



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	23 June 2015		Caledonian

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

1. Synopsis

- 1.1 This is an application for the renewal Sex Establishment Licence to permit the premises being used for sexual entertainment venue under the Local Government (Miscellaneous Provisions) Act 1982
- 1.2 The renewal application is to:
 - I. Provide sexual entertainment in the form of strip tease.

2. Representations

Metropolitan Police	No
Fire Brigade	No
Building Control	No
Ward Councillors	No
Local residents	Yes: 3
Other bodies	No

3. Background

- 3.1 The Flying Scotsman has held an SEV Licence to permit the premises to operate as a sexual entertainment venue since the legislation was changed on 1 April 2012. Prior to the change of legislation the premises has legally provided strip tease for many years.
- 3.2 SEV Licences expire after 12 months and licence holders have to apply each year for a licence.
- 3.3 The premises also benefits from a premises licence under the Licensing Act 2003 which permits licensable activities Monday to Saturday 09:00 to 23:00 and Sundays 09:00 to 22:30
- 3.4 Papers 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

4. Planning Implications

- 4.1 No adverse observations have been received from Planning regarding this new application.

5 Recommendations

- 5.1 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.
- 5.2 To determine the application to renew the SEV licence under Section 8 of the Local Government (Miscellaneous Provisions) Act 1982 which proscribes discretionary grounds of refusal as the grant or renewal of the licence would be inappropriate, having regard to:
 - i. To the character of the relevant locality;
 - ii. To the use which any premises in the vicinity are put; or
 - iii. To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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

- i. The application;
- ii. The views of anyone making a representation;
- iii. The Sex Establishment Policy;
- iv. The requirements of the Local Government (Miscellaneous Provisions) Act 1982.

6 Conclusion and reasons for recommendations

- 6.1 This is an application for to renew 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.

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

15.6.15

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR LICENCE SEX ESTABLISHMENT LICENCE

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

Type of Licence applied for

- Sex Shop
 Sex Cinema
 Sexual Entertainment venue

Applicant's details

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

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

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

a)	Name of company or body	The Brill UK LLP
b)	Address of Registered office (or principal office in case of unincorporated body)	First Floor. 47-57 Marylebone Lane. London W1U 2NT.
	Name of Director(s) with responsibility for management of premises Position held	Robin Norris - Peter Alexander - Partners

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

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

4. THE FOLLOWING QUESTIONS TO BE ANSWERED BY ALL APPLICANTS

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

5. PREMISES DETAILS

Trading name The Flying Scotsman.

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

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

Yes No

Contact details of person to be ~~connected~~^{contacted} in connection with this application

Name Kingsley Hoddinott
Address James-Motion. Suite 1. Essex House.
Station Road. Upminster. Essex RM14 2SJ.

Tel Number 01708 229955

Email Address khoddinott@james-motion.co.uk

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

Date: 16th March 2015.

Signature:

Name of Signatory: Kingsley Hoddinott

Designation of Signatory: Authorised Agents for the Applicants.

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

Checklist

Application fee paid (to be paid upon receipt of invoice)

Two passport sized photographs of applicant completing section 1 or manager of premises if applicant is a limited company.
(NB photographs are not required if no change since last application)

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

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

(NB Plans are only required for new application or where there has been a change in layout since last licence granted).

Newspaper advert prepared and sent to newspaper for publishing within 7 days of submitting application

Display notice of application on premises for 21 days following submission of application



Licence Number: LN/14266-010414

SEX ESTABLISHMENT LICENCE

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

Full name of licensee: The Brill UK LLP

Address of licensee: First Floor, 45-57 Marylebone Lane, London W1U 2NT

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

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

As a **Sexual Entertainment Venue** until the last day of **31st March 2015**.


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

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

Additional Conditions:

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

Islington Council
Public Protection Division
Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Service Director – Public Protection
10/7/14
Date of Issue

Tomashevski, Katie

From: Montanez-Dodson, Monty
Sent: 09 April 2015 14:49
To: Tomashevski, Katie
Subject: FW: Flying Scotsman

FYI

I have added it to M3 Wk

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

From: Fitzsimons, Aiden
Sent: 07 April 2015 11:10
To: Montanez-Dodson, Monty
Subject: FW: Flying Scotsman

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

From:
Sent: 04 April 2015 17:34
To: Licensing
Subject: Flying Scotsman

To whom it may concern,

Id like to object to the license extension for the Flying Scotsman. I live just around the corner and as a female feel totally unsafe walking past 2-4 Caledonian rd at night.

The Kings Cross area has transformed for the better and this is one of the last remaining seedy environments that should now move on out of the area.

Best,

Sent: 14 April 2015 10:00
To: Montanez-Dodson, Monty
Cc: Williams, John; Tomashevski, Katie
Subject: FW: The Flying Scotsman Pub

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

From
Sent: 13 April 2015 23:49
To: Licensing
Subject: The Flying Scotsman Pub

I wish to object to the application for renewing their sex licence.

This place attracts some very unsavoury customers who stand outside to smoke and look at women as they walk by and make intimidating sexual remarks making them feel quite uncomfortable having been aroused by the activities that take place inside this establishment.

It usually attracts those who have already drunk significant quantities of alcohol who then feel the urge to visit this establishment or are on route or returning from a football match which has normally been fuelled by alcohol and male bravado.

I am a father to a child living on this road and feel uncomfortable walking passed this place with my 9 year old daughter and end up crossing the road because of the nature of its customers.

I hope I have made my intentions clear.

Kind regards

Rep 3

Montanez-Dodson, Monty

From: Senler, Yesim
Sent: 14 April 2015 10:01
To: Montanez-Dodson, Monty
Cc: Tomashevski, Katie; Williams, John
Subject: FW: Flying Scotsmsn sex venue licence renewal

Follow Up Flag: Follow up
Flag Status: Flagged

From:
Sent: 12 April 2015 21:13
To: Licensing
Subject: Flying Scotsmsn sex venue licence renewal

Dear Sir/Madam,

I am writing to you to object to the renewal of the licence for the Flying Scotsman at 2-4 Caledonian Rd, London N1 9DT to operate as a sex establishment.

Kings Cross has undergone significant change in recent years and is now becoming a more desirable place to live, work and dine. The area is no longer a sex entertainment destination and it is no longer acceptable for the Flying Scotsman to continue to operate here.

The Flying Scotsman is located in an area which now has a number of residential properties and it is not acceptable for it to continue to operate in this area. There is often loud music coming from there late at night which I hear in my flat. There are regularly patrons smoking and drinking from glasses in front of the entrance, blocking access for pedestrians. I have also seen glasses left outside the entrance and on the middle of the footpath which is a safety hazard.

The establishment causes me, and I'm sure other residents, to feel unsafe walking in the area. I have heard patrons yelling and screaming in the street, causing a disturbance late at night, and seen fights, in front of the premises and around the corner in my street. Yet, there are no security guards at the Flying Scotsman. In fact, I have never seen any security there since I moved to the area.

The Flying Scotsman no longer belongs in the area as it now residential, it's patrons are a disturbance and it causes the area to feel unsafe. I strongly object to the renewal of the licence. However, should it be renewed, then it is important that it is a condition that security guards are present during opening hours, with more in Friday and Saturday nights.

I do not wish for my name or contact information to be disclosed to the applicant.

Yours sincerely,

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 without prior consultation with the licensee but will notify the licensee of any alterations.
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 interior and exterior 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 video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings 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 ensure that any external advertisement promoting the entertainment on the premises complies with the Advertising Standards Agency guidelines and has prior Council approval.
15. 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.
16. 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

17. 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.
18. 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.
19. The content of the House Rules will be made known to customers prior to their admission to the premises when sexual entertainment is provided.
20. 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

21. Entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation.
22. 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.
23. 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.
24. 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.
25. There shall be no physical contact between customers and the dancers other than the transfer of money or tokens at the beginning or conclusion of the performance.
26. There shall be no physical contact between dancers whilst performing.
27. 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.

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

Customers

31. The House Rules regarding customer behaviour will be implemented at all times that the premises are operating with sexual entertainment.
32. 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.
33. Customers may not be permitted to photograph film or electronically record any performance.
34. Customers shall not be permitted to enter non public areas of the premises such as changing rooms.



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