

Appendix 1

Islington Council Draft Sex Establishment Licensing Policy

Introduction

This policy sets out Islington Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime

- Sex shops
- Sex cinemas
- Sexual entertainment venues

The role of the council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

Policy Considerations

Existing Licensed Premises

The council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years. There are 4 licensed sex shops in Islington and these are located in Holloway Road, Caledonian Road, Old Street and Islington Green.

Following a serious fire at a sex cinema many years ago the council took the decision to licence its sex cinemas under the Cinema Act 1985. These licences have been converted to premises licences under the Licensing Act 2003 and, as this regulatory regime has proved to be effective, it will continue

to use this approach for the existing sex cinemas in City Road, Caledonian Road and Northdown St.

Islington Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1 April 2011 so that it can:

- set a limit on the number of sexual entertainment venues
- premises that is appropriate for the borough and
- licence sexual entertainment venues

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 and applicants are advised to contact the Licensing Team for advice.

Limits on the number of licensed premises

The council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Islington for several years. The council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy.

Furthermore if any of the existing premises cease trading there is no presumption that the council will consider any new applications more favourably.

Location of premises

As previously stated in the policy the council will treat each application on its own merits however applicants should be aware that the council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons

- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

Impact

In considering applications for the grant of new or variation applications the council will assess the likelihood of a grant causing impacts, particularly on the local community.

The council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the council will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses

- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

Applicants

Where appropriate the council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance with operating conditions for example through
 - Management competence
 - Presence
 - Credible management structure
 - enforcement of rules internally – training & monitoring
 - a viable business plan covering door staff, CCTV
 - policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of a third party will be refused.

Premises appearance and layout

The council expects premises to:

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency
- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

The Application Process

Making a new, renewal, transfer or variation application

The Act requires the council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or

- Is not resident in the UK, or has not been a UK resident for the last 6 months or
- Has been refused an application in the last 12 months
- Is a corporate body which is not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the councils website (www.islington.gov.uk)
- from the Licensing Team on 020 7527 3031
- by email to licensing@islington.gov.uk

The council prefers to receive electronic applications and offers a choice of fee payment options the details of which are contained in the application pack.

The council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application fee
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises (new applications only)
- Submit a location plan (1:1250) showing the location of the premises (NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager (NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers by. A notice template will be provided with the application form.
- Publish an advertisement in the local newspaper within 7 days of submitting the application An advertisement template will be provided with the application form.

Contact details for local newspapers are:

Islington Tribune

40 Camden Road

London NW1 9DR

Tel: 020 7419 9000 ext 250
or 247

Fax: 020 7209 1322

Email:

Islington Gazette

161 Tottenham Lane

London N8 9BU

Tel: 020 8342 5700

Fax: 020 8342 5710

Email: hazel.bryce@archant.co.uk

advert@islingtontribune.co.uk

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the council will consult:

- The Police
- The Fire Brigade
- Building Control
- Ward Councillors

For new and variation applications the council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the council. Representations can either be submitted via

- Our website www.islington.gov.uk/
- Email to licensing@islington.gov.uk
- Post to Licensing Team, 3F Zone C, 222 Upper St London N1 1XR

A person making a representation must clearly state their name, address, the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the council if there is sufficient reason to indicate that applicants will not be significantly prejudiced by the decision to allow a late objection to be considered. In making such a decision the council will take into account:

- The length of the delay

- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

Determining an application

Applications with no representations will be approved under delegated authority to officers.

Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.

Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

Appeals

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within 21 days of receiving the decision in writing.

Grounds for refusing an application

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
2. That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself

3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
4. That the grant or renewal of the license would be inappropriate, having regard
 - a. to the character of the relevant locality
 - b. to the use to which any premises in the vicinity are put; or
 - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Additional information and advice

Please contact:

Licensing Team

3F Zone C

222 Upper St

London N1 1XR

licensing@islington.gov.uk

020 7527 3031

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within fourteen days of such change.
3. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council to prove compliance with this Licence.
4. The licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the premises) following consultation with licensees
6. The meaning of "sexual entertainment" is given in Section 27 of the Policing and Crime Act 2009.

Management

7. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers and performers to ensure that the Code of Conduct for Dancers and the House Rules are being obeyed and enforcing if necessary.
8. The Licensee shall prepare and implement a Code of Conduct for Performers. The Code shall be approved by the council and will not be altered without their consent.
9. The Licensee shall prepare House Rules governing the conduct of customers. The Rules shall be approved by the council and shall not be altered without their consent.

Premises

10. The approved layout of the premises shall not be altered without prior consent of the council.
11. The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum.
12. The sexual entertainment shall take place only in the areas designated by the Council and the approved access to the dressing room(s) shall be maintained whilst sexual entertainment is taking place and immediately thereafter.
13. CCTV shall be installed to cover the inside and the outside of the premises covering all areas to which the public have access, including private performance areas and booths, entrances and exits but excluding toilets. All cameras shall continually record whilst the premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer or a police officer together with facilities for viewing. The

recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice

Advertising

14. The Licensee shall not permit the display outside of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which indicate or suggest that sexual entertainment takes place on the premises.
15. Where the Council has given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend public decency or be likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.

Admission to the Premises

16. No person under the age of 18 years shall be permitted on the premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at the entrance.
17. Customers who appear to be under the age of 21 must be asked to provide a Pass-Scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
18. The content of the House Rules will be made known to customers prior to their admission to the premises when sexual entertainment is provided.
19. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave;

Performers

20. Entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation.
21. The licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the licensee shall keep a copy of a photographic form of identity and proof of address of the performer.
22. On days when sexual entertainment is provided, the licensee, or their representative, shall keep a record of those performers working at the premises on that day in a daily record. The daily record shall be immediately available for inspection by authorised officers.
23. The licensee shall ensure that each performer signs the code of conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the code of conduct, and signed copies be kept on the premises for inspection by authorised officers.
24. During a performance there shall be no full bodied physical contact between the customer and the dancer other than the transfer of money or token at the beginning, during and conclusion of the dance.
25. During a performance there shall be no full bodied physical contact between dancers and they are not to touch each others breasts and or genitalia.
26. Performers must remain fully dressed while on the premises, except while performing in areas approved by the Council for sexual entertainment and in the approved changing rooms.

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

Customers

30. The House Rules regarding customer behaviour will be implemented at all times that the premises are operating with sexual entertainment.
31. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated or under the influence of illegal substances.
32. Customers may not be permitted to photograph film or electronically record any performance.
33. Customers shall not be permitted to enter non public areas of the premises such as changing rooms.

Appendix 3

Response to Public Consultation on Sex Establishment Licensing November 2010

In addition to receiving response from residents and businesses to the on line survey the following responses were sent by email

Response 1.

The draft sex establishments licensing policy looks appropriate:

* Do you agree that the council should limit the number of sex establishments in the borough? Yes

* Do you agree that the limit should be set as nil with an exemption for premises that are currently operating as sex establishment?

Yes, provided that "if any of the existing premises cease trading there is no presumption that the council will consider any new applications more favourably"

* Do you wish to add any comments to support your opinion?

Are saunas and massage parlours (e.g. Aqua Sauna on Hornsey Road) treated in the same way as sex encounter establishments? It seems that these are probably more of a licensing/working conditions/legal issue/ than legal sex encounter establishments. Strip/lap dancing sex encounter establishments also appear to be of more concern than sex shops and theatres. The frontage of the sex shop on Islington Green has become less appropriate with it's recent change of ownership/display; are there requirements for displays in public places?

Response 2

Good afternoon. I am instructed by ### in connection with their licensing in this area. I am asked to respond to the consultation, in this capacity, and the Response is attached for your committee's kind consideration.

You will be aware that (my client) is keen to work with the authority in respect of licensing issues, and I understand that they have already responded and assisted in connection with practical issues and in offering the dancer code of practice etc.

They are especially supportive of the Council's concise policy and in particular the proposed manner of dealing with the limit on the number of licensed premises. As a lawyer, however, I regret that I have had to voice some concerns. May I invite your team and legal adviser to consider the attached Comment in this respect to ensure that the proposed Policy being presented to members for consideration is not open to challenge in the future.

The suggested amendment made in the Response document on this paragraph is on the basis that your legal adviser assures you that the currently proposed method of dealing with this is a viable way forward, and that my fears are unfounded.

Comment on the Limit and Proposal to have a nil limit but to permit applications for existing premises.

Whilst FYEO wholly supports the pragmatic attitude and response of the council in recognising the existing operators and their right to continue those operations, we are concerned that the clear intention of the council to permit existing users to continue such use may be open to challenge in respect of the proposed approach.

If the proposal to allow existing operators to make application free from the nil quota is found to be outwith the provisions of the Act, then all existing operators would be faced with potential closure unless each one was found to be an exceptional case on its merits.

Paragraph 12 (3) c) Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 refers to the number of “sex establishments...in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality”.

It is our view that this requires the council to look at the area in question and then decide either the appropriate number of establishments, or determine that the character of the area was such that it was inappropriate to grant a licence at all. (R -v- Peterborough City Council ex p Quietlynn (1987) 85 LGR 249.)

The Judge in that case found that the correct approach on assessment was to firstly consider the character of the locality where the [venue] is situated and then what is the appropriate number for that locality.

This case law is effectively reiterated in paragraphs 3.32-3.37 of the Government Guidance.

The council has clearly considered that the relevant locality (which need not be a pre-defined area nor have boundaries shown on a map, but which is likely to be too wide if the whole of the council’s administrative area) is one suitable for SEVLs. Having regard to the tests to be applied, the council may wish to consider whether the locality in question should be described formally so that those proposing to make an application can ascertain if they fall within or without that, and then setting a specific number that they regard as appropriate for that locality.

If the council’s own legal advice indicates that it would be preferable, then it may wish to formally state that, in the area or areas in question, that 5 is the appropriate number. It is clear from the current wording that the council have already considered both locality of existing venues and have found that or those to be appropriate for one or more of the 5 venues indicated.

Response by JCP Law on behalf of For Your Eyes Only Ltd (FYEO)

Operators of an existing table dancing venue at 1-23 City Road, London, EC1Y 1AE

These premises have been specifically licensed as such under the Licensing Act 2003 since January 2007. There has been no justifiable complaint regarding this operation from either Responsible Authority or Interested Party since the opening. The activities carried on will now require a Sexual Entertainment Venue Licence (SEVL).

PROPOSED POLICY AND STANDARD CONDITIONS

Policy considerations

General

The document is to be commended for being generally well drafted, concise, easy to read and understand.

We would respectfully submit, however, that the phrase “sex encounter” should, throughout this document, be replaced with “sexual entertainment” as specifically defined in the enabling Statute.

Limits on the number of licensed premises
P2.

It is respectfully suggested that the wording of the second sentence be altered to read “...applications for premises already having express permission for the type of entertainment which is now defined as “sexual entertainment”

Premises external appearance and layout
P4

FYEO believe that it is vitally important that prospective customers are aware of the nature of the venue prior to entry to both ensure proper control and to save customers embarrassment. Some “advertisement” of the nature of the venue is therefore essential. FYEO anticipate that the council is considering, however, that inappropriate images or advertisements should be avoided to both prevent offending public decency and being potentially harmful to children. This coincides wholly with FYEO’s views, which are shared by most responsible operators. The following wording is respectfully suggested as a substitute for current bullet point 2

“prevent the display outside the premises of photographs or other images which may reasonably be construed as offensive to public decency”

Applications
P5

The list of application requirements includes “2 passport size photographs of the applicant”. It is respectfully assumed that an application will be accepted from a limited company, for example, when the requirement may be fulfilled by the provision of manager’s photographs. As renewal will be annual, perhaps the requirement for photographs on renewal may be dispensed with, unless the manager/personal applicant has changed.

Consultation on applications
P6

Having regard to both the cost implications and the case of R (on the application of Albert Court Residents Association and Others) -v- Westminster City Council earlier this year, the council may wish to re-consider voluntarily taking on this onerous duty. The statutory requirements ensure advertisement of the application both on site and in the press. It is suggested that this additional notification is therefore not necessary.

Standard Conditions

The requirement that an applicant can show the ability to adhere to such conditions is noted. Such conditions will, therefore, need to be available to an applicant at the time of the application being made.

FYEO operate establishments throughout the country without issue. We would respectfully suggest that the following (which are based on the conditions offered and accepted in respect of the Premises Licence granted by the council to FYEO) may be considered as Standard Conditions for these purposes. Such conditions will, of course, be

regarded as deleted from the third appointed day. In the event that alternative or additional conditions are considered, FYEO would appreciate an opportunity to comment on those.

Suggested Standard Conditions

1. A suitable and sufficient number of door supervisors will be employed (based on a risk assessment) when sexual entertainment is offered and their duties will include checking that entrants are over 18 years old; monitoring customers and performers to ensure that the House Rules are being obeyed and enforcing if necessary; monitoring general customer behaviour and enforcement of the Company's policies (including the Zero tolerance drug policy).
2. Entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation. Performers will be given, and expected to obey, the Code of Conduct for Dancers. A copy of this Code will be deposited with the Council and Police.
3. The House Rules regarding customer behaviour will be implemented at all times that the premises are operating with adult entertainment. A copy of these Rules will be deposited with the Council and Police and will not be altered without their consent.
4. The content of the House Rules will be made known to customers prior to their admission to the dancing area.
5. No child (ie person under 18) 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.
6. The sexual entertainment shall not be capable of being seen from the street or from any area where children may be permitted.
7. The only identification that will be accepted will be that approved by PASS, photo driving licences or passports.

JCP Law 2.11.10

Response 3

I am keen to stress my approval of a NIL limit on Sex Establishments in Islington.

I lived in Shoreditch a couple of years ago and found myself incredibly intimidated walking home at night past the 'Blush' tabletop dancing venue and the 'Rainbow Sports Bar', eventually making me choose less well-lit roads in order to avoid the area (unfortunately the lesser of two evils).

Not only to these kinds of places promote an incredibly degrading and sexist view towards women, serving alcohol alongside this, the environment surrounding the venues are hostile and occasionally unsafe for women.

I also think it is important not to normalize the existence of Sex Establishments as a message to young people growing up in Islington (as I can only see how they would negatively impact on the attitudes of the boroughs teenagers).

I understand that the Nil policy would not cover establishments already in existence- is there a list available of licensed Sex Establishments in Islington? And are these licences due for

renewal in the future (if so- is it possible to prevent renewing licences after the nil policy is in effect?)

Response 4

Thank you for your e-mail. Having read through the draft Sex Establishment Licensing Policy I can comment that it appears to properly address the vital issues that must be considered by your Authority in dealing with applications for licences under this legislation.

It is very comparable with other authorities proposed policies .

Can you confirm when the policy will, or might be, adopted and invoked.

Response 5

Why do you need to have sex establishments in your borough?

What is the purpose of these venues?

The research on this industry has proven time and time again that the workers involved, mostly women are abused mentally, physically, sexually and financially.

Is there a need for these places? Why would you want to collude with the awful dysfunctional sex industry?

- * Sex shops
- * Sex cinemas
- * Sex encounter establishment

Response 6

I am responding to your consultation on the Sex Establishment Policy of Islington council.

Do you agree that the council should limit the number of sex establishments in the borough?

Yes, definitely.

Do you agree that the limit should be set as nil with an exemption for premises that are currently operating as sex establishment?

Yes, I agree that limit should be set to nil. But I think that premises currently operating should also be shut down.

Do you wish to add any comments to support your opinion?

Sex establishments promote gender inequality by encouraging sexist attitudes from the men who visit them. This spills out into the streets when the men leave the clubs, endangering women and girls in the area and on public transport. It has been shown that incidences of rape and sexual harassment increase in the areas around strip clubs, and this is certainly borne out by the experiences of myself and women I know. Sex establishments also create an atmosphere in which it is OK to buy a woman or girl's body for sexual simulation. Sex establishments have clear links, whether direct or indirect, to the prostitution trade. They are contrary to the Gender Equality Duty which the council is bound by.

Response7

I write to you regarding the consultation currently being undertaken in Islington in relation to the adoption of the new legislation regarding Sex Establishment Licenses, brought in under the Policing and Crime Bill.

Dr ### and I have been working on a major ESRC funded research project regarding the regulation and working conditions in the lap dancing industry in the UK. It is the first of its kind in the UK. More information can be found here about the project:

<http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance.php>

We are attaching a copy of the preliminary findings report which you may find useful in terms of policy-making with regards to the new licenses. Please feel free to pass this on to whomever you feel would find it relevant or useful. We will be releasing a full report on the findings early in the new year (January 2011).

We would also be more than happy to come and speak to you regarding the consultation. However, if you have any questions or queries regarding the findings in the meantime, please do not hesitate to contact us.

Response 8

I have been through the document and it seems quite straight forward, however I can't find anything with regards to cost of initial application and annual renewal, I have had a look on your web site but can't find anything there either.

Also it states that there is to be no external advertising, I am assuming that we can advertise our trading name and what we do (current signage).

I am assuming that the current conditions on the premises license that relate to striptease will be ported across to the new SEVL?

All the other requirements we already have in place.

To answer your question on Doc 1,

I do agree that the council should limit the number of SEVL's in the Borough and my reason for agreeing to this is that our business has a finite number of clientele and therefore it is only right that the council keep a balance of what is on offer to what the general public want.

I also agree with your second point "that the limit is set at Nil but an exemption for premises that are currently operating as a sex establishments", however I would add that it should only apply to those with "Express Permission" currently on their premises license.(as you know some operators got through on Grandfather rights on the conversion of the Liquor license 1964 to 2003 premises license in 2005, in other words it didn't say they couldn't so that meant they could and without any specific conditions).

This was one of the reasons why this additional legislation was brought in by government and is one reason why we supported the principle of it.

We as exiting operators with express permission and with a good track record should be allowed to continue to operate, we spoke with Alan Campbell MP, and he stated that this legislation is not designed to stop our business but just to help control and regulate it. It can not be forgotten that we as exiting operators have exiting leases, loans and commitments to staff and a lot of these cannot be easily undone (I personally have Personal guarantees on all my leases).

I hope my comments help and I can see that the council have recognized what I have said above and I welcome this new legislation in to Islington Borough.

Response 9

Notes

12/11/2010 23:07

Dear Sir/Madam, Even though I am not living in Islington, I need to raise my voice for I cannot stay silent. You were recently in the news about your decisions to clamp down on strip clubs. On a very deep emotional level, I take extreme offence to this, and it is messages like this that I believe to be responsible to a very deep psychological harm that I had occurred when I was young. What is the message that you give to people? That sex is 'sleazy', that it is wrong? It is a very deep biological function! Is eating out wrong? That my body is wrong, that having sex is wrong, these were the messages I got when I was 16 + (not by my parents, who tried their best to raise me open-minded, but by the society that surrounded me) and as a consequence I became extremely scarred by it, and unable to properly acknowledge my sexuality in life until so much later in life. Because of my timidity and inexperience in these

matters I could not function properly, my university degree was worse than it could have been, I was deeply unconfident, and the after effects of this even helped broke down my subsequent marriage as well. It is the existence of strip clubs and the like that allowed me to normalise my emotional life regarding sex a little bit, seeing that sex is NORMAL, and even have a girlfriend (and marriage) in the first place. In a strip club the existence of sexual arousal is acknowledged as normal, not bad. I mean, it is not even like you were talking about brothels in Islington. This is another matter, but for the record that should obviously also be allowed in a FULLY LEGAL FRAMEWORK WITH PROPER AND FULL PROTECTION OF THE WORKERS there. Sex is not bad. It is why we are here, quite literally. If you pursue policies like this, another few like me will grow up feeling deeply insecure and spending the best part of 15 years just trying to deal with these effects. Your policies are deeply immoral.

Response 10

Further to your letter below seeing we own a licensed premises in the area and have no intention of opening another I would obviously rather biased agree that no further licenses should be granted. I

personally feel that the focus should be on a reduction in licence fees and the closure of unlicensed stores in the area, primarily on York way.

Licensing Policy Consultation

Sex Establishment Licensing Policy The council is also consulting on its draft **Sex Establishment Licensing Policy** which can be viewed on www.islington.gov.uk/Leisure/licences/licensing_act/. The council has the aim to limit the number of sex encounter venues (premises regularly providing lap dancing and other forms of nude dancing), sex cinemas and sex shops (premises selling sex articles) in the borough. It is considering setting the limit as nil but will not apply the restriction to the existing premises providing these services. If this policy is adopted the council is still required to consider each application on its own merits but there will be a presumption that the application will be refused unless the applicant can demonstrate exceptional circumstances to support a departure from the policy.

| | Yes | No | Don't know/no opinion |
|--|------------|------------|-----------------------|
| Do you agree that the council should limit the number of sex establishments in the borough? | 85.6% (89) | 7.7% (8) | 6.7% (7) |
| Do you agree that the limit should be set as nil with an exemption for premises that are currently operating as sex establishment? | 71.2% (74) | 20.2% (21) | 8.7% (9) |

Do you wish to add any comments to support your opinion?

answered question

skipped question

| Do you wish to add any comments to support your opinion? | | |
|--|---|----------------------|
| 1 | Why on earth should you ban sex premises? Ridiculous. They're used by lots of people, who also pay council tax. That's not fair. | Oct 6, 2010 10:18 AM |
| 2 | It is not sex shops or cinemas per se that create the problem - is the perception that they are sleazy that brings down the surrounding area. Places that do not "look like" these places should be free to operate - the best example is Soho Books on Caledonian Road - no outward signs that it is a sex shop. No one cares, and no related shops are affected - a win, win for all. | Oct 6, 2010 4:46 PM |
| 3 | I am concerned by recent research showing that areas with lap dancing clubs have increased rates of sexual assaults on women in the area. I don't really object to sex shops though I think they should have to close in the early evening however I'd like to see an absolute ban on lap dancing clubs, massage parlours etc including existing establishments. | Oct 6, 2010 4:54 PM |
| 4 | The number of premises should be nil. | Oct 7, 2010 9:21 AM |

| Do you wish to add any comments to support your opinion? | | |
|--|---|-----------------------|
| 5 | again on farringdon road there has been at least one new premises with the focus on lap-top dancing. I would not like any further premises like that. It would allow a red light district to develop which I strongly oppose to. As a woman it just does not feel right, when walking home during night time. | Oct 8, 2010 10:52 AM |
| 6 | the limit should be set as nil but existing premises should be encouraged to relocate elsewhere. | Oct 11, 2010 8:56 AM |
| 7 | no such misogynist premises should ever be licensed and any existing should be closed | Oct 12, 2010 10:51 AM |
| 8 | Try to discourage existing establishments. | Oct 12, 2010 11:10 AM |
| 9 | lap dancing - private clubs only - I believe that this is now policy. It takes away any respect for policy that this was condoned and accepted without dispute in pubs for so long. | Oct 12, 2010 11:18 AM |
| 10 | I Ticked no as agree on the nil setting but think premises operating as sex establishments should be under review and have the potential to be revoked | Oct 12, 2010 11:41 AM |
| 11 | I live in Archway which has many families and children. I would not like my son to be offered sex in the street or have it readily available. It also attracts drunks and fighting | Oct 12, 2010 11:41 AM |
| 12 | Grow up! | Oct 12, 2010 4:37 PM |
| 13 | don't agree with the exemption for existing premises. | Oct 13, 2010 12:06 PM |
| 14 | If you take away the opportunity for those who want this type of thing, they will look elsewhere. It is far better to have licensed and controlled sex establishments where people can go if required. | Oct 14, 2010 2:04 PM |
| 15 | Such establishments should be in certain areas only | Oct 14, 2010 2:14 PM |
| 16 | I am confused about this as I thought these places should not be selling 'sex' but erotic dancing???? I personally think as long as they are licenced you can keep any eye on them if not, they are more underground and all kinds of criminal activity can take place (sex work, drugs and trafficking of people). | Oct 14, 2010 2:21 PM |
| 17 | There is already too many sex bars and club in our area, from old street down to shoreditch. It should have been stopped before. | Oct 15, 2010 12:24 AM |
| 18 | LICENSED BROTHELS IN NONE RESIDENTIAL AREAS | Oct 15, 2010 5:11 PM |
| 19 | I think that ALL of these premises should be closed down, no exemptions. Islington is residential and innercity and it is completely inappropriate for the sex market. Let this go out of town or be ghettoised in Soho. Not in my backyard. | Oct 15, 2010 8:57 PM |
| 20 | I feel this demonstrates a completely naive and prudish approach - certain areas which already have a large 'clientèle' due to existing buisnesses will become swamped and avoided by those not seeking these services. Simply better control over the operation of these establishments would suffice. You will never stop or curtail the demand for this. | Oct 15, 2010 9:59 PM |
| 21 | I assume that are sex establishments in all wards- legal or otherwise? | Oct 17, 2010 5:19 PM |
| 22 | The limit should be NIL and any premises currently operating as sex establishments should be closed. | Oct 18, 2010 2:53 PM |
| 23 | I think the limit should be nil and I don't think there should be any opportunity for establishments to get round this by saying that they can 'demonstrate exceptional circumstances'. I also think that if existing establishments cause problems their licence should be revoked with no option for another establishment to take its place. | Oct 18, 2010 2:58 PM |
| 24 | I would prefer NIL in total - ie, shut down the ones that are already operating. | Oct 18, 2010 8:45 PM |
| 25 | I strongly agree that the number should be set at nil. | Oct 20, 2010 1:29 PM |
| 26 | SSome existing establishments may eb a lot more dodgy than some proporsed new ones. The presumption should be to eliminate those that are in inappropriate locations or 'seedy' | Oct 21, 2010 10:22 AM |
| 27 | Ideally it would be a tally of 'nil' entirely, including existing premises. | Oct 21, 2010 11:43 AM |

| Do you wish to add any comments to support your opinion? | | |
|--|--|-----------------------|
| 28 | existing premises 'providing' (not proving) | Oct 22, 2010 12:06 PM |
| 29 | I don't think sex shops and sex encounter venues should be put on the same level, I would be more relaxed (i.e. limit not set to nil) for sex shops. | Oct 24, 2010 1:56 PM |
| 30 | There is a risk that a "nil" approach will encourage underground or illegal establishments | Nov 1, 2010 5:44 PM |
| 31 | N/A | Nov 5, 2010 10:30 AM |
| 32 | obvious except to the punters! | Nov 8, 2010 12:15 PM |

EQUALITY IMPACT ASSESSMENT Licensing Policy 2011-2014

Appendix 4

| | |
|--|---|
| Title of policy and/or procedure being assessed, with date | Sex Establishment Licensing –Policy, Fees and Standard Conditions for Sexual Entertainment venues |
| Staff conducting assessment, including contact details | Janice Gibbons 020 7527 3212 Janice.gibbons@islington.gov.uk |
| Date of assessment | Nov 2010 to Jan 2011 |
| Reason for assessment | New policy for Sex Establishments New licensing regime for sexual entertainment premises |
| Aims of the Policy/Strategy/Plan under Impact Assessment | |
| <p>Background</p> <p>The adoption of schedule 3 Local Government (Miscellaneous Provisions) Act 1982, by the council on 2/12/10 allows the council to</p> <ul style="list-style-type: none"> • set a limit on the number of sexual entertainment venues that is appropriate for the borough and • licence sexual entertainment venues as sex establishments <p>Policy</p> <p>The Sex Establishment Licensing Policy sets out the council's intended approach to regulating sex establishments through licensing and the procedure that it will adopt in relation to applications for sex establishment licences</p> <p>The policy covers all sex establishments including:</p> <ul style="list-style-type: none"> • Sex shops- i.e. premises selling sex articles • Sex cinemas i.e. premises showing adult films • Sexual entertainment venues i.e. - premises regularly providing lap dancing and other forms of nude dancing | |

| <p>One of the key features of the policy is to limit the number of sexual entertainment venues in the borough to nil however the council recognises that there are a number of businesses that have been providing sexual entertainment in Islington for several years. The council does not intend to apply this limitation when considering applications for premises providing this type of entertainment on 2/12/10.</p> <p>Fees</p> <p>Licence fees need to be reasonable and proportionate and set on a full cost recovery basis.</p> <p>Standard Conditions for Sexual Entertainment venues</p> <p>The standard conditions covering the operation and management of sexual entertainment venues will be attached to all Sexual Entertainment Venues..</p> <p>Main Stakeholders/Beneficiaries</p> <p>Residents, businesses in the vicinity of licensed premises and their representatives e.g. residents groups, businesses groups (.Interested parties)</p> <p>Existing licensees and people applying for licences</p> <p>Responsible Authorities – Police, Fire Brigade, Ward Councillors, , Safeguarding Children</p> <p>Licensing Authority- members of the Licensing Committee, Licensing Officers</p> | | | | |
|--|-----------------|----------------|-----------------|--|
| Key Questions | Positive Effect | Neutral Effect | Negative Effect | Comments and Evidence |
| Does the current/proposed policy have a positive or negative impact on all racial groups in Islington? Describe how. | | Neutral | | <ul style="list-style-type: none"> Underlying principle in the policy to treat all applications on their own merits |
| Does the current/proposed policy have a positive or negative impact on particular ethnic communities ? Describe which. | | Neutral | | <ul style="list-style-type: none"> Underlying principle to treat all applications on their own merits |

| | | | | |
|--|----------|---------|--|--|
| Does the current/proposed policy have a positive or negative impact on particular refugee communities ? Describe which. | | Neutral | | |
| Does the current/proposed policy have a positive or negative impact on all women in Islington? Describe how. | Positive | | | <ul style="list-style-type: none"> • Limitations on number of sex establishments welcomed by women (Public Consultation Feedback – Q16 on Line response and written responses) • Policy expects premises to be run by experience, competent persons, able to demonstrate high standards of management and arrangements in place for ensuring the welfare of dancers. • Conditions cover arrangements to ensure welfare of dancers- majority of which are women • Controls measures in standard conditions reflect concerns highlighted in research by Sanders and Hardy (Leeds University) Lap Dancing Study Findings |
| Does the current/proposed policy have a positive or negative impact on women in particular communities ? Describe which. | | Neutral | | |
| Does the current/proposed policy have a positive or negative impact on all people with disabilities in Islington? Describe how. | | Neutral | | |
| Does the current/proposed policy have a positive or | | Neutral | | |

| | | | | |
|--|----------|--|--|--|
| negative impact on people with particular disabilities ? Describe how and which. | | | | |
| Does the current/proposed policy have a positive or negative impact on all people with learning difficulties in Islington? Describe how. | Neutral | | | |
| Does the current/proposed policy have a positive or negative impact on people with particular learning difficulties ? Describe how and which. | Neutral | | | |
| Does the current/proposed policy have a positive or negative impact on people with particular illnesses in Islington? Describe how and which. | Neutral | | | |
| Does the current/proposed policy have a positive or negative impact on people of a particular age ? Such as children, young people, older people Describe how and which. | Positive | | | <ul style="list-style-type: none"> • Policy indicates that Sex Establishments should not be located near venues and access routes frequented by children eg schools, youth and community centres, leisure facilities • Policy and conditions impose controls over external advertising |
| Does the current/proposed policy have a positive or negative impact on people with particular sexuality ? Describe how and which. | Neutral | | | |

| | | | |
|---|----------|---|---|
| Does the current proposed policy have a positive or negative impact on people with particular faith/religion? Describe how and which. | Neutral | | <ul style="list-style-type: none">Policy indicates that Sex Establishments should not be located near religious centres and places of worship |
| Does the current proposed policy have a positive or negative impact on community cohesion? Describe how and which | Positive | | <ul style="list-style-type: none">Policy improves transparency for residents & residents groupsApplicants are required to advertise new applications and renewals in local newspaper and by poster on display outside the premises |
| Outsourced Services | | | Not applicable- service is provided in house |
| Relations between different equality groups | | | |
| Does your assessment show that a policy/function/plan may amount to potential adverse impact between different equality groups? If yes please explain how and in the improvement plan at the back of the template explain how you are going to tackle this issue. | No | | |
| Audit Trail of Consultation Activities | | Evidence | |
| Publicity and information campaign as part of Licensing Policy Consultation Oct 2010-Dec 2010 <ul style="list-style-type: none">Internal & external stakeholder meeting to review existing policy and identify areas of change (June 2010)Presentations to Licensing Committee and SIP (July & Nov 2010)Articles in Islington Life and Members Bulletin (Oct 2010) Direct mail outs to <ul style="list-style-type: none">Responsible authorities, including Police, Fire and | | 114 response to public consultation on policy 104 to on line survey- 85% in favour of limits and 71% in favour of setting nil limit. 10 direct responses to consultation -80% in favour of setting a limit Held by Public Protection and on LBI website from 7/12/10 | |

| | |
|---|---|
| <p>Safeguarding Children, <ul style="list-style-type: none"> • Neighbouring Boroughs • Ward Councillors • Licensees • Residents making a representation in the last 12 months • Area Committee Chairs • Community Safety (MAGPI Co-coordinators) • Licensees reps eg BEDA and BPBA <p>On Line Consultation Questionnaire</p> <ul style="list-style-type: none"> • 4 Oct to 15 Nov 2010 <p>Specific consultation letters on draft policy (Oct 2010) & Fees (Dec 2010) to affected businesses</p> </p> | |
| <p>Summary of replies from individuals and stakeholders consulted including any complaints on equality issues about Proposed policy/strategy/plan</p> | <p>Of the 42 responses where we received written comments to the proposed policy 6 respondents quoted equality issues to support their response -5 where in respect of women and 1 in respect of children. All these respondents were in favour of the proposals contained in the draft policy.</p> |
| | <p>Summary available on line from 7 Dec 2010 (www.islington.gov.uk) Available from Public Protection Division (licensing @islington.gov.uk)</p> |
| <p>Policy options resulting from this Equality Impact Assessment including measures necessary to mitigate any adverse impact and better promotion of equality</p> | <p>No adverse impacts identified- no mitigation measures required</p> |
| <p>Final policy decision taken, including justifying negative impact decision where necessary</p> | <p>No negative impacts - recommend adopt policy</p> |

| |
|--|
| Arrangements for monitoring policy |
| Formal monitoring of the Policy will be by the Licensing Committee |

Appendix 5

From: Central Station

Sent: 11 January 2011 16:23

To: Gibbons, Janice

Cc: #####

Subject: Sexual Entertainment Licence Fees

Dear Janice,

I have tried unsuccessfully to contact you last week and today regarding the above and was advised by someone in licensing that I would still be able to submit comments from Central Station today.

I do feel that the fees suggested are extremely high, meaning that any venue concerned will have to pay an average of £200 a week to continue in existence in addition to already high overheads and at a time when most small businesses are fighting for their survival.

A business such as our own makes most of its income through our normal bar activities, cabaret, food, bed and breakfast, providing a home for minority interest clubs and groups, and, in carrying out these activities we have already spent a great deal of money over the years in complying with increasing demands on health and safety, soundproofing, environmental health, etc.

We simply would not have nearly £11,000 to pay out for this licence which could mean the end of a bar that has been run in the borough for nearly 20 years, enduring all the horrors of King's Cross in the nineties and early 2000's.

I would request that any licence fee agreed can be paid in monthly instalments rather than an upfront fee.

I would be grateful if you will telephone me here on ### to discuss this matter further.

Many thanks,

Duncan Irvine

Dear Janice,

I am sorry this is later than Monday, but our broadband went down at the weekend and BT have only just managed to fix it now.

Further to our conversation last week and my e-mail of 11 January, I have attached a brief history of the venue which will, I hope, show that the majority of our business does not fall under the scope of the new licence and that we have been established in King's Cross for very nearly 20 years now, providing a useful service to the community.

I would also like to reiterate that the fees suggested seem extremely high at almost £200 a week at a time when most businesses are fighting for their survival. It would not be possible for us to bear an additional cost of nearly £11,000 per year.

I also asked if any agreed fees can be paid in monthly instalments.

Many thanks,
Duncan Irvine

Sexual Entertainment Licence

Central Station opened its doors as a mainly gay bar in February, 1992.

This was at a time when the King's Cross area was very rundown with prostitutes and drug addicts on virtually every corner and one was regularly asked "do you want business" by one or more girls on every trip to and from the station or the bank.

Dealing was rife in the area and we often had to clear addicts from our stairwell.

We had a window smashed on our second night and, a few month's after opening, the venue was attacked by a group of BNP sympathisers who smashed windows and threw CS gas into the venue before being repulsed by our staff and customers.

At that point we decided to put metal shutters over our windows.

We became known as a friendly bar and won many awards (including a customer service award from The Daily Telegraph!) from gay and national licensee press.

We have top class cabaret several days in the week and run quizzes, karaoke, pool contests and other evenings.

Shortly after we opened the London Lesbian and Gay Centre in Farringdon closed and we became home to many groups which met here socially and we provided space free of charge – in one year we had over 50 different groups and clubs meeting in the venue. These included Gay Men Fighting AIDS, Outrage, Lesbian and Gay Switchboard, Gay Skinheads, SM Dykes, Stonewall F.C., GLF Pioneers.

Other groups were actually founded here including King's Cross Steelers (rugby), Grace's Cricket Club, and the Lesbian and gay muslim group held its first meeting in the venue. Community debates, discussions and talks were held in the venue as were fundraising events for groups and charities, raising many thousands of pounds.

The venue also welcomed numerous club promoters catering for a diversity of interests including fetish clubs, TV/TS and TG's in addition to some clubs which would come under the auspices of the Sexual Entertainment's licence.

It has not been an easy existence waiting for the redevelopment to arrive, but we believe that the venue has brought great benefits to the many lesbian and gay people living and working in the borough and beyond.

More recently, the venue has undergone a costly refit including taking down the shutters, opening during the day, an internal refit and hugely improved roof terrace, in addition to providing some of the best and most inexpensive food in King's Cross and have been welcoming a much more diverse cross-section of the community, including many business people and residents who are new to the area.

We have also started a bed and breakfast business which is proving popular with visitors to London from the UK and overseas.

Duncan Irvine, Licensee

Urban XXX

Dear Janice Gibbons,

i received your letter regarding sex establishment licence fees dated 6th december 2010.

I am terribly worried about your proposal of the licence fees.

Your Proposal for renewal of the sex licence was £2300 in july. There is substantial difference of your latest proposal (£9570)

I understand your concern about the new opening sex establishments and all the regulations need to be done but as for me I m regulated and worked with islington council over 5 years with no problems.

I would also like to bring it to your attention that over the 5 years of my licence renewal process i never received any objections from the local residents as i am part of this community and aware of my duties towards the public

As a small business running over 5 years that is a big difference and i can not afford to pay. That means for me going out of business and being unemployed As a resident and a small business i am part of this community and i need your understanding and help about this situation

Thank You

Best Regards;

ANIL ERTİRYAKI

100 OLD STREET

LONDON EC1V 9AY

tel: 0207 253 1085

Soho Books

Dear Janice,

I am pretty shocked by this letter to say the least especially in light of our prior discussions earlier this year. I approached you back in February and requested some information on how licensing fees were calculated.

In your response on the 10th February you stated:

- the fees for sex establishment premises were set many years ago and they have been increased every

year in line with inflation since that period.

- We are aware of the sex industry's concern that licence fees should reflect the actual cost of the licensing regime as fees are often excessive and do not reflect costs.

I responded on the 10th February requesting:

- * Seeing a breakdown of the cost of administering the sex establishment licensing regime over the last 12 months and any previous years that you have information on.

- * Seeing the breakdown of the fee structure that you wish to introduce from the summer of 2010.

- * In knowing if there is any possibility of a retrospective fee amendment based on prior licence fee overpayments if this so happens to be the case.

You responded on the 23rd March;

- I have examined the costs that we incurred during 2009 and estimated that we spent:

- o £2880 on administration & inspections costs associated with sex shop license renewals

- o £1505 on dealing with enquiries, complaints and investigations about sex shops

- o £2270 on enforcement associated with sex shop licensing

- The total cost of providing of sex shop licensing during 2009 was £6655.

- The income generated during this period was in excess of £36,000. The excess amount was used for licensing functions other than sex shop licensing.

- We are still committed to reviewing sex establishment licensing in the next few months to take account of the guidance on implementing the EU Services directives.

You then proceeded to send me a letter stating that you expected license fees to be reduced for renewal applications to £2,642.00

Please can you explain to me how you can say to me that you have been overcharging for license fees for prior years by almost £30,000 per year when there is a European directive in place to prohibit this? You are now saying that license fees need to be increased, to reflect work of dealing with local residents (the cost of which was £1500 in 2009). Why is there suddenly

going to be an increase in administration when you are not even using the current license fee for this purpose?

Perhaps, if the council spent some money on shutting down the unlicensed premises perhaps local residents would perceive sex shops in a different manner and there wouldn't be so much opposition. Our shop on Caledonian Road has probably the best appearance of any shop on the street and this whole process and discussion is outrageous. I propose to vehemently fight any increase in license fee.

Please can you provide me with a further breakdown of your proposed administration costs and a justification as to why the fees should be at this level when you clearly stated there has been no basis for this fee in the past apart from inflation? Can you also send me a breakdown of what all prior years license fees have been used for.

Yours sincerely

Nick Poulton

JAMES - MOTION

Incorporating: A.T. James & Sons (Est 1866) Murrow & Searle (Est 1870) Motion & Mason (Est 1957)

LICENSED PROPERTY VALUERS & BROKERS

Suite 1, Essex House, Station Road, Upminster, Essex RM14 2SJ
Tel: 01708 229955 Fax: 01708 228866 khoddinott@james-motion.co.uk
www.james-motion.co.uk

Our ref: JM/KH

5th January 2011

Dear Ms. Gibbons,

We act as licensing agents for various clients located within the London Borough of Islington and wish to specifically refer to your letter of the 8th December 2010 to our client at the "Flying Scotsman" in Caledonian Road wherein you refer to the proposed fee structure to the Sexual Entertainment Licence fees.

Can you please specify how you have arrived at the proposed fees of £10,743.00 p.a. for both new and renewed Sexual Entertainment Licences? What criteria have you used? Is the fee structure based on premises size (area on a square footage basis) or number of persons admitted/accommodated? Have you taken into account the number of hours the entertainment is provided? Have you considered the number and type of entertainers i.e. pole dancers, lap dancers or striptease dancers?

The fee figures you have indicated are substantially more than the fees applicable to the earlier annual fees as applied to premises under the old licensing act where your authority granted licenses for Public Entertainment purposes.

We strongly feel that some form of explanation of the fees is required. Clearly the size of the premises and numbers of (a) customers and (b) entertainers should be taken into consideration. We and our clients are aware that a fee structure is required but your proposals are substantially higher than those clients in other boroughs are currently paying.

Your response direct to the above address in due course would be appreciated.

Yours sincerely



Kingsley Hoddinott
James-Motion

Ms. Janice Gibbons,
Service Manager - Commercial and Licensing,
London Borough of Islington,
Public Protection Division,
222 Upper Street,
London N1 1XR.

JAMES - MOTION

Incorporating: A.T. James & Sons (Est 1866) Murrow & Searle (Est 1870) Motion & Mason (Est 1957)

LICENSED PROPERTY VALUERS & BROKERS

Suite 1, Essex House, Station Road, Upminster, Essex RM14 2SJ
Tel: 01708 229955 Fax: 01708 228866 khoddinott@james-motion.co.uk
www.james-motion.co.uk

Our ref: JM/KH

21st January 2011.

Dear Ms. Gibbons,

Re: Sexual Entertainment Fees – The Flying Scotsman
2-4 Caledonian Road, London N1 9DU.

Thank you for your letter of the 17th January 2011.

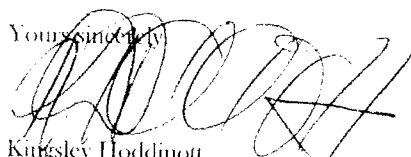
I am of the opinion that whilst you might wish to set a fee level that reflects your anticipated costs in administering this proposed new aspect of licensing, your proposals are out of line and wholly disproportionate to the prevailing fee structure for premises licensing under the Licensing Act 2003. Consequently a premises such as the “Flying Scotsman” will be hit with not only an annual fee under the 2003 Act but an enormous additional fee under the new Sexual Encounters Act.

This cannot be considered to be either equitable or commercially viable. I would even say that your proposals might be considered to be discriminatory and possibly infringe against my clients human rights. He has after all provided this form of entertainment at the premises for the past 10 years paying, when required to do so, a fee appropriate to the size of his premises and the number of potential customers he could accommodate allied to the frequency of the particular entertainment he provides.

Consequently therefore any other premises with a larger footprint and potential to accommodate more customers would pay a proportionally enhanced fee which could be considered to be both a sensible and fair process in levying a fee and certainly likely to be appreciably more appropriate and viable for the two differing operations.

If your fee structure is to remain as quoted by you then perhaps a payment scheme mirroring the established scheme for collecting non domestic property rates by monthly direct debit would prove mutually beneficial to the premises operators and your authority. To request an annual fee of circa £10,000.00 in one payment would prove extremely difficult and stressful for the small, individual operators – probably in fact any operator – cash flow is critical to all businesses – yourselves included.

Yours sincerely



Kingsley Hoddinott
James-Motion

Ms. Janice Gibbons,
Service Manager – Commercial and Licensing,
London Borough of Islington,
Public Protection Division,
222 Upper Street,
London N1 1XR.

Kingsley Hoddinott F.A.V.I.P