



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17 June 2013	B3	Bunhill

Delete as appropriate		Non-exempt
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Subject: SEX ESTABLISHMENT LICENCE APPLICATION
The Horns, 262-264 Old Street, London EC1V 9DD

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 Horns

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 one representation from a local resident to this application

4. **Legal implications**

- 4.1 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 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

7-6-13
Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

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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

COMMERCIAL LICENSING

21 MAR 2013

Applicant's details

PUBLIC PROTECTION DIVISION
UPPER ST. LUCAS

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 Stewart Bars Ltd	Stewart Bars Ltd
b)	Address of Registered office (or principal office in case of unincorporated body)	
	Name of Director(s) with responsibility for management of premises Position held	Director

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	
c)	In which country is the company incorporated?	UK. (England)
d)	What is the date of incorporation of the company?	10 MAY 2010

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?			NO
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			
	Full Name	Position Held	Permanent Private Address	Date of Birth
		Director		
		Manager		

5. PREMISES DETAILS

Trading name THE HORNS

Address 262-264 OLD ST, LONDON EC1V 9DD

Do you have planning permission for intended use and hours of operation?

Yes

No

Contact details of person to be connected in connection with this application

Name Michael Jones

Address

Tel Number

Email Address

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

Date: 6/3/13

Signature: M Jones

Name of Signatory: Michael Jones

Designation of Signatory: Director

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) N/A

A plan showing the internal arrangement of the premises. (Scale 1:100) N/A

A plan showing the location of the premises. (Scale 1:1250) N/A

(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: LN13690-010412

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: **Stewart Bars Limited**
Address of licensee: **262-264 Old Street
London
EC1CV 9DP**

A licence to use the premises known as: **The Horns**

Address of premises: **262-264 Old Street
London
EC1V 9DP**

As a **Sexual Entertainment Venue** until the last day of **March 2013**.

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

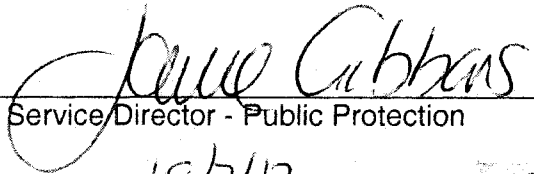
A copy of this licence and the Council's Standard Conditions for Sexual Entertainment Venues must be kept exhibited in a conspicuous place on the licensed premises.

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
222 Upper Street
London N1 1XR

Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Director - Public Protection

19/7/12
Date of Issue

Nash, Rosemary

From:
Sent: 21 April 2013 15:02
To: Licensing
Subject: Comment regarding The Horns, 262-264 Old Street

Dear Islington Licensing Service,

I live at _____) and would like to firmly oppose
their license renewal application (your ref WK/201364812).

The patrons that frequent their establishment are scum of the lowest possible grade and bring nothing but filth, vomit, noise(shouting and car horns/stereos) and anti-social behaviour to my immediate area.

I find extending their license goes against all 4 of:

The prevention of crime and disorder

The prevention of public nuisance

Public safety

The protection of children from harm

Apart from the obvious noise and filth i find the nature of the establishment ("sex entertainment") particularly at odds with the fact there is a school just around the corner and the area's general image of "silicon roundabout" - i.e. where trendy young intelligent people work&play (not a hangout for loaners and perverts). I can't say i've ever seen the staff of the place take issue with any patrons causing havoc on the street, which is hardly an encouraging sign for any residents in the area...

Thank you for your attention.

Regards,

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.

