



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	18 November 2013	B2	Caledonian
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: OSCARS, 42 NORTHDOWN STREET, LONDON, N1 9BP

1. Synopsis

- 1.1 This is an application by the Licensing Authority for a Review of the Premises Licence
A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
- i) The prevention of crime and disorder.

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;

- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The exhibition of R18 films 10:00 to 21:00 Monday to Saturday and 13:00 to 19:00 on Sunday.

3.2 Premises history:

- i) The premises has been licensed as a cinema providing R18 films since 1994.
- ii) On 4 August 2005 George Papworth made an application to convert the Cinemas Act 1985 licence to a premises licence under the Licensing Act 2003.
- ii) When the Cinemas Act 1985 licence was converted the following conditions were attached to the premises licence: Additional Conditions A: Applicable to premises used for closely seated audiences, Additional Conditions C: Applicable to premises used for film exhibitions, and Additional Condition GO: Applicable to the keeping of good order.
- iii) On 12 September 2013 George Papworth pleaded guilty and was convicted at Highbury Magistrates Court to two offences for breaches of conditions attached to the premises licence and was fined £110 for each offence. In mitigation Mr Papworth's solicitor told the magistrates that he was paid £60 to be the licensee, he was not the owner of the premises and did not manage the premises.
- iv) There have been allegations made that the premises was fire bombed in the past. These allegations have not been substantiated. The Licensee has never reported a fire at the premises to the Licensing Authority or Health and Safety and the premises has been visited a number of times since the licence was converted in 2005. The Police have not has any reports of arson at the premises for the past 5 years. There was an arson attack on an unlicensed sex cinema located in St John Street in February 1994 where 11 men died but this is unrelated to Oscars.

3.3 Papers are attached as follows:-

Appendix 1: application form, current premises licence,

Appendix 2: representations from the Police, Trading Standards, one local business and one local resident.

Appendix 3: map of premise location.

4. Planning Implications

4.1 There are no planning implications in respect of the premises review application.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

5-11-13

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

WK/201323876

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Janice Gibbons

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Oscars 42 Northdown Street	
Post town London	Post code (if known) N1 9BP

Name of premises licence holder or club holding club premises certificate (if known) George Papworth
--

Number of premises licence or club premises certificate (if known) 90681-200912

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	Janice Gibbons Service Manager 222 Upper Street London N1 1XR
Telephone number (if any)	020-7527-3031
E-mail address (optional)	Licensing@Islington.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

This application to review relates to the objectives to prevent crime and disorder and licensing policies numbers: 9 & 10 (Standards of Management), 23 (Adult Entertainment) and 30 (Review of Licenses). It particularly relates to the very specific conditions attached to the licence concerning the exhibition of R18 films which deal with primarily films of a sexual nature.

Council records show that George Papworth has been the licensee for Oscars since at least September 2004. The premises licence was converted from the old legislation where it held a Public Entertainment Licence for a sex cinema which enabled it to show R18 film. As part of the transition from the old legislation to convert to a premises licence under the Licensing Act 2003 all of the conditions became part of the current premises licence (**Appendix 1**). These include the following:

- Additional Conditions C Applicable to premises used for film exhibitions
- Additional Conditions D Applicable to premises using door supervisors
- Additional Condition GO Applicable to the keeping of good order.

On 14 August 2012 a Licensing Officer visited the premises and asked to see the paperwork relating to Additional Conditions C and the membership requirement for cinemas showing R18 films as well as the membership rules. The Officer was told that no membership was kept and the premise was operating without membership rules. A warning letter was sent on 16 August 2012 to Premises Licence holder detailing the unsatisfactory visit. (**Appendix 2**)

On 12 September 2012 a bag of paperwork relating to membership at Oscars was delivered to the Council offices with a Licensing Officer's card inside the bag. The Officer inspected the paperwork and found it contained membership information dating back from 1999 to 2004. A further warning was sent to the Premises Licence holder to the email address written on the back of the Licensing Officer's card. (**Appendix 3**)

On 24 January 2013 a Licensing Officer covertly visited the premises posing as a customer. The officer paid £8 for an entry ticket and he was not required to become a member contrary to the following conditions:

Additional Conditions C (15)(c) which reads:

"Tickets shall not be sold to persons other than members."

Model Membership Rules for Club Cinemas showing R18 Films:

Rule (a) which reads:

"Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification."

Rule (b) which reads:

"Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age."

Rule (f) which reads:

"No person shall be admitted to membership until the expiration of at least 24 hours

after such written application has been approved by the proprietors."

During the Officer's visit to the cinema he observed men kissing and fondling each other.

This is a breach of the Model Rules for Cinemas showing R18 films Rule (m) which reads:

"Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership."

This behaviour is also a breach of Additional Condition GO1 which reads:

The Licensee shall not permit conduct on the premises that is likely to cause disorder or a breach of the peace or drug misuse. In particular the Licensee shall ensure that none of the following shall take place:

- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;*
- (ii) the offer of any sexual or other indecent service for reward;*
- (iii) acts of violence against person or property and/or the attempt or threat of such acts;*
- (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.*

The Licensing Authority also believes that the sexual behaviour witnessed at the premises during the visit is also an offence under s.140:

"Allowing disorderly conduct on licensed premises" of the Licensing Act 2003.

As the Officer was leaving he asked to buy one of the DVDs being shown and was sold an R18 DVD called, "Meet the Barebackers" (**Appendix 4**). The Licensing Authority can confirm that Oscars is not licensed under the Local Government (Miscellaneous Provisions) Act 1982 as a sex shop and it is an offence to sell R18 DVDs without such a licence.

The Premises Licence holder was invited in for an interview under caution and this was declined.

Case Summary

14/08/12	Unsatisfactory visit	Failure to comply with Annex 2 condition 1 in that the additional conditions C applicable to premises used for film exhibitions were not complied with because: <ul style="list-style-type: none">1. The premises was operating without a bone fide membership scheme with rules in place to show R18 films contrary to Additional Condition C15(b) and item (a) of appendix C1 Licensee reminded of licence requirement to operate a membership scheme with rules in place for customers wishing to view R18 films
16/08/12	Warning letter sent	Warning letter sent following unsatisfactory visit detailing problems found during visit

12/09/12	Warning email sent	Following receipt of membership records for the period 1999- to 2004 a second warning email sent to the Licensee
24/01/13	Unsatisfactory visit	<p>Failure to comply with Annex 2 condition 1 in that the additional conditions C applicable to premises used for film exhibitions were not complied with because:</p> <ol style="list-style-type: none"> 1. An officer, posing as a customer, who was not a member, was sold a ticket and allowed access to view R18 films with immediate effect contrary to Additional Condition C15(c). 2. Membership rules as set out in Appendix C1 where not implemented <p>Failure to comply with Annex 2 condition 1 in that the additional conditions G0 applicable to premises used for film exhibitions were not complied with because:</p> <ol style="list-style-type: none"> 1. The licensee permitted indecent behaviour to take place on the premises <p>Selling an R18 DVD from a premises which is not licensed as a sex establishment contrary to Local Government(Miscellaneous Provisions) Act 1982 Schedule 3 clause 6(1)</p> <p>The Licensee was permitted disorderly conduct on the premises contrary to s140 Licensing Act 2003</p>

Recommendations

The Premises Licence holder shows little regard for the conditions attached to his licence for the exhibition of R18 DVDs. The only difference between Oscars and mainstream cinemas are the membership requirements of Additional Conditions C. The delivery of membership forms and sign in sheets that were 9-14 years old to the Council offices in September 2012 shows that he is aware of the membership requirements but now disregards them.

The Additional Condition GO1 puts the onus on the licensee to ensure that good order is kept and no evidence of due diligence has been shown by the licensee. The type of obscene and disorderly sexual behaviour witnessed at this cinema is not only a breach of conditions but is promoting crime and disorder and goes against the Licensing Objectives. This would not be tolerated in any other licensed premises and should not be permitted in this premises.

During the visit on 24 January 2013 an Officer was able to purchase an R18 DVD. To legally sell R18 DVDs the premises must hold a Sex Shop Licence and would be subject to the Standard Conditions of Sex Shops as well as the Council's Sex Establishment Policy and Procedures. Again, the illegal sale of R18 DVDs goes against the Licensing

Objective of preventing crime and disorder.

The licensee was requested to attend an interview under caution a number of times but this was declined through his solicitor. The Premises Licence holder has not made any contact with the Licensing Authority for guidance on compliance with the conditions of the premises licence.

In order to promote the Licensing Objectives the Licensing Authority recommends that this licence is revoked.

Have you made an application for review relating to the premises before

Please tick ✓ yes
☐

If yes please state the date of that application

Day		Month		Year			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

James Cabbans

Date

5/9/13

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	90681-200912		
Postal address of premises, or if none, ordnance survey map reference or description			
OSCARS 42 NORTHDOWN STREET			
Post town	LONDON	Post code	N1 9BP
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Basement
<ul style="list-style-type: none">The provision of regulated entertainment by way of: The exhibition of films

The times the licence authorises the carrying out of licensable activities																												
Delete any that do not apply																												
<ul style="list-style-type: none">The provision of regulated entertainment for the exhibition of films: <table><tr><td>Monday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Tuesday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Wednesday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Thursday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Friday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Saturday</td><td>10:00</td><td>to</td><td>21:00</td></tr><tr><td>Sunday</td><td>13:00</td><td>to</td><td>19:00</td></tr></table>	Monday	10:00	to	21:00	Tuesday	10:00	to	21:00	Wednesday	10:00	to	21:00	Thursday	10:00	to	21:00	Friday	10:00	to	21:00	Saturday	10:00	to	21:00	Sunday	13:00	to	19:00
Monday	10:00	to	21:00																									
Tuesday	10:00	to	21:00																									
Wednesday	10:00	to	21:00																									
Thursday	10:00	to	21:00																									
Friday	10:00	to	21:00																									
Saturday	10:00	to	21:00																									
Sunday	13:00	to	19:00																									

The opening hours of the premises: Not Specified

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Not Applicable

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Mr George Papworth 25 Ferris Steps 39 Prospect Close Southend-on-Sea Essex SS1 2SR

**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**

Not Applicable

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

Not Applicable

Islington Council

Public Protection Division

222 Upper Street

London

N1 1XR

Tel: 020 7527 3031/3803

Email: licensing@islington.gov.uk


Service Manager (Commercial)

14/11/12
Date of Issue

Annex 1 - Mandatory conditions

1. 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. The licence is subject to the following Additional Conditions referred to in the Standard Conditions for Places of Public Entertainment:
 - ADDITIONAL CONDITIONS A: APPLICABLE TO PREMISES USED FOR CLOSELY SEATED AUDIENCES
 - ADDITIONAL CONDITIONS C: APPLICABLE TO PREMISES USED FOR FILM EXHIBITIONS
 - ADDITIONAL CONDITION GO: APPLICABLE TO THE KEEPING OF GOOD ORDER
2. Film exhibitions shall be by means of electromagnetic tape or disc recording of vision, or by means whereby the pictures are produced from electric signals.
3. The maximum number of persons accommodated at any one time in the premises shall not exceed the following:

Basement Cinema: 22

4. The licence shall be subject to the Council's standard conditions for Places of Entertainment.
5. The licence shall be subject to the Council's technical standards for Places of Entertainment.

Annex 4 – Plans

Reference Number: 90681

ADDITIONAL CONDITIONS A:
APPLICABLE TO PREMISES USED FOR CLOSELY SEATED
AUDIENCES

See also Additional Conditions C for *premises* used for *film exhibitions* and
 Additional Conditions T for *premises* used for performances on a *stage*

Attendants

- A1 (a)** Unless the *Council* requires or approves otherwise the number of *attendants* on each floor or tier in a closely-seated auditorium shall be as set out on the table below.

Number of members of <i>public</i> present on a floor or tier	Minimum number of <i>attendants required</i> to be present on that floor or tier
1 – 100	One
101 – 250	Two
251 – 500	Three
501 – 750	Four
751 – 1000	Five
and one additional <i>attendant</i> for each additional 250 persons (or part thereof).	

Note: The requirement for cinemas is dealt with in Additional Conditions C1 & C2.

- (b)** *Attendants* shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of any emergency or entail their absence from that floor, tier, or auditorium where they are on duty.
- (c)** Any *attendant* shall be readily identifiable to the *public*.

Seating

- A2 (a)** The *premises* shall not be used for a closely-seated audience, except in accordance with the *approved* seating plan(s), a copy of which shall be kept available at the *premises* and shall be shown to any *Authorised Officer* on request.
- (b)** No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- (c)** A copy of any *certificate* relating to the design, construction and loading of any temporary seating shall be kept available at the *premises* and shall be shown to any *Authorised Officer* on request.

- | | | |
|---|-----------|--|
| Standing and sitting in gangways etc | A3 | <p>(a) Sitting on floors shall not be permitted except with <i>consent</i>.</p> <p>(b) Waiting and standing shall not be permitted except in areas designated by the <i>Council</i>.</p> <p>(c) In no circumstances shall anyone be permitted to –</p> <ul style="list-style-type: none"> (i) sit in any gangway; or (ii) stand or sit in front of any exit; or (iii) stand or sit on any staircase including any landings. |
| Drinks | A4 | Except with <i>consent</i> , no drinks shall be sold to or be consumed by a closely-seated audience except in <i>approved</i> plastic or paper containers. |
| Balcony fronts | A5 | Clothing or other objects shall not be placed over balcony rails or upon <i>balcony fronts</i> . |

ADDITIONAL CONDITIONS C:
APPLICABLE TO PREMISES
USED FOR FILM EXHIBITIONS

**Attendants –
premises
without a staff
alerting
system**

C1

Where the *premises* are not equipped with a staff alerting system the number of *attendants* present shall be as set out in the table below.

Number of members of the <i>public</i> present on the <i>premises</i>	Minimum number of <i>attendants</i> required to be on duty
1 to 250	Two
and one additional <i>attendant</i> for each additional 250 members of the <i>public</i> present (or part thereof)	
Where there are more than 150 members of the <i>public</i> present in any auditorium or on any floor or tier	At least one <i>attendant</i> shall be present in any auditorium or on any floor or tier

**Attendants –
premises with
a staff alerting
system**

C2

(a) Where the *premises* are equipped with a staff alerting system the number of *attendants* present shall be as set out in the table below.

Number of members of the <i>public</i> present on the <i>premises</i>	Minimum number of <i>attendants</i> required to be on duty	Minimum number of other <i>staff</i> on the <i>premises</i> who are available to assist in the event of an emergency
1 to 500	Two	One
501 to 1000	Three	Two
1001 to 1500	Four	Four
1501 or more	Five plus one for every 500 (or part thereof) persons over 2000 on the <i>premises</i>	Five plus one for every 500 (or part thereof) persons over 2000 on the <i>premises</i>

(b) *Staff* shall not be considered as being available to assist in the event of an emergency if they are:

- (i) The *Licensee* or *Duty Manager*, or
- (ii) A member of *staff* whose normal duties or responsibilities are likely significantly to affect or delay his response in an emergency situation; or
- (iii) a member of staff whose usual location when on duty is more than 60 metres from the location to which he is required to go on being alerted to an emergency situation.

(c) *Attendants* shall as far as is reasonably practicable be evenly distributed throughout all parts of the *premises* to which the *public* have access and keep under observation all parts of the *premises* to which the *public* have access.

(d) The *staff alerting system* shall be maintained in working order.

**Minimum
lighting**

C3

The level of *management lighting* in the auditorium shall be as great as possible consistent with the effective presentation of the films.

Note: The level of illumination maintained in the auditorium during the showing of films will be regarded as satisfactory if it complies with the standards specified in *BS CP 1007: Maintained Lighting for Cinemas*.

Conditions relating to the showing of films

**Film
categories**

C4

(a) The categories U, PG, 12, 15 and 18 have the following meaning:

U Universal – suitable for all.

PG Parental Guidance. Some scenes may be unsuitable for young children.

12 Passed only for persons of 12 years and over.

15 Passed only for persons of 15 years and over.

18 Passed only for persons of 18 years and over.

RESTRICTED (18)

Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

(b) The addition of the *Council's* name (e.g. Guildford) after the category means that the film has been passed by the *Council* for exhibition in the *Council's* area in the category shown.

**Exhibition of
films**

C5

No film shall be exhibited unless:

- (i) it is a current news-reel; or

		<ul style="list-style-type: none"> (ii) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the <i>Council</i>, or (iii) the film has been passed by the <i>Council</i> as U*, PG*, 12*, 15*, 18* or RESTRICTED (18)* with * being the name of the Council.
Objection to the exhibition of a film	C6	<p>If the <i>Licensee</i> is notified by the <i>Council</i> in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.</p> <p>Note: Any objection is likely to be on the ground that in the opinion of the <i>Council</i>:</p> <ul style="list-style-type: none"> (i) the film is likely <ul style="list-style-type: none"> (a) to encourage or incite to crime, or (b) to lead to disorder, or (c) to stir up hatred against any section of the <i>public</i> on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender, or (d) to promote violence, sexual humiliation or degradation; or (ii) the effect of the film is, if taken as a whole, such as to hold up to ridicule or contempt <ul style="list-style-type: none"> (a) people of a particular gender, sexual orientation, colour, race or ethnic or racial origin, or (b) people with disabilities or particular religious beliefs unless such film is depicting an historical event or should be exhibited in the public interest; or (iii) the film contains a grossly indecent performance thereby outraging the standards of public decency.
RESTRICTED (18) films – consent of the Council	C7	Films in the RESTRICTED (18) category shall only be shown with <i>consent</i> . Any application to permit such films to be shown shall be advertised in accordance with the <i>Council's</i> conditions governing applications for annual entertainment licences.
Unclassified films	C8	Not less than 28 days' notice in writing shall be given to the <i>Council</i> of any proposal to exhibit any other film which has not been classified as specified in Condition C4. Such a film may only be exhibited if <i>consent</i> has been obtained and in accordance with the terms of any such <i>consent</i> .
Age restriction	C9	<ul style="list-style-type: none"> (a) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.

- Film categories Council's discretion**
- C10** (b) This Condition shall not apply to members of *staff* of 16 or 17 years of age provided the prior written consent of the person's parent or legal guardian has first been obtained. This consent shall be available for examination by *Authorised Officers* at all reasonable times.
- (a) If the *Council* does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
- (a) On notice of alteration of category being given by the *Council* to the *Licensee*, the film shall thereafter be treated as being in the altered category and the Conditions applicable to the exhibition of films in the altered category shall be observed.
- (b) On notice of prohibition of exhibition being given by the *Council* to the *Licensee*, the film shall not be exhibited.
- Category notices**
- C11** (a) Immediately before each exhibition at the *premises* of a film (other than a current news-reel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a *trailer*, of the statement approved by the Board indicating the category of the film.
- (b) For a film passed by the *Council* notices shall be conspicuously displayed both inside and outside the *premises* so that persons entering can readily read them. The notices shall state without the addition of any other words:-

Islington Council

(Here insert title of film)

has been passed by Islington Council as

(here insert the definition of the category and the category assigned)

Where a *trailer* is to be exhibited advertising a film passed by the *Council* the notice shall state:-

Islington Council

***.....trailer advertising +.....film**

(*Here insert the category of the *trailer*)

(+Here insert the category of the film)

Posters, advertisements, etc.	C12	Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the <i>premises</i> , shall indicate clearly the category of the film.
Flammable films	C13	No flammable films shall be upon the <i>premises</i> without <i>consent</i> .

Condition relating to television exhibitions

- | | | |
|---|------------|---|
| Entertainments unsuitable for some audiences | C14 | <p>(a) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position at each entrance to the <i>premises</i>.</p> <p>(b) Unless <i>consent</i> has been obtained no such entertainment shall be given on the <i>premises</i> during the time that any child under or appearing to be under the age of 16 is therein unless the child is accompanied by any person over the age of 18 and bona fide in charge of the child.</p> |
|---|------------|---|

Restricted (18) Category

- | | | |
|---|------------|---|
| Additional Conditions for club cinemas (showing films in the RESTRICTED (18) classification) | C15 | <p>(a) When the programme includes a film in RESTRICTED (18) category the <i>Licensee</i> shall display in a conspicuous position at each entrance to the <i>premises</i> a clear notice stating:-</p> <p style="text-align: center;">CINEMA CLUB – MEMBERS AND GUESTS ONLY.
PERSONS UNDER 18 CANNOT BE ADMITTED TO
THIS CINEMA FOR ANY PART OF THE
PROGRAMME</p> <p>(In the case of a multi-screen complex where <i>consent</i> has been granted the notice shall specify the particular part of the <i>premises</i> in which films in the RESTRICTED (18) category are being exhibited.)</p> <p>(b) All registers of members and their guests shall be available for immediate examination by the <i>Council's</i> Officers during any performance, or at any other reasonable time.</p> <p>(c) Tickets shall not be sold to persons other than members.</p> <p>(d) No persons under 18 years of age shall be employed in any capacity at <i>premises</i> which are operating as cinema clubs.</p> |
|---|------------|---|

- (e) Subject to *consent*, a subscription may entitle the club member to attend other clubs under the same management.
- (f) Membership rules for club cinemas shall include the matters set out in Appendix C1 and be submitted to the *Council* in writing at least 10 days before the club commences operation. Notice of any rule change shall be given to the *Council* in writing within 10 days of the change.

**MODEL MEMBERSHIP RULES FOR CLUB CINEMAS
SHOWING RESTRICTED (18) FILMS**

- (a) Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification.
- (b) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (c) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the proprietors.
- (d) Members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule change within 14 days of the change.
- (e) The proprietors may refuse to renew any membership.
- (f) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (g) On entering the premises a member and his guest shall be bound by the rules of the club and by any regulations made thereunder.
- (h) Tickets shall be sold only to members on the production of a current membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (i) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (j) Tickets shall not be transferable.
- (k) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The proprietors reserve the right to refuse admission to any person.
- (l) Proof of identity, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the proprietors.
- (m) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

ADDITIONAL CONDITION GO:
APPLICABLE TO THE KEEPING OF GOOD ORDER

Good order

- GO1** The *Licensee* shall not permit conduct on the *premises* that is likely to cause disorder or a breach of the peace or drug misuse. In particular the *Licensee* shall ensure that none of the following shall take place:
- (i) indecent behaviour, including sexual intercourse, except as permitted by Theatres Act 1968;
 - (ii) the offer of any sexual or other indecent service for reward;
 - (iii) acts of violence against person or property and/or the attempt or threat of such acts;
 - (iv) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.

Note: In connection with drug misuse *Licensees* are referred to the *Licensee's National Drug Certificate Handbook*, published by the British Institute of Innkeeping.



ISLINGTON

Licensing Team
Public Protection Division
222 Upper Street
London N1 1XR

George Papworth
37a Marine Parade
Southend-On-Sea
SS1 2EL

RECORDED DELIVERY

This matter is being dealt with by:
Katie Tomashevski

T 020 7527 3882
F 020 7527 3057
E katie.tomashevski@islington.gov.uk
W www.islington.gov.uk

Our ref: WK/121357213
Your ref:

Date: 16 August 2012

Dear Mr Papworth

WARNING LETTER

LICENSING ACT 2003

OSCARS, 42 NORTHDOWN STREET, LONDON N1 9BP

I am writing to you, as the licensee for the above premises, regarding a visit made to the premises on 14 August 2012.

I have enclosed a copy of Additional Conditions C which is attached to the premises licence at Annex 2 Condition 1. During my visit to the premises I observed that the notice required at Condition C15(a). When I asked to see the register of members you told me that you had stopped keeping a membership a number of years ago and did not have membership cards to identify members and did not have the required membership rules (Condition C15(f)). You are warned that until a bona fide membership scheme is in place that you must cease from exhibiting R18 films. If you do start operating a membership the Council requires a copy of the membership rules.

I understand that my colleague Geoff Weaver (Tel: 020-7527-5986) will be writing to you with a list of required works to bring the premises up to Health & Safety requirements.

As the licensee at the premises, you are liable for prosecution if the premises continue to contravene current licence conditions. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment. Any future breaches could result in the Council instigating legal proceedings. I must inform you that any further contraventions will result in enforcement action being taken against both you and any responsible person involved in unlicensed activity at the premises.

Should you have any queries on any of the above licensing matters than please do not hesitate to contact us.

Yours sincerely

Katie Tomashevski
Licensing Officer

Tomashevski, Kathleen

From: Tomashevski, Katie
Sent: 29 August 2012 16:28
To:
Subject: Oscars, 42 Northdown Street, London N1 9BF
Attachments: Scan Warning let 16.8.12.pdf; ADD CON C.DOC

Dear Mr Papworth,

Today I was given a blue shopping bag by the Council reception staff containing membership paperwork from the above licensed premises. My business card with your email address on the back was in the bag and I know you to be the licensee of the premises.

I have examined some of the paperwork. It seems to consist of membership applications from 1998-1999 and some sign in sheets from 2003.

I have attached my warning letter to you dated 16 August 2012 for your convenience. The paperwork you have provided does not address the issues in my letter. For clarification I will list them below:

1. You must have a CURRENT membership for your clientele.
2. You must keep a current sign in sheet of the names of your members and their guest using the premises.
3. You must provide the Council with a copy of your membership rules.

I have also attached a copy of the conditions attached to your licence.

I have concerns about the management of the premises if the only paperwork you can provide for the required membership is 9-14 years old. I must warn you again in the strongest possible terms that a breach of your premises licence conditions is a criminal offence and any person guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

If you have any questions regarding this matter please do not hesitate to contact me.

Kind regards,
Katie Tomashevski
Licensing Officer
Islington Council
222 Upper St, London N1 1XR
Tel: 020-7527-3882
Fax: 020-7527-3430

CO-UK

MEMBERS LIST

Appendix 4

Photo cover of DVD titled "Meet the Barebackers II"

Your

Our Licensing/NI

Date: 27/09/2013



**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204

Email: NImailbox-
.licensing@met.pnn.police.uk

27th September 2013

REVIEW:

OSCARS
42 NORTHDOWN STREET N1 9BP

Dear Sir/Madam

Re: OSCARS: 42 NORTHDOWN STREET N1 9BP

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license or club certificate under the licensing Act 2003.

We have read the application submitted by Janice Gibbons and we are in full agreement with her assessment of the premises. We believe that the management for the establishment has shown a total disregard for the conditions attached to the license and have continued to operate with this disregard even after warnings and advice from council licensing officers. The Licensee is aware of his obligations and the conditions of membership but has taken it upon himself to run his premises outside of these conditions. It would seem that the management of these premises is very poor and not up to the standards required and expected under the licensing policy or by the Police Authority. We are aware that the licensee was invited in for an interview, which would have been a good time for him to seek further guidance and advice, and give any mitigating circumstances, but he refused to attend on advice from his solicitor.

There have been numerous and continued breaches of the conditions on the license and we are aware that at court recently Mr George Papworth was convicted on two counts in matters relating to the premises of Oscars.

We feel that it is a legitimate and proportionate course of action to review and revoke the license.

Should you wish to discuss the matter further please contact me on Tel 07799133204

E-MAIL NImailbox-.licensing@met.pnn.police.uk

Yours sincerely

Islington Police Licensing Team

Date 01/10/13

Representation: Oscars 42 Northdown St

With the hard work being done to make Kings Cross a safer place to live and work irresponsible licensees are ruining it for everyone. The customers that this establishment attract bring crime and disorder, such as the violent sex attack on Keystone crescent a few years ago.

This poorly managed establishment causes a public nuisance for everyone.

Yours Sincerely



ISLINGTON

PUBLIC PROTECTION DIVISION

Trading Standards
222 Upper Street
London N1 1XR

Tel: x 3874
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 03/10/13

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Oscars, 42 Northdown Road, N1 9BP

The application for a licence review of the above premises has been examined by me on behalf of the Trading Standards Section. I wish to make the following representations.

1. The licence conditions for this premises require that any films shown by this cinema should be classified by the BBFC and shown only to members. Members are currently required to make a written application and there is a requirement to verify the age of the applicant where deemed necessary.
2. The intention of film classification is to ensure that films have content that is age-appropriate. Films classified as '18' and 'R18' are only deemed suitable for over 18s. Their content is checked to ensure that nothing 'unclassifiable' is present.
3. I note that the officer making a covert visit to the cinema was sold a DVD classified as 'R18'. The Video Recordings Act 1984 as amended makes it illegal for any business other than a licensed sex shop to sell any 'R18' video works (which includes DVDs). It is not credible, given the nature of his business, that the licensee was unaware of this law.
4. I fully concur with the applicant's recommendation to revoke this licence. In my experience businesses that intentionally break the law and that do not make an effort to follow advice, understand their responsibilities or take action promptly when non-compliances are notified to them are highly unlikely to improve sufficiently to achieve a high standard of management. It is also my experience that one type of non-compliance is often indicative of other non-compliances: generally a blasé attitude to one law increases the likelihood that others will be breached.
5. It is with concern, therefore, that I read of the failure to run a proper membership scheme. There is no evidence in the application that persons under 18 have been admitted to the cinema, but equally there is nothing that gives me confidence that a proper age-verification procedure is in place. The conditions as written – even were they being followed – do not seem to consider member's guests or specify when and how age verification for members themselves should take place.
6. I recommend that if the Licensing Sub-Committee do not revoke the licence, they consider adding these conditions to the licence:
 - The licensee shall put in place an age verification procedure and obtain written approval for that procedure.
 - All staff shall be trained to verify the age of customers before they are permitted to allow customers to enter the premises. The content of the training and the frequency of retraining shall be approved in writing by Trading Standards.

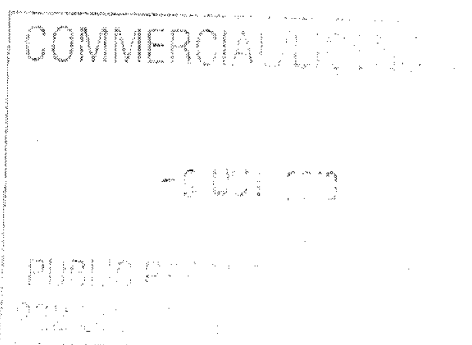
- Training records for each employee shall be kept and will be available at all times for inspection by officers from the Police, Licensing or Trading Standards. The records shall include the date of training; the name of each trainee and their signature to state that the training has been received and understood; the name of the person giving the training; and descriptions of the areas covered in the training and of any training materials used.

I believe these representations are specific and are consistent with best practice, the law and Islington Council's Licensing Policy.

Doug Love
Principal Consumer Services Officer

5th October 2013

Licensing Team
Public Protection
Islington Council
222 Upper Street
London N1 1XR



Dear Sir or Madam,

I am writing with regard to the renewal of the licences of the Abcat Ciné Club in Caledonian Road and Oscar's in Northdown Street. I am very anxious that these sex cinemas should be allowed to remain open. I attach a number of testimonials confirming that, despite your fears that they encourage crime, they are in fact respectable businesses.

The Abcat has been a King's Cross institution since 1969. This and Oscar's are London's last surviving sex cinemas and are therefore of historical interest.

The cinemas are run by a reputable management and cater for a quiet and respectable clientele. The premises close each night at 8pm. Since I moved to King's Cross in 1995 I have not been aware of any anti-social behaviour connected with the cinemas. The same cannot be said about the bars and hostels in the area. It is mainly these that encourage street drinking, littering and even urination and defecation on the pavements.

On the contrary, the cinemas' clientele leave quietly and never congregate in the streets. Far from encouraging crime, Oscar's was itself the victim of crime when it was fire-bombed.

I believe that the cinemas are being targeted primarily because they provide adult entertainment. (N.B. BBFC certificated films identical to those available in DVD shops). I don't think prejudice against the adult entertainment industry should be encouraged merely because it causes offence to a minority.

Please assure me that my commendation of these cinemas will be taken seriously.

FROM ALLINLONDON.CO.UK

The Latest User Reviews

User Rating: 7 / 10



Added: May 2013



Abcat may be run down, but it has certain old school feel to it, which I like. Staff are pleasant and don't bother you, so you can enjoy the porn compilations in peace. Sometimes a little cold in winter, but nonetheless it is one of the remaining porn cinemas in London and we should be supporting it.

Added on Fri 31 May 2013 at 11:37:19

[\[report this\]](#)[\[respond\]](#)

User Rating: 7 / 10



Newbie

Since: Mar 2012

Posts: 1

[View](#)

[Profile](#)



Like the previous reviewer I love porn and porn cinema. I've been to the Abcat a couple of times and ive enjoyed it each time. Yes it does look tired and tatty but i wasnt there for the decor. The films are pretty standard fare for this type of place and as we all have different tastes you could get films as good to suit your own tastes on the internet (if you like watching them alone) but part of the enjoyment for me is watching them with others who enjoy them as much as you. The place could hold about 70 people but when i have been there only 12 to 15 others have been in but this didnt affect my enjoyment. Yes improvements could be made but if you are into this kind of entertainment this is as good a place as any

to enjoy it.

Added on Tue 27 Mar 2012 at 08:36:31
[\[report this\]](#)[\[respond\]](#)

User Rating: 3 / 10



Added: Mar 2011

I'd love to do a good review for Abcat, but I can't. I know the place too well.

I love porno, and I luv porn cinemas, and London ain't got enough of them, and so it's a pity that Abcat Cine Club, which is a well-established institution, should miss so many opportunities to be good.

We all like a bit of spit and sawdust - BUT Abcat is just grubby and rundown, in need of a good scrub from top to bottom. The management is easygoing and pleasant enough to the punters, but they don't bother to keep the place looking smart.

The films are mediocre - hardcore, yes, but hey - we can get better than that on the PC in the office! Abcat offers a mixed bag of such variable quality as to be mostly frustrating rather than the turnon we want from a porno cinema.

You pay your money each day you visit (about 8 or 9 quid, I think) and the programme changes twice weekly, showing sections from full-length porn films. Stay as long as you want, but the trouble is that whoever puts the stuff together obviously doesn't review the content, and doesn't give a toss about the results. Worse, the audience doesn't bother to complain.

The place could be a real pull, especially at lunchtimes; it should be great - for everyone: couples and/or str8 blokes (there's a gay cinema round the corner) or ladies in need of fun and maybe some bicurious experiments - but it rarely seems to be busy these days.

A great pity, and such a waste - it's in a prime place for adult entertainment (King's Cross) especially now that the area is being 'regenerated'. All those office/site/railway workers need some fun at breaktimes.

Maybe somebody with some imagination ...

Name:

Location: South London

This comment has an official response:

Whilst I think you have many valid criticisms and I'm sorry your visit to us was not as pleasurable as we

would have wished I think nevertheless you were being slightly unfair as to the content of the programmes. The club is licensed by the local council so obviously we are limited as to what we can show as well as the product that we can obtain commercially. Nevertheless we show adult hardcore R18 films such as you might find in the DVD section of licensed sex shops including at least one of the latest films every week. Since going digital about 4 years ago we have extended the length of the show from 2 to 3 hours. In that time I attempt to incorporate as many different porn genres as possible including fetish, lesbian, black, interracial, mature and teen. As one man's porn thrill may be another's flaccid flop there may well be parts of the programme that are less arousing than others but the aim is at least to have something that may appeal.

We do get feedback from our customers and indeed welcome their suggestions and try to modify the programmes accordingly. You should remember that we are a small, independently-run business, one of the few left in the area, consisting of mainly part-time staff and helpers including myself, which is run on a very tight budget which accounts for the lack of fixtures and fittings. I would love to present programmes including live exotic dancers, free cocktails for the patrons and Hawaiian-themed evenings and have suggested as much to the proprietors but unfortunately a shortage of development capital restrains them from doing so.

Instead we present a competitively-priced programme of adult entertainment as well as a meeting-place for like-minded adults. We have been in business on this site with a loyal following since 1969 progressing through cine film, video and into the digital age so we have tried to keep pace with the changing times although the ambience is distinctly that of the 1950s. We would welcome new patrons to judge for themselves and not take either my or word for it. Whilst you are here you might like to check out "Oscars", the Abcat's companion club under the same management, around the corner in Northdown Street, devoted exclusively to showing feature-length unedited gay male adult films which was opened only a few years ago and so has a much more up-to-date appearance but whatever your tastes or criticisms you will always found a warm and pleasant welcome awaiting you from us.

From
Position: Programme Compiler

Added on Sat 19 Mar 2011 at 13:32:23
[\[report this\]](#)[\[respond\]](#)

Timeline

Yesterday

The Abcat, one of London's last surviving sex cinemas, is under threat. Islington Council is trying to close it and its neighbour Oscar's "for public protection." The Abcat has been a King's Cross institution since 1969.

Both cinemas cater for a quiet and respectable clientele, one of whom is

I don't think that's a secret, is it?) I've never been aware of any anti-social behaviour connected with the cinemas. The same can't be said for t

he bars and hostels in the area. The cinemas are being targeted primarily in my view because they provide adult entertainment.

2 [Like](#) [Promote](#) [Share](#)

○
○
Ah, I have never been, and that's a jolly shame. Monday evening? A pint of bitter at the nearby Flying Scotsman, 1?

[Yesterday at 17:33](#) [Like](#)

○
How ridiculous when anyone can go on the Internet and see the same and more explicit, I have no doubt, better for it to be out in public and it's a little piece of social history

[Yesterday at 18:33 via mobile](#) [Like](#)

○
I know Oscar's on account of I often have a drink in the pub opposite in Northdown Rd - what the hell's it called now?

[Yesterday at 18:34](#) [Like](#)

Must be because of its abrasively lewd façade with its pornographic signs and imagery clearly designed to lure in and corrupt all who pass by.



Yesterday at 17:06 · [Like](#) · 5

Love the lace curtains.

Yesterday at 12:20 · [Like](#)

.....god, very subversive, warn the children now

Yesterday at 11:00 · [Like](#)

... no doubt Islington Council see these two buildings as prime development plots.

Yesterday at 10:15 · [Like](#)

Sounds like the south...we expect that sort of crap in the Bible Belt, but certainly not in the U.K....sad commentary.

Yesterday at 10:00 · [Like](#)

I always learn something new from you.

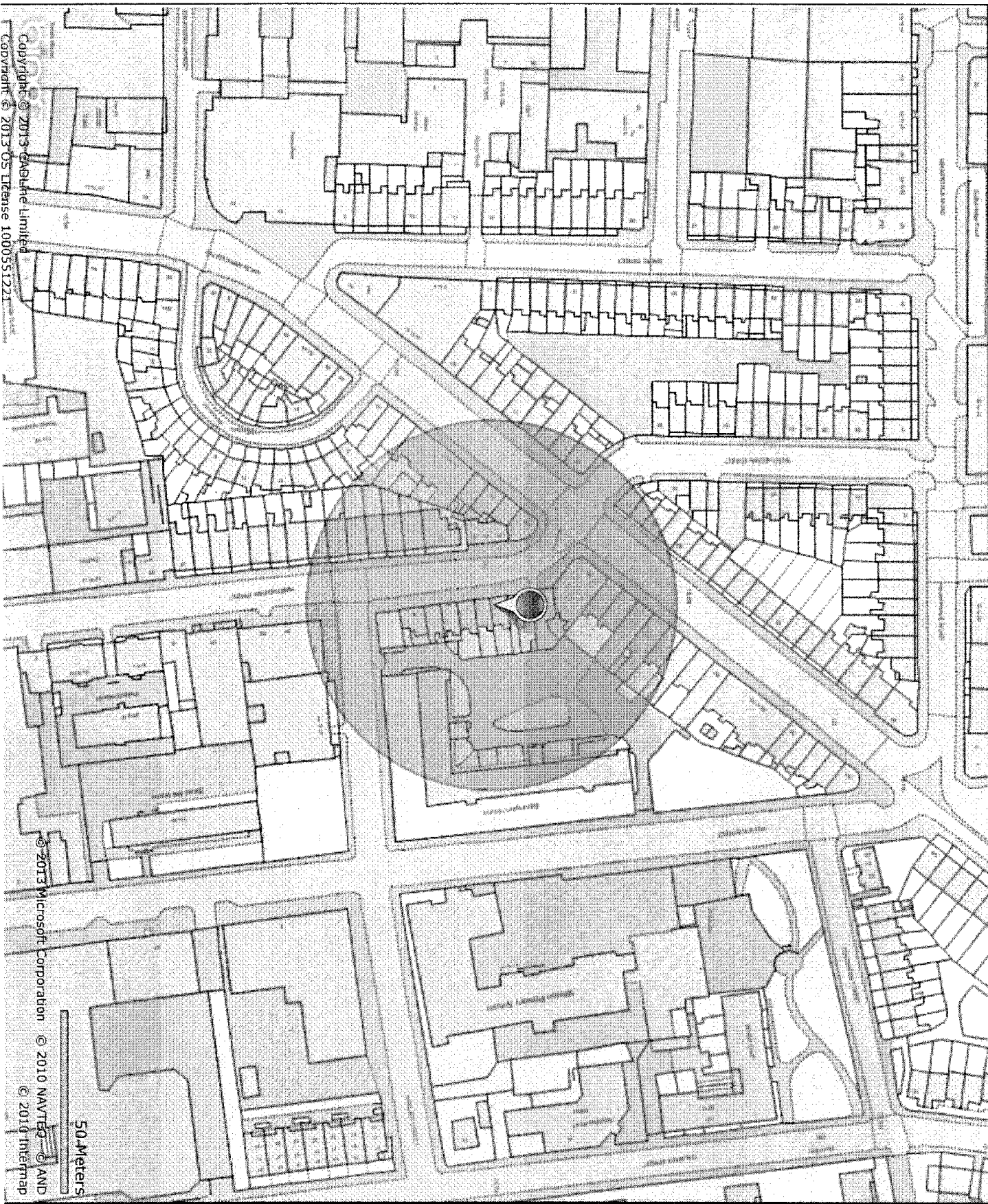
4 hours ago via mobile · [Unlike](#) · 1

o

any chance of getting it listed

3 hours ago via mobile · [Like](#)

As per current licence



**Title : 42 Northdown
Street, London N1
9BP**

**Islington Borough
Boundary**

**Printed by :
RO RO**

**Printed at :
04-11-2013**

