of a sex establishment.

As mentioned in section 3.0 the groups were located in venues that aimed to cover all eight LAPS and where as follows:

St Hilda's Community Centre (1 & 2)

Whitechapel Idea Store (LAP'S 3 & 4)

Bow Idea Store (LAP'S 5 & 6)

Chrip St Idea Store (LAP's 7 & 8)

Comments from the different groups have been used in the following section to support the findings and following any comment the venue in which the attendee made the comment has been referenced. Reference codes are as follows:

St Hilda's Community Centre (SH)

Whitechapel Idea Store (W)

Bow Idea Store (BS)

Chrip St Idea Store (CS)

4.2.2 Definition of areas and boundaries

The actual question was:

'Do you agree with the way we have defined the 24 localities (specific areas within the borough, based on their characteristics)'?

The definition is important as the policy is largely based on an 'area' basis. A range of options for defining areas were available from treating the Borough as a single entity to viewing it as a series of micro locations as for example the Mosaic household analysis does. For this consultation, the Borough had been sub divided into 24 localities, based on the Council's Core Strategy.

As was to be expected a range of opinions was received. Most of these comments related to their impact on describing the Borough rather than its impact on the proposed sex establishment policy.

Comments fell into 4 groups:

1. **Areas were too small: -**

Some members of the group thought that the areas that LBTH has been divided up into were too small and that perhaps the areas should be paired up to reduce the number. There was a 70/30 majority in favour of the argument that the areas were probably too small. (CS)

2. **Treat the Borough as a whole**

One resident said it would be better to look at the borough in its entirety rather than divide it into localities. Other residents agreed that the boundaries meant little and the consultation should treat the borough as a single unit. (BS)

3. **Specific detail**

These referred to specific location issues e.g. Victoria Park's status as a division on its own was branded "pointless" as it mostly encompasses just the park (CS) or the Mile End boundary looks odd, cutting Globe Road and Roman Road in half, this makes little sense as Mile End Park goes all the way to Victoria Park. (SH)

4 **Basis of policy**

In one group there was a view expressed that a better policy would be to show a split between residential and commercial areas. (W)

One resident pointed out that people were being asked if they agreed with the division of the borough into 24 localities which is based on the Council's Core Strategy which few of them have read or are aware of, making it difficult for them to answer this question as these localities mean little to them. (B)

One resident noted that the sex establishment policy was affected by where and how the boundaries were drawn. (CS)

Two other areas of contention were:

1 Canary Wharf

There seemed to be a dispute as to the composition of this area. Some looked at just one sub section of it, namely the financial activity area and therefore felt it was primarily commercial.

"I think places that are suitable on looking at the locality map are places like Spitalfields and Canary Wharf and that these should be considered as entertainment areas, due to their localities as they attract tourists and city workers who travel into the borough" (SH)

"I don't understand why not Canary Wharf, I hardly see any children over there" (SH)

Others however looked at it as a whole, pointing out that Canary Wharf does have a large residential population and cannot be classified as just a business / commercial area. (W)

2 Boundaries

Concern was expressed as to whether one could just look at Tower Hamlets in isolation and not take into account what was taking place on / across its borders and indeed some felt the boundaries may be suitable locations.

"What about the border between Tower of London and Aldgate - these are the best places on the border of the City" (SH)

It was noted that neighbouring Councils already provide sex establishments (W) with Camden, Hackney and Newham having a restricted policy whereby they allow existing establishments to continue to operate but will not license any new sex establishments whilst the City of London has a nil policy

Overall – Area Considerations

As noted previously, most of the comments regards the use of the 24 localities appeared to be made as a means of describing LBTH rather than in relation to the impact on the proposed sex establishment policy e.g.:

“Victoria Park's status as a division on its own was branded “pointless” as it mostly encompasses just the park”

Only one respondent (Crisp Street) made a specific reference to the relationship between area definitions and the sex establishment policy by noting that the consequences for the sex establishment policy was affected by where and how the boundaries were drawn (CS).

This single comment does however raise a major issue as given that there is almost total agreement that the sex establishment policy needs to take into account certain social/built environment factors e.g. that they should not be near any places where families and children frequent, then depending upon the basis of the areas chosen then that will largely define the relative importance of those policy considerations and hence influencing the consequential impact on the proposed policy.

Therefore if one defines the borough at the macro level of it being a single whole place then it will automatically dictate a 'nil policy' as clearly there are many places where children and families go in the borough.

If however one went to the other extreme and defines the Borough on a micro street by street basis then it would be possible to have a targeted sex establishment policy as there are clearly individual streets in the borough where there is no family and children traffic.

A good example of this is Canary Wharf. By looking at the whole area, then it encompasses residential areas with families and children so excluding sex establishments. If however one redefines it into smaller areas, some of these will be almost exclusively commercial / none residential and therefore exclude families and children so potentially allowing sex establishments.

We assume that this was the reasoning behind the comments calling for the use of a residential/commercial approach for assessing the validity of the proposed sex establishment policy.

4.2.3 Policy considerations

The actual question was:

'Do you agree that the policy considerations we have identified are the right elements to consider when summing up the characteristics of an area'?

Specific policy considerations relating to location

There was almost universal agreement across all the groups was that any LBTH sex establishment policy must state that they **MUST NOT** be located near:

- Residential areas.
- Places frequented by children (schools, playgrounds, leisure centres)
- Doctor's surgeries (BS)

Indeed there was concern regarding the establishment of a sex establishment near any place that attracted families and children, so leisure and sports facilities, play spaces, parks and open spaces, schools, nurseries together with residential areas were mentioned. (SH)

In addition there was some debate as to whether the sex establishment's policy should also exclude 'proximity to places of worship'. Opinion was mixed as some respondents felt that provided the sex establishment was discrete and operated at different opening hours then it shouldn't be a problem.

Another person felt that it introduced a moral element and that any decision on whether to allow a sex establishment to operate should be impartial and not founded on any moral objections. (BS)

Other concerns raised by individuals related to the lack of consideration in the policy towards:

- Sexual orientation
- Disability.
- The nature of the area and the crime rates.

Other policy considerations raised were:

1 Nature and location of promotions for sex establishments

Adverts

That there must be controls on where adverts are located/placed in addition to controls of where they are located.

"I am concerned that there are Billboard Ads for a sex establishment along the road where I live which also has 2 primary schools" (SH)

"I don't understand why a sex club is allowed to use a lorry which drives around the borough showing images of scantily dressed women" (SH)

Signage

Other group attendees, whilst not opposed to the existence of sex establishments were anxious that the signage be discreet, and not explicit.

2 The lack of reference to crime/anti-social behaviour statistics

The major missing issue in policy considerations, raised in the Bow Group is the issue of crime and crime rates and the impact that sex establishments do/may have on crime in an area. The two specific possible crime considerations raised were:

- Anti-social behaviour
- Drugs

They questioned as to whether it could be proven there was a direct link between the two.

Overall – Policy considerations

Most groups felt that policy considerations regarding location considerations were valid and furthermore there is almost complete agreement that the policy regards the location of sex establishments in LBTH must state that they **MUST NOT** be located near:

- Residential areas.
- Places frequented by children (schools, playgrounds, leisure centres)
- Doctor's surgeries (BS)

Views were not unanimous with regards to their location near religious establishments, some feeling that this created a moral dimension and others feeling that it was not important if the hours of operation did not coincide.

Operational policy

One policy issue raised was the need for operational controls in terms of:

- Promotional activity and that it was felt that it needs to be discreet including the signage.
- That any consequential anti-social behaviour be controlled.

Missing policy consideration

Maybe the major missing area in terms of policy considerations was that of not including crime statistics and the impact that sex establishments do/don't have on crime in a given area.

4.2.4 Proposed policy

The actual question was:

'Do you agree with the proposal that there should be 'nil' sex establishments in Tower Hamlets'?

An overall summary of the group conclusions provides a split picture:

Location	For	Against	Other
Crisp Street	5	4	-
St Hilda's			Agreed 'in general'
Whitechapel	5	6	-
Bow			Disagreed – want 'targeted' policy
	10	10	

One of the limitations of the consultation is that people did not offer detailed explanations if they supported the policy other than a rather bland 'it's right', but they DID offer more detailed explanations when disagreeing with it. It is therefore difficult to give a balanced view.

Arguments for the nil policy

- Some were concerned that too many sex establishments would attract undesirables to the area.
- That sex establishments create antisocial behaviour.

Arguments against the nil policy

i) Overall

- Some felt that a blanket ban was "wrong" and an overreaction.
- Opting for a 'nil' policy would simply drive the trade underground and sex establishments would operate illegally.
- Disagreed with a 'nil' policy but favoured setting a limit on the number of establishments
- It was a matter of personal choice if people wish to frequent sex establishments
- Disagreed as they felt it was a question of freedom of choice and people should be able to attend this type of establishment if they chose to
- There is no need for change. The existing legislation is sufficient. Maintain the 'status quo'
- Why one should have to leave LBTH to attend a sex establishment
- Felt a nil policy is regressive and 'going back in time'
- One resident commented that the 'nil' policy proposal is not impartial and favours the Council's aim to ban sex establishments in the borough. The council could have given people a range of options to choose from which would have been more impartial

“I have no problem ideologically with sex establishments but I do socially, the proximity of these clubs to residential properties and schools, their advertising on bill boards on heavily used pedestrian streets is not acceptable to me’, I do agree though with one area for this type of establishment being Canary Wharf” (SH)

ii) Specifics

Policy

- There's a need for more clarity on the criteria (CS)
- A license to operate a sex establishment should be evaluated on a case by case basis (BS)
- That they be allowed in certain specific locations such as Wapping and Canary Wharf whilst taking into account the universally accepted policy of constraint in residential locations re presence of families, children, etc (SH)
- That the policy is too general, TH could allow a sex establishment in Spitalfields for example, (W)
- Concern that this policy just moves the problem to another Borough (WC)
- That policy is affected by where and how the boundaries are drawn (CS)

Economic

- It results in potential lost revenue. (CS)
- Sex establishments would boost the economy in an area by providing jobs (bar staff, cleaners etc) (BS)

Operational

- Many were not opposed to the existence of the establishments but were anxious that the signage be discreet, and not explicit. (CS)
- Sex establishment should be allowed if they were operated discretely (BS)
- Sex establishments should exist as long as they are properly licensed and managed (W)
- *‘If these establishments had more stringent monitoring measures such as a smoking area which is away from the street and a discrete entrance, as along Hackney Road,..... I would then be ok with such an establishment in the area. (SH)*
- Main concern relates to anti-social behaviour (SH)

Boundaries

- Location is key in deciding whether a sex establishment should be allowed to operate in an area. (BS)

Drugs

- The need to address concerns re the potential links with drug abuse (CS)

Overall – Policy

As noted previously, one of the limitations of this consultation is that little explanation was offered as to why residents agreed with the policy, only why they did not. However, in the summary 'count' above, opinion across the 4 groups was almost evenly split between being for and against the policy.

There were a series of arguments made by those disagreeing with the proposed nil policy. These arguments fell into the following categories:

Overall

These arguments tended to revolve around the issue of freedom of choice. One respondent did however make the seemingly valid point that it was better to have a controlled policy rather than a nil policy as all that would do is drive it underground.

Policy

That it should be on a case by case basis and allowed in certain designated / specific areas.

Economic

That sex establishments give an economic boost to the area and create jobs

Location

That the localities had been chosen to match the considerations of the proposed nil policy.

Operational

These concerns are not so much about the policy as its working / enforcement and that issues such as signage, advertising, anti-social behaviour needs policing.

4.3 Expert Submission Analysis

4.3.1 Background

Three types of submissions were made:

i) Legal submissions

Four submissions were reviewed, they being:

- Joelson Wilson on behalf of Secrets (St Katherine's) Ltd
- Dundas & Duce on behalf of The Nags Head
- Jeffrey Green Russell on behalf of Majingo's
- Jeffrey Green Russell on behalf of Metropolis*

Note – the submission from Jeffrey Green Russell on behalf of Metropolis is the same as they presented on behalf of Majingo's.

The Dundas & Duce / Nags Head submission was a short general submission. The other two / three submissions gave specific responses to each of the questions in the consultation document.

ii) Representative organisations

Three separate written submissions were made from

- The chair of CAPE Group (Community Against People Exploitation)
- OBJECT
- Rainbow Hamlets

iii) Tower Hamlets Resident

- A separate written submission from a private resident was made

Legal submissions

4.3.2 Locality Definition

Joelson Wilson / Secrets (St Katherine's) Ltd

1 Policy should be application specific

They did not agree with the way the Council have defined the areas, believing that they shouldn't be defined regards the policy but rather by reference to a specific licence application stating that the relevant location is decided by the facts of each application on a case by case basis. They quoted a legal precedent regards locality definition.

Jeffrey Green Russell / Majingo's/Metropolis

2 Definition is designed to confirm proposed policy

Their main submission is that the Authority has devised the 24 locality areas in order to confirm their proposed nil establishment policy as each of the areas contains schools, families, surgeries and play areas which therefore dictate a nil policy. They also add that as there are already existing localities i.e. wards, they question the necessity of devising these new ones.

4.3.3 Policy considerations

Jeffrey Green Russell / Majingo's/Metropolis

Their points made are:

1 No basis/evidence for the stated policy elements

They expressed concern that the authority has provided no evidence as to why they are proposing the stated policy elements of not having a sex establishment near certain facilities such as surgeries, schools or playing fields. They note that there is no evidence or complaints arising from the location of their clients Majingo's or Metropolis establishments which have been in the same locations for several years.

Joelson Wilson / Secrets (St Katherine's) Ltd

2 Stated policy considerations are only relevant in the context of 'pre-defined localities' which they are disputing

They did not agree that the policy considerations identified are correct as they state they are only relevant in the context of a given area/'locality'. They again refer to their response to the previous locality question where they disagree with the stated approach saying that a location should be identified on the basis of a specific licence application. They also quote a legal precedent. They also feel that 'in the vicinity' is more relevant to the characteristics of an area and therefore feel that reference to a 200 metre radius is overly prescriptive and too inflexible.

4.3.4 The proposed nil policy

Jeffrey Green Russell / Majingo's/Metropolis

1 Moral or religious objections

They contest the Authority's desire to set a nil number of sex establishments. They note that this submission is similar to a zoning enquiry and as such state that one cannot solely rely on submissions from moral or political objections. They add that given the richness and variety of Tower Hamlets cultural life, it is surprising that the Authority believes it should have a nil policy.

Dundas & Duce/Nags Head

1 Human rights

They claim it does not take into consideration the human rights of the current owners and operators of currently licensed establishments.

2 Consultation

They state it isn't fair and isn't in accordance with the statutory provisions of the legislation but has been done in such a way as to support the Council's draft policy.

3 Moral or religious objections

The claim that the Council has deliberately not asked in the consultation whether any persons who are supporting its proposed 'nil establishment policy' are doing so on moral or religious grounds which they feel is highly likely to be a deciding factor for many.

Joelson Wilson / Secrets (St Katherine's) Ltd

They do not agree with the proposed nil policy for the following five reasons:

1 Human Rights.

They claim it interferes without justification in a wholly disproportionate way with the human rights of the owners, proprietors, staff and customers. They claim that an 'existing operator' is entitled to rely on Article 1 of the 1st Protocol of the European convention of Human Rights noting it states the right to 'the peaceful enjoyment of possessions' and claim that 'built up goodwill' is defined in the 1st Protocol as a possession and the proposed policy doesn't reflect this. They again quote case history.

They also question the validity of the statement in the consultation document that the Council has taken into consideration the human rights of these persons. They state that the proposed policy and its practical application must reflect such rights. Finally they compare the relative brevity of your human rights policy to that of Camden's.

2 Inconsistency of argument.

They claim that the following statements are inconsistent:

- a) 'Each case will be decided on its merits' (para 5.7)
- b) The claim that 'if an application relates to an existing trader against whom there has been no previous complaint it is unlikely to be considered a reason for applying an exception to the policy' (para 5.8)

They believe that the Licensing Authority should take into account the previous manner of operation of such establishments.

3 Bias in Mayor's statement

They claim that the accompanying statement by the Mayor could be construed as inviting solely negative comments and takes no account of any positive factors.

4 Positive evidence on how lap dancing clubs are run

They refer to five reports; they claiming that each contains positive comments about the way lap dancing/strip clubs operate:

- A Culture Media and Sports committee
- A Metropolitan Police evidence to a House of Commons culture committee
- A local LBTH police report
- Consultations in two other London Boroughs
- A Leeds University research report

They state that they believe that policy needs to differentiate between existing 'well run' establishments and new applicants.

5 Economic issues

Reference is made to the economic impact of a nil policy, quoting for example that 'Secrets' in East Smithfield was a one million pound investment.

4.3.5 Other comments

Jeffrey Green Russell / Majingo's/Metropolis

They raise two points:

1 Need to allow for existing operators

Two reasons are given:

- **Human Rights.** They state that there is no evidence of how the human rights of the existing persons associated with the existing businesses have been taken into account so that removal of the proprietor's right to trade is an infringement of their human rights.
- **Track record.** They also note that the premises have been the subject of continual inspection by Police and Authority personnel and no complaints have been made.

2 2008 review of striptease by the Authority

They note that reference is made to this and express concern regards the robustness of the consultation process undertaken in this review noting:

- No contact was made or evidence gathered from the licensed operators.
- Whilst co-opted members included a church and Muslim group, no such request was made to a trade organisation or the businesses.
- It is claimed that it paid special attention to an organisation whose stated aims are the closure of such premises.
- That they only received only 100 submissions which cannot be representative of the population of Tower Hamlets.
- That they paid little regard to the Police who indicated they had no problems with such establishments in the Borough.

Joelson Wilson / Secrets (St Katherine's) Ltd

They made the following four points:

1 Description of 'Sex Entertainment venue'

They refer to the difference in descriptions between the Act of '**Sexual** entertainment venue' and in the consultation document and the accompanying Mayors letter of '**Sex** establishments' and '**Sex** entertainment venues' both of which they claim gives a misleading impression as to the establishments activities.

2 The Authorities inappropriate adoption of a moral stance towards sexual entertainment venues

They refer to differences in positive statements in LBTH policy regards borough development and negative statements in the consultation document re the impact of 'sexual entertainment venues'. They conclude that they believe that the reasoning behind the proposed policy is that of the Authority taking an 'inappropriate' moral stance. They refer to another legal case.

3 Matters from the report to the Authorities' scrutiny committee re 'Licensing of strip clubs'

They make reference to this document and query some of its comments including:

- 'Extensive consultation' which they say consisted of only approximately 100 responses.
- Misleading statements on the Authority's web site re 'overwhelming responses/evidence' which they state is not true.
- No reference to the positive comments received in this 'extensive consultation'.
- That members of the scrutiny committee felt there was a strong link between strip clubs and crime when there is no evidence to this effect.

4 Overly prescriptive restrictions on layout

They state that they feel the statement in para 6.1.4 re their location is overly prescriptive, they quoting the positive operation of their client's six sites in London over some 15 years.

Representative organisation submissions

CAPE

This referred to the nil policy which the City of Leicester introduced under the legislation in which they decided to shut down 3 venues as their considered their locations were not appropriate, being close to residential properties and stating that this policy is transferrable to Tower Hamlets. They also made specific reference their concern about the growth of lap dancing clubs in the borough, stating that this has absolutely nothing to do with closing gay bars but with the safety of women. They note that The White Swan will be able to apply for an exemption that allows it to continue.

OBJECT

OBJECT offered two complementary documents in support of the proposals as their overall assertion was to strongly recommend the introduction of a nil policy for sexual establishments in Tower Hamlets. They quoted the following reasons supporting each one with relevant information.

- Lap dancing clubs normalise the sexual objectification of women and run counter to promote equality between women and men.
- Lap dancing clubs promote a 'sex object culture' which negatively impacts on aspirations of young women and girls
- Lap dancing clubs encourage demand for prostitution and trafficking
- Physical and sexual violence and assault against women are common in Lap dancing clubs
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- Lap dancing clubs have a negative impact on women's safety in wider society
- Objections to Lap dancing clubs are based on issues of equality, not morality
- In addition they referred to the following two issues:
- They quote certain local authorities that have introduced a nil policy and explain their reasoning
- Human rights: They argue that the potential use of human rights legislation by existing operators is unlikely to be successful including a rationale.

Rainbow Hamlets

Rainbow Hamlets discussed the policy and the consultation document with members at an AGM and in contrast to OBJECT and CAPE, Rainbow Hamlets as strongly opposed to the proposals. Their views are put forward on behalf of the LGBT community of the Borough and their meeting was held in the presence of the Authority's Trading Standard's Officer.

In regards the localities proposition, Rainbow Hamlets disagreed with concern as to whether one could just look at Tower Hamlets in isolation and not take into account what was taking place on / across its borders and indeed some felt the boundaries may be suitable locations.

There was also concern that they are largely based on the Authority's Place strategy but stating that as this has yet to be published they considered that the policy development process has not been transparent. They also argued that gay venues have a wide catchment area so cannot be 'site specific'"

Rainbow Hamlets also made reference to Canary Wharf stating that existing establishments here had no detrimental impact on the surrounding community

They raised concerns about the policy considerations under the following headings:

Integration of policies, strategies and initiatives

- Economic impact

Demographics

- There have been no record of complaints about historic venues or any anti-social or criminal issues
- That the proposed policy could have other implications e.g. the impact of the proposed 200 meter buffer zone on a faith community

Ethnicity

- Their assertion is that the policy references and privileges some communities over others e.g. ethnicity and faith.

Deprivation

- They state that the claims made regarding impact of sex establishments are unsubstantiated

Canary Wharf

- They make specific reference to the lack of impact that establishments have had there

Policy frameworks

- They make several points, the general thrust being they do not provide a balanced viewpoint.

Rainbow Hamlets attendees stated that in the light of all the points they had made that they disagreed with the proposed policy, their overall claim being that it is based on a moral viewpoint and suggested that the Authority adopts Hackney's policy of allowing existing venues to continue but not allowing any new ones.

White Swan

There is a separate reference to the White Swan on Commercial Road by Rainbow Hamlets, raising two key points:

- i) That it should have been included in the Authority's list of consultees
- ii) That it is evidence of the minimal impact that such an establishment has on the community and that shutting it down may well have a detrimental effect upon community cohesion.

Response from a private resident

He stated his opposition to the proposed policy as a resident of the borough claiming it cannot be defended on moral or equalities grounds and that these businesses provide a very valuable outlet for perfectly normal healthy behaviour that should be tolerated in any modern society which should include minority groups.

5.0 Conclusions and Recommendations

None of the three consultations have resulted in a clear vote in favour of the proposed policy. Looking at the three specific issues raised in the consultation, the following conclusions can be drawn.

Localities

The majority of the general public who took part in either the general consultation or the focus groups approved of the idea and specific choice of the localities. There is however a caveat which was identified in the focus groups, namely that most saw the localities in relation to it being a means of describing the borough rather than as a means of realising the proposed sexual establishment policy. Indeed the expert submissions stated that the locality should not be predefined but rather be application specific and that the basis of the chosen definition is designed to confirm the proposed policy.

Policy considerations relating to the localities

Again there was a similar result from the two main consultations with general agreement for the policy considerations although opinion from the questionnaire findings was more evenly split with 60% in favour of the considerations. The expert consultations claimed that there is no evidence basis for the stated policy elements and that the policy considerations are only relevant in the context of 'pre-defined localities' which they dispute. Therefore it should be noted that although there is strong support, there is also significant opposition, with a hint of suspicion regarding the Council's agenda.

The policy

The first two consultations with the general public did not produce a clear result either way be it for or against the proposed policy with opinion split down the middle. There was also again a fairly strong level rationale from those who were against the policy with 'a hidden agenda and Council bias' mentioned frequently. The legal submissions raised a series of concerns relating to various issues including the assertion that it has not been demonstrated how the human rights of the current owners and operators of currently licensed establishments has been taken into consideration. In contrast, submissions from the two representative organisations were strongly in favour of the proposed nil policy, primarily on the grounds of equality.

Recommendations

Whilst it is not our duty to recommend a way forward, one possible avenue to consider is that of having a limited, tightly controlled policy, restricting such establishments to a few clearly defined areas. This recognises a key concern raised in the consultation that a nil policy will not result in an elimination of sexual establishments in the borough but will merely drive them underground so it is better to manage and control them.

A second option would be to allow any current recognised sex establishment to continue trading but establish a nil policy on any new ventures in the area, appeasing both current organisations and to some extent the general public. This would require further testing to gauge stakeholder opinion. This was supported by Rainbow Hamlets recommended adoption of the Borough of Hackney's policy of allowing existing establishments to continue but not allowing any new ones.