



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17 June 2013	B4	Caledonian

Delete as appropriate		Non-exempt
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**Subject: SEX ESTABLISHMENT LICENCE APPLICATION  
THE FLYING SCOTSMAN, 2-4 CALEDONIAN ROAD, LONDON N1 9DT**

**1. Synopsis**

1.1 This is an application for a Sex Establishment Licence to permit the premises being used for sexual entertainment venue under the Local Government (Miscellaneous Provisions) Act 1982.

**2. Recommendations**

2.1 In making a decision about the application the sub-committee will need to take into consideration:

- the Council's Sex Establishment Licensing Policy

**3. Background**

**3.1 The Flying Scotsman**

3.2 In December 2011 the Council adopted new powers to regulate SEV premises as Sex Establishments. These new provisions took effect on 1 April 2012 and since this date the Horns has held an SEV Licence to permit the premises to operate as a sexual entertainment venue.

3.3 SEV Licences expire after 12 months and licence holders have to apply each year for a licence.

- 3.4 Papers relevant to this application are attached as follows:-
- Appendix 1: application form and current SEV Licence;
  - Appendix 2: representations
  - Appendix 3: standard conditions for SEV premises
  - Appendix 4: premises location map

### 3.5 Representations

3.6 The council has received representations from 8 residents, 5 oppose the renewal of the licence and 3 support the renewal.

## 4. Implications

### 4.1 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 The Local Government (Miscellaneous Provisions) Act 1982 prescribes the following discretionary grounds of refusal:

- The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
- That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
- That the number of sex establishments in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality
- That the grant or renewal of the licence would be inappropriate, having regard
  - to the character of the relevant locality
  - to the use to which any premises in the vicinity are put; or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

## 5. Conclusion and reasons for recommendations

5.1 This is an application for a Sex Establishment Licence to permit the premises to operate as a sexual entertainment venue. The premises has been providing this type of entertainment for many years but the premises operator will need to apply for a Sex Establishment Licence every 12 months to continue operating.

5.2 In reaching a decision the sub-committee needs to fully consider:

- The application
- The views of anyone making a representation
- The Sex Establishment Policy – in particular the application of the policy to premises trading prior to the adoption of the policy
- The requirements of the Local Government (Miscellaneous provisions) Act 1982.

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

6/6/13

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

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E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR LICENCE SEX ESTABLISHMENT LICENCE**

Please read the Council's Sex Establishment Licensing Policy before you complete this application form.

**Type of Licence applied for**

- Sex Shop  
 Sex Cinema  
 Sexual Entertainment venue

**Applicant's details**

**1. THIS PART TO BE COMPLETED IF APPLICATION IS MADE BY AN INDIVIDUAL OR PARTNERS**

	Full Name	Permanent Private Address	Date of Birth	UK resident in the last 12 month?
a)				
b)				
c)				
d)				
e)				

**2. THIS PART TO BE COMPLETED IF APPLICATION IS MADE BY A LIMITED COMPANY OR OTHER INCORPORATED OR UNINCORPORATED BODY**

a)	Name of company or body	The Brill UK LLP
b)	Address of Registered office (or principal office in case of unincorporated body)	First Floor. 45-57 Marylebone Lane. London W1U 2NT
	Name of Director(s) with responsibility for management of premises	
	Position held	

	Date of Birth	
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**3. THIS PART TO BE COMPLETED IF APPLICATION IS MADE BY A COMPANY**

a)	Is the applicant a wholly or partly owned subsidiary of another company?	NO
b)	If yes, give name of the parent company and of any ultimate holding company	Not applicable
c)	In which country is the company incorporated?	United Kingdom
d)	What is the date of incorporation of the company?	15th July 2008

**4. THE FOLLOWING QUESTIONS TO BE ANSWERED BY ALL APPLICANTS**

a)	Has a licence been revoked for any sex establishment with which any party to this application has been connected?	NO
b)	Has a licence been refused for any sex establishment with which any party to this application has been connected?	NO
c)	Has any person employed or to be employed by you has held a sex establishment licence which has been refused?	NO
d)	Has the applicant or any director or other person directly or indirectly responsible for the management of the applicant body or any person named in response to question No. 10 been convicted of a criminal offence?	
e)	Give the following details of every person who is to be responsible for the management of the premises in the absence of the licence holder	
	<b>Full Name</b>	<b>Position Held</b>
	<b>Permanent Private Address</b>	<b>Date of Birth</b>

**5. PREMISES DETAILS**

Trading name The Flying Scotsman

Address 2-4 Caledonian Road. London N1 9DT.

Do you have planning permission for intended use and hours of operation?  
 Yes  No

Contact details of person to be ~~connected~~<sup>contacted</sup> in connection with this application

Name Kingsley Hoddinott  
Address

James-Motion. Suite 1. Essex House.  
Station Road. Upminster. Essex RM14 2SJ.

Tel Number 01708 229955

Email Address khoddinott@james-motion.co.uk

I/We declare that the above particulars are, to be best of my/our knowledge, true in every respect.

Date: 28th March 2013

Signature:

Name of Signatory: K. Hoddinott

Designation of Signatory: Authorised Agent for the Applicants

Please note that any person, who in connection with any application for a licence, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of any offence rendering him liable on conviction to a fine not exceeding £10,000.

**Checklist**

- Application fee paid
- Two passport sized photographs of applicant completing section 1 or manager of premises if applicant is a limited company.  
(NB photographs are not required if no change since last application)
- A plan showing the internal arrangement of the premises. (Scale 1:100)
- A plan showing the location of the premises. (Scale 1:1250)  
(NB Plans are only required for new application or where there has been a change in layout since last licence granted).
- Newspaper advert prepared and sent to newspaper for publishing within 7 days of submitting application
- Display notice of application on premises for 21 days following submission of application



Licence Number: LN/13637-010412

## SEX ESTABLISHMENT LICENCE

The Council of the London Borough of Islington, by virtue of the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Police and Crime Act 2009, Section 27 and Schedule 3 hereby grant to:

Full name of licensee: The Brill UK LLP

Address of licensee: 51 Queen Anne Street, London W1G 9HS

A licence to use the premises known as: The Flying Scotsman

Address of premises: 2-4 Caledonian Road, London N1 9DT

As a **Sexual Entertainment Venue** until the last day of **31<sup>st</sup> March 2013**.

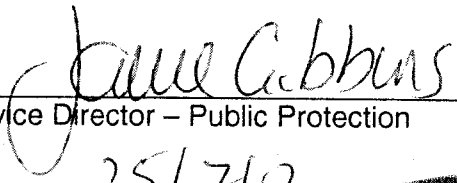
This licence is granted subject to Islington's **Standard Conditions for Sexual Entertainment Venues** and to any additional conditions indicated below.

A copy of this licence and the Council's Standard Conditions for Sexual Entertainment Venues must be kept exhibited in a conspicuous place on the licensed premises.

### Additional Conditions:

1. 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.

Islington Council  
Public Protection Division  
Tel: 020 7527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Service Director – Public Protection

25/7/12  
Date of Issue

**Nash, Rosemary**

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**From:**  
**Sent:** 14 April 2013 19:56  
**To:** Licensing  
**Subject:** Flying Scotsman Sex Establishment Licence 2-4 Caledonian Road

Hello

I should like this objection to be anonymous please.

I am writing to object to the renewal of the licence for the above premises. I own a flat about 100 metres from the Flying Scotsman on the Cally Road. I let the flat at present.

I note that the council has a policy to reduce sex entertainment venues to nil over time, but recognises those that pre-existed this policy.

The South Kings Cross area in which the Flying Scotsman is situated has changed immeasurably since i first lived there in 1995. It is no longer suitable for a strip club such as The Flying Scotsman. The southern end of Kings Cross where the Scotsman is located is now a far more residential area. Derelict houses and industrial premises have been converted and flats installed. For instance, there is now a huge student hall of residence Nido barely 100 metres from the Scotsman.

The area has also had a substantial change of image - it is no longer a red light district and sex establishments are no longer appropriate to the overall feel.

I should be grateful if the committee could not renew the licence. The premisis is in a prime location and it's hard to believe that the owner couldn't find another use for it.



**Nash, Rosemary**

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**From:**  
**Sent:** 17 April 2013 00:09  
**To:** Licensing  
**Subject:** Objection to Flying Scotsman stripclub renewal

Hi there,

I strongly object about their licence being renewed in Caledonian Road. The rest of the street is looking so much nicer since new businesses have opened and it's an eyesore. The area is now much more family friendly and it's disgusting to see their clientele and strippers loitering outside when they have smoke breaks. They sometimes leave the door open which is highly inappropriate when kids walk past. The building is also very dirty including their entrance and sidewalk and stand out like a sore thumb with the neighbouring businesses who take pride in their shopfronts. Kings Cross is now an up and coming area and they don't help at all towards this cause.

Id prefer to stay anonymous.

I really hope you don't renew their licence.

Thanks

REP 3

**Nash, Rosemary**

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**From:**  
**Sent:** 14 April 2013 13:29  
**To:** Licensing  
**Cc:** Kings Cross Local Environment; Robert Milne  
**Subject:** flying scotsman, caledonian road.

Licensing Committee, Islington Council

Dear Sirs

I have lived for over 25 years and support the continued licensing of the Flying Scotsman. It does no harm to the local area, adds colour and interest, and I would not like the building to be gentrified. I would not like to see a gastro pub with mediocre food at inflated prices.

Chris Nickerson

**Williams, John**

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**From:**  
**Sent:** 12 April 2013 10:29  
**To:** Licensing  
**Subject:** Flying Dutchman - Caledonian Road

Dear Islington Council

I would like to comment on the application for The Flying Scotsman (2-4 Caledonian Road) and the renewal of the existing license.

As a local resident this establishment is a nuisance and its license should not be renewed for the following reasons:

Impact on local residents:

- \* This establishment has a negative impact on local residents due to the clientele that it attracts who congregate drunkenly outside the venue
- \* Often drunken customers intimidate passers-by or accost passing women
- \* The sex workers inside often stand/smoke outside the venue wearing inappropriate clothing and soliciting customers in the street
- \* Music is played very loudly and is audible outside the premises
- \* All of this makes for a very unpleasant environment to live near

Noise and disturbance incidents:

- \* I have seen on a number of occasions glasses thrown outside the venue by customers, including once into the road which nearly hit a passing car
- \* Customers drunk and disorderly in the street suggesting the venue does not comply with the Licensing Act
- \* Frequently, when the venue closes there drunken men spill into the street, shouting and making noise. This is very disturbing and unnecessary and the venue makes no attempts to control this.

Therefore, I urge you to reject the application to renew the license.

Please keep this comment anonymous. Feel free to contact me if you have any questions.

From:  
Sent: 19 April 2013 09:49  
To: Licensing  
Subject: Flying Scotsman

I am writing to support the application for the renewal of license for the flying scotsman. Having spent many hours in the pub in the past I do not feel that the venue has changed and therefore the license should remain. In the current economic climate changing the venue to a different purpose would be difficult at best and closing it would affect not just residents but a lot of people who pass through the borough spending money in Kings Cross that they may spend elsewhere if the scotsman was closed.

I would suggest that you have the councillors read this here <<http://tinyurl.com/clcwjwn>> to get a different perspective.

**Williams, John**

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**From:** 18 April 2013 16:55  
**Sent:** Licensing  
**To:** Objection re: Renewal of sexual entertainment venue license, the Flying Scotsman, 2-4 Caledonian Rd, London N1 9DT (The Brill UK LLP)  
**Subject:**

18 April 2013

Re: Renewal of sexual entertainment venue license, the Flying Scotsman, 2-4 Caledonian Rd, London N1 9DT (The Brill UK LLP)

To whom it may concern,

I write to express my objections to the application for renewal of a license for "sexual entertainment venue".

The continued activity of this venue as marketing sexual content stands in stark contrast to the positive development of the Kings Cross area over the past decade. It is time to take another decisive step towards a family-friendly and welcoming environment, devoid of the exploitation of human sexuality for financial gain that has so troubled this area in years past.

On a more personal note I have my family home on [redacted] and the activities of said venue is causing objectionable scenes, language and behaviour along the stretch of road from the said venue to the bus stop outside [redacted]. On a monthly basis, persons who could reasonably be presumed to be either the clientele of said premises or else attracted to the area by the presence of this 'sexual entertainment' establishment call at our door (on the weekends between midnight-2am) and those bold enough to stay around, after receiving a somewhat inhospitable welcome on the intercom, have asked for a brothel (by the name of 'the spa' or 'the pleasure house'). Finding a family home, they quickly disappear into the night. The continued operation of the above venue serves to reinforce the message that the King's Cross area is still a red-light district – only behind closed doors and boarded-up windows.

In sum: I cannot stress enough how strongly I object to the presence of sexual profiteering in this mixed residential and commercial area, which is where I live and am trying to bring up my children. By refusing the renewal application in question Islington Council will continue, as well as reinforce, the strong and positive development in the King's Cross area over the past decade, and still today.

Ref 7

-----Original Message-----

From:

Sent: 18 April 2013 10:57

To: Licensing

Subject: Flying Scot

I'd just like to say that I support the application of the Flying Scot for an SEV license. It's been there for 25 years and should not be shut down by a load of snobs and nimby's.

-----Original message-----

From:

Sent: 22 April 2013 20:52

To: Licensing

Subject: Flying Scotsman application

To whom it may concern

I'm contacting you to voice my opposition to the renewal of the sex licence for the Flying Scotsman pub on the Caledonian Road. As a local resident who has been really committed to this area and to local community groups for the past twelve years, I have been so pleased by the way in which these seedy establishments have been in steady decline.

Twelve years ago, King's Cross was a much more intimidating place, with pimps and drug dealers prevalent particularly around that end of the Cally. While some problems persist, the re-generation work has changed the character of the area into a pleasant destination and here is another opportunity to put a nail in the coffin of the old reputation of King's Cross.

I urge you to decline this application, in support of a King's Cross that is vibrant, successful, fun, full of life - but does not have a seedy underbelly, with connotations of trafficking and prostitution.

Yours faithfully



## 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.

