



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17 May 2012	B1	Bunhill

Delete as appropriate	Non-exempt
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**Subject: SEX ESTABLISHMENT LICENCE APPLICATION**  
**Flying Scotsman, 2-4 Caledonian Road, London N1 9DT**  
**For Your Eyes Only (aka FYEO), 1 City Road, London EC1Y 1AE**  
**Platinum Bar, 23-25 Paul Street, London EC2A 4JU**  
**The Horns, 262-264 Old Street, EC1V 9DP**

## 1. Synopsis

- 1.1 On 26 March 2012 the Licensing Sub Committee convened to determine four applications for new sex establishment licence to permit four premises to be used for sexual entertainment under the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The Licensing Sub Committee agreed to grant the four applications, subject to one amendment to the standard conditions document the Sub Committee had in front of them. Since this hearing it has come to light that the Sub Committee did not have the correct version of the standard conditions when making their decision.
- 1.3 The Licensing Service is concerned that the decision of the Sub Committee on 26 March 2012 may now not be valid and are asking the Licensing Sub Committee to reconsider whether or not they still wish to impose this condition. If the Sub Committee are still minded to impose the condition, then the Licensing Service respectfully request that the Sub Committee consider an alternatively worded conditions before making a final decision.

## 2. Recommendations

- 2.1 Having considered the information provided in this report, the Licensing Sub Committee is asked to consider whether or not they still wish to impose the amended condition on the four sex establishment licences or whether the provisions of condition 14 and 15 of the approved version of the Standard Conditions is sufficient to address their concerns.

- 2.2 If the Sub Committee consider that the condition is still necessary, then Members are asked to consider an alternative wording:

“The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside), complies with the Advertising Standards Authority’s guidelines and is not unacceptable to the Council.”

- 2.3 Alternatively, if the Sub Committee is minded to still impose the original condition:

“The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising Standards Agency guidelines and has prior Council approval.”

then the Licensing Service would welcome further clarification of Members’ expectations regarding “prior approval”. For example, is this a responsibility that would be delegated to Council Officers or would Members expect approvals to be referred to the Licensing Sub Committee.

### 3. Background

- 3.1 On 26 March 2012 the Licensing Sub Committee convened to determine four applications for new sex establishment licence to permit the premises to be used for sexual entertainment under the Local Government (Miscellaneous Provisions) Act 1982.

- 3.2 Having considered the applications, the Licensing Sub Committee resolved to grant all four applications subject to an amendment to condition 14 of the “Standard Conditions For Sexual Entertainment Venues” document the Sub Committee had in their possession. The amended condition imposed is as follows, with amendments in bold italics:

The licensee shall ensure that any external advertisement promoting the entertainment on the premises, ***(including any promotional material made available on the premises which can be taken outside and also web based advertising)***, complies with the Advertising Standards Agency guidelines and has prior Council approval.

- 3.3 Following this hearing it has transpired that the version of the Standard Conditions in front of the Sub Committee was inaccurate and differed from the final version adopted by the Licensing Committee on 28 February 2011. The only substantive difference between the two versions is that the final version did not include the “condition 14” which was subsequently considered and amended by the Sub Committee at the 26 March hearing.

- 3.4 On receiving the decision notices, one applicant has indicated to the Licensing Service that they intend to appeal the imposition of the additional/amended condition. “For Your Eyes Only”, which operate a number of venues providing adult entertainment around the country, have expressed concern about the practicalities of seeking prior approval for advertising materials, especially web based advertising, from Islington Council. They have suggested an alternatively worded condition, which would still provide the Council authority to control content should an issue arise. The alternative condition is set out in 2.3 above.

- 3.5 Papers relevant to this application are attached as follows:-

Appendix 1: minutes of Licensing Sub Committee meeting, 26 March 2012;

Appendix 2: “Standard Conditions for Sexual Entertainment Venues” as adopted by Licensing Committee on 28 February 2011;

## **4. Implications**

### **4.1 Financial implications**

If the Sub Committee grants the licences subject to any terms or conditions that the applicant does not agree, the applicant has the right to appeal the decision at the Magistrates Court. Should the decision of the Sub Committee not be upheld then there may be cost implications for the Council.

### **4.2 Legal implications**

4.2.1 When determining a licence application, the sub-committee must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

4.2.2 Once the licensing authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence or standard conditions applicable to all sex establishments, or particular types of sex establishments such as Sex Entertainment Venues.

4.2.3 Examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

4.2.4 Where the appropriate authority decides to produce standard conditions under they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

4.2.5 This hearing is considered a reopening of the original hearing of 26 March 2012.

### **4.3 Environmental Implications**

The environmental impacts have been considered and it was identified that the application if granted would have no adverse impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation
- Biodiversity
- Pollution

### **4.4 Equality Implications**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster

good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

## 5. Conclusion and reasons for recommendations

- 5.1 This is a reopened hearing to consider the imposition of a condition originally imposed by the Licensing Sub Committee on 26 March 2012. The decision of the Sub Committee appears to have been based in part on inaccurate documents.
- 5.2 The Sub Committee is respectively requested by the Licensing Service to reconsider their decision in light of the correct documents, specifically the "Standard Conditions for Sexual Entertainment Venues".
- 5.3 In reaching a decision the sub-committee needs to fully consider:
- Whether there is still a need to impose this condition;
  - If the condition is imposed, who takes responsibility for granting Council prior approval for all external advertising in relation sex entertainment venues;
  - Whether an alternatively worded condition may be more appropriate.

Background papers:

The Council's Sex Establishment Licensing Policy  
Local Government (Miscellaneous Provisions) Act 1982  
Home Office Guidance on Sexual Entertainment Venues  
LBI Standard Conditions for Sexual Entertainment Venues

Final Report Clearance

Signed by

  
Service Director – Public Protection

Date 11/5/12

Received by

Head of Scrutiny and Democratic Services

Date

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## London Borough of Islington

### Licensing Sub-Committee 'B' – 26 March 2012

Minutes of the additional meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 26 March 2012 at 10.15 am.

**Present: Councillors:** Wally Burgess, Barry Edwards and Julie Horten.

#### COUNCILLOR WALLY BURGESS IN THE CHAIR

99. **INTRODUCTIONS AND PROCEDURE (ITEM A1)**

Councillor Wally Burgess welcomed everyone to the meeting, asked members and officers to introduce themselves. The Chair outlined the procedures for the meeting and informed the public that the procedures were on page 3 of the agenda papers.

100. **APOLOGIES FOR ABSENCE (ITEM A2)**

Apologies for absence were received from Councillors Doolan and Ismail.

101. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

Councillor Edwards substituted for Councillor Doolan and Councillor Horten substituted for Councillor Ismail.

102. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

103. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be as the agenda.

104. **SAINSBURYS, 301 ST JOHN STREET, EC1V 4PA**  
**APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003**  
**(Item B1)**

The noise officer requested that their proposed condition be applied to the licence.

Helena Berndt and James Heath, raised objections regarding the increased noise in the area and also the environmental concern that deliveries could be made by the supermarket, even though residents in the housing block were unable to apply for parking permits.

Sabrina Cader, solicitor, supported by Joanne Surguy, the licensee, spoke in support of the application. She informed the Sub-Committee that alcohol would be included in the normal delivery of goods. She did not consider that it was necessary and proportionate to impose an additional condition regarding delivery hours.

The Sub-Committee noted that a service plan condition, attached to the planning consent, which included regulation for deliveries had not yet been discharged. It was noted that the premises would not be opening until August.

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In response to questions, the noise team reported that residents often complained about delivery noise. The applicant did not know how discussions regarding the servicing plan had progressed.

In summing up, the interested parties reiterated their concerns about anti-social behaviour and deliveries. They were also concerned that the increase in the number of refrigeration units would add to the increase in noise levels. The applicant advised the Sub-Committee that there was no evidence to suggest that deliveries would impact on noise levels. Ms Caber considered that it would be operationally impossible to open with the imposition of the noise condition.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED:**

That, having considered all the oral and written evidence and submissions and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the premises licence in respect of **Sainsbury's, 301 St John Street, EC1V 4PA** be deferred in order for members to see the agreed servicing plan for deliveries before determining the application.

### **REASONS FOR DECISION**

The decision to defer was made in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 and the Council's Licensing Policy.

The Sub-Committee considered the submissions put forward by the responsible authority, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted the noise condition proposed by the responsible authority and that this condition was not agreed by the applicant. Local residents raised concerns regarding potential noise from the premises both from customers and delivery vehicles. The Sub-Committee also noted condition 10 on the planning consent regarding the regulation of deliveries and the requirement for the applicant to submit and have approved by the local Planning Authority, a servicing plan prior to the first occupation of the premises.

The applicant submitted that alcohol would be delivered with other goods to the premises and that details regarding delivery to the store were not available. The service plan would be submitted to the planning authority and would cover times of delivery. However, the applicant did submit that, if imposed, the proposed noise condition would be operationally impossible for the applicant and the applicant did not offer any alternative proposals. The applicant submitted that the premises would not be open until August 2012.

In reaching their decision, the Sub-Committee took into particular consideration Licensing Policy 009 which sets out that the licensing authority expects applicants to ensure that they have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a premises licence. The Sub-Committee concluded that as the requirement set out in condition 10 had not been met and that there was no information available as to how the applicant would prevent public nuisance at the premises caused by deliveries that the decision should be deferred. A future licensing Sub-Committee would have the servicing plan before it and would be able to balance the needs of residents with the operational needs of the applicant.

105. **PLATINUM BAR, 23-25 PAUL STREET, EC2A 4JU**  
**APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B2)**

The Sub-Committee noted the written submissions from the interested parties.

The Sub-Committee noted the further information forwarded by the applicant that would be interleaved with the agenda papers.

The noise officer reported that sounds levels had been agreed with the noise team.

Andrew Woods, solicitor, supported by Alexandra Moore, general manager, Michael Watson, licensing consultant and Farid Obineche, owner, spoke in support of the application. He informed the Sub-Committee that the venue had been operating since 2001. There had been one complaint by a resident relating to music at the weekend in 2009 when the venue was operating as a nightclub. This had now been dealt with and the venue would no longer operate as a night club.

In response to questions officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website and not with fliers. Groups were not allowed to enter the premises. A code of conduct was signed by all dancers. CCTV was available for 31 days and covered every area of the premises.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

**RESOLVED:**

- a) That, having considered all the oral and written evidence and having given consideration to the Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of Platinum Bar, 23-25 Paul Street, EC2A 4JU be granted.
- b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.
  - The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising standards Agency guidelines and has prior Council approval.

**REASONS FOR DECISION**

The Sub-Committee considered the written representations put forward by the interested parties and the written and oral submissions put forward by the applicant.

The Sub-Committee were satisfied, in accordance with the Authority's policy that, the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

The Sub-Committee noted residents concerns about noise from the premises and also the steps the applicant had taken to ensure that nightclub events would not take place at weekends and therefore residents would not be disturbed.

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In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue (except the noise complaint referred to above which had been satisfactorily dealt with) and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

### **Note of the Sub-Committee**

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it today were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

#### 106. **FOR YOUR EYES ONLY, 1 CITY ROAD, EC1Y 1AE** **APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B3)**

The licensing officer reported that the premises were undertaking head and shoulder massages prior to receiving a special treatment licence. This was their only venue in London and they were unaware of this requirement as special treatment licences were not required outside London.

Julia Palmer, solicitor, supported by Mr Nicie, company director, Tony Osborne, manager and Terry Malham, deputy manager, spoke in support of the application. She informed the Sub-Committee that the venue had been operating since 2008 and no complaints had been made. There was a code of conduct for dancers.

In response to questions officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website. The Sub-Committee noted that the premises were in a busy thoroughfare, there was no advertising on the front of the premises that would indicate the type of entertainment provided and was well lit at night. Approximately 15% of the clients were women.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED:**

a) That, having considered all the oral and written evidence and having given consideration to the Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of For Your Eyes Only, 1 City Road, EC1 be granted.



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b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising standards Agency guidelines and has prior Council approval.

### **REASONS FOR DECISION**

The Sub-Committee considered the written and oral submissions put forward by the applicant.

The Sub-Committee were satisfied, in accordance with the Authority's policy that, the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

### **Note of the Sub-Committee**

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it today were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

#### **107. THE HORNS, 262-264 OLD STREET, EC1V 9DD** **APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B4)**

The Sub-Committee noted the additional information received, following circulation of the agenda, from Prettys solicitors and from the applicant which would be interleaved with the agenda papers.

Mr Seely, Prettys solicitors, considered that there had been a breach of the licensing condition 2, annex 2 of the licensing conditions. The Sub-Committee noted the explanation from the licensing officer that this condition had not been breached and that the times for regulated entertainment were as detailed in the licence which took priority over condition 2.

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Mr Seely also raised objections regarding the length of time the business had been open, the location of the business, the close proximity to a school, the rubbish which accumulated outside the premises and concerns regarding a link on the website.

Michael Jones, the applicant, spoke in support of the application. He reported that the business was transferred in March 2011. He had traded from this date at the premises although there was a period in 2011 when the premises were closed for refurbishment. The rubbish was cleared every morning at 10:00am and any rubbish which remained was from the next door premises, which was a nightclub. They had no fliers. He had been unaware of the link on the website named 'punterlink', but once known had asked for it to be removed.

In response to questions officers confirmed that there had been no complaints about the venue. The applicant confirmed that the venue was advertised through their website. The Sub-Committee noted that the premises were in a busy street and there was no advertising on the front of the premises that would indicate the type of entertainment provided. No groups of men were allowed to enter the premises.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED:**

a) That, having considered all the oral and written evidence and having given consideration to the Local Government (Miscellaneous Provisions) Act 1982, as amended, the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of The Horns, 262-264 Old Street, EC1V 9DD be granted.

b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising standards Agency guidelines and has prior Council approval.

### **REASONS FOR DECISION**

The Sub-Committee considered the representations put forward by the interested parties and put forward by the applicant.

The interested party submitted that the applicant was not an on-going business and therefore should not be treated as an exception within the Authority's policy to limit the number of sexual entertainment venues in the borough to nil. The Sub-Committee were satisfied from the evidence before them that the premises were trading with express permission at the relevant date and this application was therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee were satisfied, in accordance with the Authority's policy that, the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

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The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations. In addition, the Sub-Committee noted that residents had put in a letter supporting the applicant and the improved management of the premises since it had opened as The Horns.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition. The Sub-Committee took particular note of the submissions of the interested party regarding fliers found in the area and the use of the web for advertising.

### **Note of the Sub-Committee**

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it today were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

108. **THE FLYING SCOTSMAN, 2-4 CALEDONIAN ROAD, N1 9DT**  
**APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE LOCAL**  
**GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B5)**

The licensing officer tabled a management policy to members. This would be interleaved with the agenda papers. It was noted that there had been a visit to the premises by licensing officers in February 2012 and issues had been raised regarding the means of escape due to building works at the premises. This had now been resolved.

Councillor Paul Convery spoke against the application. He informed the Sub-Committee that he had received a number of calls from residents who had concerns regarding the premises and he considered that there were grounds for refusal of this licence. He advised the Sub-Committee that the owner was engaged in a long term development plan for the site and he expected an assurance from the applicant that the premises would be a different type of venue in the next two years. He would not wish to see the premises boarded up and with this reassurance would withdraw his objection.

Kingsley Hoddinott, agent, supported by the applicant, Peter Alexander, spoke in support of the application. He advised the Sub-Committee that the premises had been licensed for music and dancing since March 2001. The licence had never been called in for a review and there was a long term plan for the whole site to be redeveloped. It was expected that the licence for the premises would be surrendered in two or perhaps three years time but in the meantime there was a need to retain the facility.

In response to questions officers confirmed that there had been no complaints about the venue.

Members of the Sub-Committee left the room to deliberate before returning to announce their decision.

### **RESOLVED:**

a) That, having considered all the oral and written evidence and having given consideration to the Local Government (Miscellaneous Provisions) Act 1982, as amended,

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the national guidance and the Council's sex establishment licensing policy, the sex establishment licence in respect of The Flying Scotsman, 2-4 Caledonian Road, N1 9DT be granted.

b) That the standard conditions applicable to sexual entertainment venues be applied to the licence with the following amendment to condition 14.

- The licensee shall ensure that any external advertisement promoting the entertainment on the premises, (including any promotional material made available on the premises which can be taken outside and also web based advertising), complies with the Advertising standards Agency guidelines and has prior Council approval.

### **REASONS FOR DECISION**

The Sub-Committee considered the written and oral submissions put forward by the interested party and the applicant.

The interested party submitted that although constituents had contacted him with concerns regarding the premises, he had recently become aware of the applicant's long-term business plan for the premises. The applicant had indicated a redevelopment of the premises and adjoining site and a plan to cease operation as a sexual entertainment venue in the next two years. Leading up to the redevelopment, the interested party did not want to see the premises closed and boarded up and with the assurances regarding the future, withdrew his objection.

The Sub-Committee were satisfied, in accordance with the Authority's policy that, the applicant demonstrated high standards of management, a management structure capable of operating the venue and the ability to adhere to the standard conditions for sex establishments.

In making the decision, the Sub-Committee were satisfied that the premises were trading with express permission at the relevant date and the premises were therefore considered as one of the on-going businesses within the borough. The Sub-Committee considered the application for this premises alongside three other applications from venues that also applied under the transitional arrangements.

The Sub-Committee noted that the licensing authority had not received any complaints about the venue and the police had not made any representations.

The Sub-Committee considered that it was appropriate to attach the authority's standard conditions for sexual entertainment venues to the grant of the licence with the amendment to condition 14 detailed above. The Sub-Committee were satisfied that the amendment would provide clarity to the applicant as to the type of advertising that was covered by the condition.

### **Note of the Sub-Committee**

The Sub-Committee was particularly mindful of the Council's sex establishment licensing policy, in particular limits on the number of licensed premises. The Sub-Committee considered that all applications before it today were trading with express permission on the relevant date and they had demonstrated the high standards of management required. The Sub-Committee noted that three existing premises did not apply under the transitional arrangements and therefore the number of sexual entertainment venues within the Borough had been reduced.

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109 **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

That the press and public be excluded during consideration of the following items as the presence of members of the public and press would result in the disclosure of exempt information within the terms of Schedule 12A of the Local Government Act 1972, for the reasons indicated:

B5      The Flying Scotsman

Category 1 – Information  
relating to any individual

110 **FLYING SCOTSMAN, 2-4 CALEDONIAN ROAD, N1 9DT**  
**APPLICATION FOR A NEW SEX ESTABLISHMENT LICENCE UNDER THE**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Item B5)**

**RESOLVED:**

That the exempt information in relation to agenda item B5 be noted.  
(See minute 108 for decision).

The meeting ended at 4.10 pm

**CHAIR**

## **STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES**

### **General**

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within fourteen days of such change.
3. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council to prove compliance with this Licence.
4. The licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the premises) following consultation with licensees
6. The meaning of "sexual entertainment" is given in Section 27 of the Policing and Crime Act 2009.

### **Management**

7. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers and performers to ensure that the Code of Conduct for Dancers and the House Rules are being obeyed and enforcing if necessary.
8. The Licensee shall prepare and implement a Code of Conduct for Performers. The Code shall be approved by the council and will not be altered without their consent.
9. The Licensee shall prepare House Rules governing the conduct of customers. The Rules shall be approved by the council and shall not be altered without their consent.

### **Premises**

10. The approved layout of the premises shall not be altered without prior consent of the council.
11. The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum.
12. The sexual entertainment shall take place only in the areas designated by the Council and the approved access to the dressing room(s) shall be maintained whilst sexual entertainment is taking place and immediately thereafter.
13. CCTV shall be installed to cover the inside and the outside of the premises covering all areas to which the public have access, including private performance areas and booths, entrances and exits but excluding toilets. All cameras shall continually record whilst the premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer or a police officer together with facilities for viewing. The

recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice

#### **Advertising**

14. The Licensee shall not permit the display outside of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which indicate or suggest that sexual entertainment takes place on the premises.
15. Where the Council has given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend public decency or be likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

#### **Admission to the Premises**

16. No person under the age of 18 years shall be permitted on the premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at the entrance.
17. Customers who appear to be under the age of 21 must be asked to provide a Pass-Scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
18. The content of the House Rules will be made known to customers prior to their admission to the premises when sexual entertainment is provided.
19. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave;

#### **Performers**

20. Entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation.
21. The licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the licensee shall keep a copy of a photographic form of identity and proof of address of the performer.
22. On days when sexual entertainment is provided, the licensee, or their representative, shall keep a record of those performers working at the premises on that day in a daily record. The daily record shall be immediately available for inspection by authorised officers.
23. The licensee shall ensure that each performer signs the code of conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the code of conduct, and signed copies be kept on the premises for inspection by authorised officers.
24. During a performance there shall be no full bodied physical contact between the customer and the dancer other than the transfer of money or token at the beginning, during and conclusion of the dance.
25. During a performance there shall be no full bodied physical contact between dancers and they are not to touch each others breasts and or genitalia.
26. Performers must remain fully dressed while on the premises, except while performing in areas approved by the Council for sexual entertainment and in the approved changing rooms.

27. Performers must redress at the conclusion of the performance.
28. Performers must never be in the company of a customer except in an area open to the public (excluding the toilets) within the premises.
29. The Licensee is to implement a policy for the safety of the performers when they leave the premises.

**Customers**

30. The House Rules regarding customer behaviour will be implemented at all times that the premises are operating with sexual entertainment.
31. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated or under the influence of illegal substances.
32. Customers may not be permitted to photograph film or electronically record any performance.
33. Customers shall not be permitted to enter non public areas of the premises such as changing rooms.