

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	20 February 2012	B2	CALEDONIAN

Delete as appropriate	Non-exempt
-----------------------	------------

**Subject: APPLICATION TO WAIVE THE REQUIREMENT FOR A SEX ESTABLISHMENT LICENCE  
Re: CENTRAL STATION 37 WHARF DALE ROAD LONDON N1 9SD**

**1. Synopsis**

- 1.1 This is an application to waive the requirement of a sex establishment licence under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.
- 1.2 The Council has adopted the above legislative provision and has had the ability to regulate premises operating as sexual entertainment venues since April 2011. An applicant who uses premises as a sex establishment may apply to the council for a waiver of the requirement for a licence.
- 1.3 If the Committee decide that a licence is required, the applicant will have the opportunity to apply for a new licence before 1 April 2012 under the transitional arrangements set out in the Policing and Crime Act 2009.

**2. Recommendations**

- 2.1 In making a decision about the application the sub-committee will need to take into consideration that the premises in question is the basement only, which has a separate entrance from the main bar/restaurant/hotel on the ground, first and second floors.
- 2.2 The current premises licence allows the whole premises to provide regulated entertainment and sale of alcohol and is subject to a condition whereby adult entertainment shall be confined to the basement and no under 18's permitted on the premises.

- 2.3 According to the application, the basement is used by various fetish clubs and some nudity and sexual contact is involved. The applicant maintains that there are no performers or an audience. Strippers did perform in the club in the past but that entertainment is no longer provided.
- 2.4 The sub-committee must consider whether the activities in the basement require a licence under the Act or if the need for a licence can be waived, as to require a licence would be unreasonable or inappropriate.
- 2.5 The request and information provided by Duncan Irvine of Central station is attached as Appendix 1 to this report.

### **3. Background**

- 3.1 On 2 December 2010 the council adopted schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 as amended by the section 27 of the Police and Crime Act 2009. The effect of the 2009 Act was to classify lap dancing and other forms of entertainment involving nudity as sexual entertainment venues and to give Local Authorities the power to regulate such premises as sex establishments.
- 3.2 Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity. Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence.
- 3.3 The Act provides statutory exemptions: sex cinemas and sex shops, temporary relevant entertainment that can be provided on 11 occasions within any period of 12 months, each occasion lasts no longer than 24 hours and no occasion begins less than a month from the end of the last.
- 3.4 If the sub-committee decides to grant the request, the waiver can either be for a specific period as the authority thinks fit, or it can be open ended. The waiver can be brought to an end by the Licensing Authority, giving at least 28 days notice.
- 3.5 Central Station has been licensed for regulated entertainment and sale of alcohol since the implementation of the Licensing Act 2005 and before that was licensed for music and dancing since at least 1986, when the licensing function was passed to local authorities from the GLC.
- 3.6 During the whole of this time the Council have not received any complaints of crime or disorder from the Police. From time to time there have been complaints from residents, concerning music and customer noise, which have been resolved.
- 3.7 The current premises licence allows Central Station to provide adult entertainment by virtue of their operating schedule, whereby they indicated they would provide adult entertainment and have conditions on their Premises Licence; to prevent under 18's from being on the premises and that adult entertainment shall only be allowed in the basement of the premises.
- 3.8 The activities in the basement of Central station include some nudity and sexual contact and the licensee provides the facilities to be used and has the proceeds from the bar. With the premises providing these activities it could fall under the definition of a sex establishment. If the sub-committee decides that the premises is operating as a sex establishment, the sub-committee then has to decide if to require a licence would be unreasonable or inappropriate as the sexual entertainment is for example borderline or minor or temporary.
- 3.9 Should the sub-committee decide that the premises do not require a sex establishment licence; the premises would continue to operate under its existing licence conditions. Any conditions

pertaining to adult entertainment would be removed. Premises Licence no. 143972 attached as Appendix 2.

- 3.10 If the sub-committee decide the premises do require a licence, they would continue to operate under their current licence conditions and complete a new application under transitional arrangements. Central Station did submit new application forms within the time scale, but did not fully complete the application as they were applying for a waiver.

#### **4. Financial Implications**

- 4.1 The current fee for sexual entertainment venues is £13,847 with the same amount on renewal.

#### **5. Legal Implications**

- 5.1 Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of licensing under the Act.

- 5.2 A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer."

- 5.3 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)."

- 5.4 A local authority should judge each case on its merits to decide if premises are providing relevant entertainment.

- 5.5 Paragraph 7 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that an applicant can apply to the council for a waiver of the requirement for a sex establishment licence. The council may waive the requirement of a licence if it considers that to require a licence would be unreasonable or inappropriate.

- 5.6 A waiver may be for such period as the council thinks fit. The council may at any time give the applicant notice that the waiver is to end (provided the applicant is given at least 28 days notice).

#### **6. Environmental Implications**

- 6.1 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

## 7. 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.

## 8. Conclusion and reasons for recommendations

- 8.1 The sub-committee will have to consider if the content of the entertainment provided at the premises is 'relevant entertainment' under the Act. The premises have been providing this type of entertainment for many years and it is provided in the basement only.
- 8.2 If the premises provide 'relevant entertainment' the sub-committee can decide to waive the requirement of a licence if it considers that to require a licence would be unreasonable or inappropriate.

Background papers:

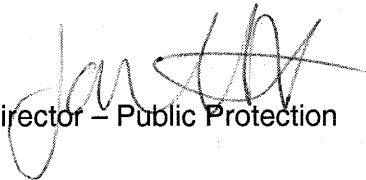
Local Government (Miscellaneous Provisions) Act 1982

The Council's Sex Establishment Licensing Policy

Home Office Guidance on Sexual Entertainment Venues

Final Report Clearance

**Signed by**

  
Service Director – Public Protection

Date

8.2.12

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Janice Gibbons

Tel: 020 7527 3212

E-mail: Janice.gibbons@islington.gov.uk

## Application to waive Central Station's requirement of a Sex Establishment licence – Sexual Entertainment Venue

The Ministerial Foreword to the Home Office Guidelines states that the purpose of the legislation is “to give local people greater say over the number and location of lap dancing clubs in their area”. And adds that the new measures will “give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods”.

The Guidelines also state, under the heading “Requirement for a Sex Establishment Licence” (page 15)

“

- 3.9 Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishment licence, unless the requirement for a licence has been waived by the appropriate authority.
- 3.10 An applicant can apply for a waiver if they consider that to require a licence would be unreasonable or inappropriate”

It seems clear from the above that the council has the authority to waive the need for a licence if it feels justified in so doing.

In asking for the need for a licence to be waived I believe that it is important to recognise the unique history of Central Station as a community venue in Islington.

### History of the Venue

Central Station is an independent bar which was founded in February, 1992 by Martin Mason and Duncan Irvine who remain the current owners of the business at 37, Wharfdale Road in King's Cross.

It was opened as a venue catering mainly for the LGBT community in a recession and at a time when King's Cross was famed for the proliferation of drugs and prostitutes. Within a few months it had

been attacked twice, once by a gang who threw CS canisters through the windows which they had broken. In the light of this, the owners erected metal shutters over the windows and the bar resembled some of the surrounding dereliction.

However, inside the bar became busy and famous as a cabaret bar. It also became very much a community pub where King's Cross Steelers rugby club was founded, as was the gay cricket team Graces and the bar helped support Stonewall FC and GFSN (Gay Football Supporter's Network).

At the same time the LGBT Community Centre in Clerkenwell closed its doors and Central Station became home or meeting space to some 50 diverse groups, including GMFA (Gay Men Fighting AIDS), SM Dykes, Sisters of Perpetual Indulgence (!), Countdown on Spanner, Outrage, London Friend, The Gay Dr Who group, FTM (Transsexual group), Gay Switchboard, North London Gay Bridge Club, London Rubber group, Bar Wotever (a mainly lesbian event), London Bisexual group.

The bar transformed its basement into a disco and over the years became a home to many different fetish clubs as well as running its own late night disco at weekends which is open to everyone.

A by-product of the pub being open meant that there were more people in the area making it safer for the local population, particularly late at night. It also meant that gay men did not put themselves in danger by cruising along the banks of the canal as had previously been the case.

Through much hard work and customer support the bar has raised over £40,000 for different (mainly, though not exclusively) gay charities, many of them AIDS-related and the venue is known for its support of safer sex charities.

Particularly during the nineties and early in this century the bar became a place of support for many men who were ill and dying with

AIDS and sadly hosted 4 funerals in the bar (paid for by Central Station) as well as being represented at many more.

Throughout its 20 years the bar has become known as a friendly meeting place and many people who are unsure of their sexuality have found it a nice place to chat in an unpressurised space. It is a bar where people of all ages mix freely.

Central Station has won many awards over the years, including Freehouse of the Year in the national trade paper The Publican, as well as awards from the gay press and was even a runner-up in The Daily Telegraph and First Direct Bank's Customer Service pub of the year.

The bar also held a free pensioner's party for older people in the area for many years.

### **Current positioning**

Over the last three years Central Station has been reaching out to the wider and newer community in King's Cross, the shutters have been taken down and the bars refurbished. Excellent food is now served and the bar opens at 12 noon each day. In addition, the venue has recently started offering B&B accommodation.

Although the bar has been licensed to have a stripper as entertainment we have not had one for the last three years, nor do we intend to have one in the future.

Instead, we have recently started a successful stand-up comedy night and are shortly starting a jazz night, both of which are free entry. In addition, the bar is forming links with the newly established St Martin's College of Art and is sponsoring the bar at the launch night of a prestigious exhibition.

### **The Underground Club**

The Underground Club has its own door and the fetish clubs continue to meet there.

These clubs currently include a foot fetish club, a club for TV/TS/TG people and their admirers, a club for older people and their admirers, clubs for those interested in wearing suits, underwear, sportswear, nappies and tracksuits, a watersports club, a masters and slaves club, a bondage club, a club for naked men, a club for those interested in CP, a bondage club, a club for naked men.

There is sexual contact involved in several of these clubs.

Strippers did perform in the club for some time, but no longer do so.

The clubs change from time to time and are run and advertised by individual promoters, although, of course, Central Station takes responsibility for them whilst on our premises.

The majority of the clubs make a charge for entry to cover staffing, organising, dj's, publicity costs.

The club is also used as a disco for all of our customers on late nights at the weekend.

### **London Borough of Islington LGBT community**

Central Station was at one time one of around six venues available to the LGBT community in Islington and Central Station was the founder of the LGBT Pubwatch group, now sadly, no longer needed. With the recent closure of The Edward VI Central Station is, I believe, the only LGBT venue left in the borough.

### **Submission**

I realise that the council has based its policy partly on the 111 respondents to a recent survey, but the fact that thousands of



Islington residents use this venue each year proves the need for our continued existence.

I believe that Central Station has proved to be a great asset to the community in Islington and that it would be unreasonable and inappropriate to charge the venue nearly £14,000 per year to continue exactly as it has been over the last 20 years with no extra services being provided by the council.

The introduction of the legislation was not designed to greatly increase costs to a venue such as ours, particularly in such increasingly hard trading times. It would be extremely difficult for us to find a way of absorbing such extra costs.

I would ask the council to waive the need for this licence for Central Station on the grounds of it being both unreasonable and inappropriate.

Duncan Irvine  
Central Station

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	143972		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>CENTRAL STATION 37 WHARFDALE ROAD ISLINGTON</b>		
<b>Post town</b>	LONDON	<b>Post code</b>	N1 9SD
<b>Telephone number</b>	020 7278 3294		

<b>Where the licence is time limited the dates</b>
Not Applicable

<p><b>Licensable activities authorised by the licence</b> <b>Basement, Ground Floor and First Floor</b></p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment by way of: <ul style="list-style-type: none"> <li>The performance of plays</li> <li>The exhibition of films</li> <li>The performance of live music</li> <li>The playing of recorded music</li> <li>The performance of dance</li> </ul> </li> <li>• The provision of entertainment facilities for: <ul style="list-style-type: none"> <li>Making music</li> <li>Dancing</li> </ul> </li> <li>• The provision of late night refreshment</li> <li>• The sale by retail of alcohol</li> </ul>
---

<p><b>The times the licence authorises the carrying out of licensable activities</b></p> <ul style="list-style-type: none"> <li>• The provision of regulated entertainment for the performance of plays: <table border="0" style="width: 100%;"> <tr> <td>Monday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Tuesday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Wednesday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Thursday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Friday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Saturday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> <tr> <td>Sunday</td> <td>09.00</td> <td>to</td> <td>01.00</td> <td>the following day</td> </tr> </table> </li> </ul>	Monday	09.00	to	01.00	the following day	Tuesday	09.00	to	01.00	the following day	Wednesday	09.00	to	01.00	the following day	Thursday	09.00	to	01.00	the following day	Friday	09.00	to	01.00	the following day	Saturday	09.00	to	01.00	the following day	Sunday	09.00	to	01.00	the following day
Monday	09.00	to	01.00	the following day																															
Tuesday	09.00	to	01.00	the following day																															
Wednesday	09.00	to	01.00	the following day																															
Thursday	09.00	to	01.00	the following day																															
Friday	09.00	to	01.00	the following day																															
Saturday	09.00	to	01.00	the following day																															
Sunday	09.00	to	01.00	the following day																															



- The provision of regulated entertainment for the exhibition of films:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of regulated entertainment for the performance of live music:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of regulated entertainment for the playing of recorded music:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of regulated entertainment for the performance of dance:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for making music:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of entertainment facilities for dancing:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

- The provision of late night refreshment:

Monday	23:00	to	03:00
Tuesday	23:00	to	03:00
Wednesday	23:00	to	03:00
Thursday	23:00	to	04:00
Friday	23:00	to	05:00
Saturday	23:00	to	05:00
Sunday	23:00	to	02:00

- The sale by retail of alcohol:

Monday	09.00	to	03.00	the following day
Tuesday	09.00	to	03.00	the following day
Wednesday	09.00	to	03.00	the following day
Thursday	09.00	to	04.00	the following day
Friday	09.00	to	05.00	the following day
Saturday	09.00	to	05.00	the following day
Sunday	09.00	to	02.00	the following day

Non standard timings:

On New Year's Eve the licensable activities authorised by this licence are permitted from 09.00 to 09.00 on New Year's Day.

### **The opening hours of the premises:**

Monday	09.00	to	03.30	the following day
Tuesday	09.00	to	03.30	the following day
Wednesday	09.00	to	03.30	the following day
Thursday	09.00	to	04.30	the following day
Friday	09.00	to	05.30	the following day
Saturday	09.00	to	05.30	the following day
Sunday	09.00	to	02.30	the following day

### **Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On supplies

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Martin Mason  
Renfrew Cottage  
Back Street  
Wendover  
HP22 6EB  
020 7278 3294  
martincentral@yahoo.co.uk

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Martin Mason	Duncan Irvine
Renfrew Cottage	42 Claremont Road
Back Street	Higham Hill
Wendover	London
HP22 6EB	E17 5RJ

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

Duncan Irvine: Z01N1742CL/1 London Borough of Waltham Forest  
Martin Mason: PE0456 Aylesbury Vale District Council

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
Tel: 020 7527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

\_\_\_\_\_  
Assistant Director - Public Protection

\_\_\_\_\_  
Date of Issue

## **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. All staff shall receive training on the promotion of the four licensing objectives.
2. Staff shall be trained not to sell alcohol to persons under 18 years or persons that are intoxicated.
3. Managers shall be highly visible to the public.
4. The public areas of the building shall be maintained sound insulated to ensure that noise disturbance is minimal.
5. Sound levels outside the building shall be regularly monitored.
6. Customers shall be encouraged to leave the area quickly and quietly by either management or door supervisors.
7. No persons under the age of 18 years shall be permitted on the premises unless accompanied by an adult.
8. Adult entertainment/activities shall be confined to the basement area only.
9. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. A working copy shall be supplied free of charge to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request. It is the responsibility of the premise to download any recording requests.
10. Premises to adopt BII Challenge 21 The National Proof Of Age Standards Scheme
11. When alcohol and/or public entertainment is provided by way of music and dancing and continues past 2 am, then SIA registered door supervisors will be employed from 10 pm until closing time at the rate of one door supervisor for every one hundred customers.

12. AWP machines will be emptied nightly or fitted with an appropriate recommended security device (e.g. a 'boot' or 'metal roller shutter').
13. No persons under the age of 18 allowed on the premises after 1900 hours except for private functions.
14. No persons under the age of 18 allowed on the premises at any time when adult entertainment/activities are taking place.
15. The premises shall be constructed and maintained in accordance with the Technical Standards for Places of Entertainment.
16. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:

Basement – 100  
Ground Floor – 100  
First Floor and Roof Garden – 50

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

1. The licensee shall employ dedicated cab companies and where possible, customers to remain inside the premises until the arrival of the taxi.
2. There shall be no use of the roof terrace after the hours of 23:00 until sound insulation has been installed and approved by Islington's Noise Service.
3. There shall be regular meetings with residents, to be held at least every six months.
4. A telephone number shall be available for residents that be displayed prominently on the premises and visible from outside.

### **Annex 4 – Plans**

Reference Number: ISL 89826 1/2 ; ISL 89826 2/2