

**CITY OF LONDON CORPORATION**  
**SEXUAL ENTERTAINMENT VENUE**  
**LICENSING POLICY**

**5<sup>th</sup> May 2011**

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## 1. INTRODUCTION

- 1.1 On 15<sup>th</sup> July 2010 the Common Council of the City of London (“the Common Council”) adopted legislation<sup>1</sup> which enables it to license sexual entertainment venues (“SEVs”) in the City with effect from 1<sup>st</sup> September 2010. This document sets out the policy which the Common Council will adopt when making decisions under the legislation.
- 1.2 The City of London has a deserved reputation as the leading global centre for financial institutions and related services. The maintenance of the character of the area as a business and financial district of the highest quality is of at least national importance.
- 1.3 However, the City also performs a number of other important functions. For example, there are a large number of historic buildings which contribute both to the historic character and tourist appeal of the City. The City is strongly populated with places of worship, which are also part of the character and appeal of the City, but which merit respect and protection in their own right. There is a strong and growing cultural tradition, ranging from places of international reputation such as the Barbican Centre and the Museum of London, to a large array of public houses and restaurants. There are important educational establishments, with over 29,000 students. Finally, and importantly, there is also a significant and growing residential population, including families with children, numbering over 9,000 people.
- 1.4 The Common Council has taken account of these several functions in determining its policies in relation to the number, location and operating standards of sexual entertainment venues.
- 1.5 The Common Council has also conducted a widespread public consultation on the question of whether there are any, and if so which, localities in the

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<sup>1</sup> Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

City of London it would be appropriate to license a sexual entertainment venue. A strong preponderance of respondents considered that there were no such localities, and only very small numbers of people were able to name any individual localities in which such venues could be accommodated.

- 1.6 These considerations, among others set out below, have led the Common Council to the clear opinion that there are no localities in the City of London in which it is appropriate to license a sexual entertainment venue. This policy is intended to be strictly applied and while the merits of each individual case will be considered it is most unlikely that exceptional circumstances will be found.
- 1.7 If, however, a sexual entertainment venue licence were to be permitted as an exception to this policy, the Common Council would expect operators to observe the highest management and operational standards consistent with the location in an area of the quality and importance of the City of London. Those standards are reflected in the Standard Conditions set out in Appendix 3 of this Policy.

## 2 LEGAL BACKGROUND

### **The Local Government (Miscellaneous Provisions) Act 1982**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 established a licensing regime for two categories of sex establishment, namely sex cinemas and sex shops. Subsequent legislation in relation to London extended the categories of sex establishment to include sex encounter establishments and hostess bars.
- 2.2 The Policing and Crime Act 2009 amended the 1982 legislation to create a new category of sex establishment known as the Sexual Entertainment Venue (“SEV”). In brief, these are venues offering live performance or displays of nudity for the purposes of sexually stimulating any member of the audience. The Common Council adopted these provisions with effect from 1<sup>st</sup> September 2010 with the consequence that SEVs are now licensable in the City of London. The legislation does not confer “grandfather rights” on existing licensed premises. This enables the Common Council to take a fresh look at SEV licensing in the City, having regard to the principles in the legislation and all other material considerations.
- 2.3 The legislation provides both mandatory and discretionary grounds for refusal. The Common Council’s policies in relation to these grounds are set out in Sections 6 and 7 of this Policy respectively. The legislation also provides discretion to the Common Council to waive the need for a licence. The Common Council’s policy in relation to waiver is set out in Section 9 below.
- 2.4 In addition, there are a number of other legal requirements which are relevant to the licensing of SEVs and which the Common Council has taken into account.

## **Provision of Services Regulations 2009**

2.5 The services of an SEV are likely to amount to services within the Provision of Services Regulations 2009. Therefore, the Common Council may not make provision of an SEV subject to a scheme of licensing unless a) the scheme does not discriminate against a provider of the service, b) the need for the scheme is justified by an overriding reason relating to the public interest,<sup>2</sup> and c) the objectives of the scheme cannot be attained by means of a less restrictive measure. The authorisation scheme provided for by a competent authority must be based on criteria which preclude the Common Council from exercising its licensing powers in an arbitrary manner. To this end, the criteria must be (a) non-discriminatory, (b) justified by an overriding reason relating to the public interest, (c) proportionate to that public interest objective, (d) clear and unambiguous, (e) objective, (f) made public in advance, and (g) transparent and accessible. Further, conditions ought not to be imposed unless they are non-discriminatory, necessary in that the condition is justified for reasons of public policy, public security, public health or the protection of the environment, and proportionate. The Common Council is satisfied that the decision to adopt the legislation and this Policy is fully compliant with the provisions of the Regulations.

## **Crime and Disorder Act 1988**

2.6 The Common Council is obliged to exercise its sex licensing functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area, (including anti-social and other behaviour adversely affecting the local environment). The Common Council has had regard to this duty in formulating this Policy.

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<sup>2</sup> These include reasons of public policy; public safety, public health, the protection of consumers, recipients of services and workers, fairness of trade transactions, combating fraud, the protection of the environment and the urban environment, the conservation of the national historic and artistic heritage, social policy objectives and cultural policy objectives.

## **Human Rights Act 1998**

2.7 This Act requires the Common Council to refrain from acting incompatibly with rights protected by the European Convention on Human Rights. These include:

- Article 8: This protects the right to a private and family life, home and correspondence. The right is qualified in that there may be interference when this is in accordance with the law and necessary in a democratic society in the interests of (among other things) public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.
- Article 10: This Article protects the right to freedom of expression, including artistic expression. This right is also qualified, in that it is subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests (among other things) of public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the reputation or the rights of others.
- Article 1, First Protocol. This protects the peaceful enjoyment of possessions. It states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The right is qualified in that the Common Council has the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

2.8 In adopting this Policy, the Common Council has taken account of the human rights of operators and of local residents.

### **Equality Act 2010**

- 2.9 This Act requires the Common Council to have due regard to the need to (a) eliminate discrimination, harassment, and victimisation; (b) advance equality of opportunity between (among other things) persons of different race or sex and persons with and without disabilities;; and to foster good relations between persons of different race, sex or ability. In this case, those persons might be workers at or visitors to SEVs, or those living in, working in or visiting the vicinity.
- 2.10 The Common Council has had regard to these duties in formulating this policy.

### 3 POLICY BACKGROUND

- 3.1 In formulating this Policy, the Common Council has had regard to Home Office Guidance regarding SEVs and to complementary policies of the Common Council, in so far as these are relevant.

#### **Home Office Guidance**

- 3.2 The Home Office has published *Guidance in relation to Sexual Entertainment Venues*.<sup>3</sup> As to local licensing policies, the Guidance advises that these might include statements about where local authorities are likely to consider appropriate or inappropriate locations for SEVs to be. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality. The Guidance also indicates that local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality. The Common Council has followed the Guidance in drawing up this Policy.

#### **Community Strategy**

- 3.3 The Common Council's Community Strategy: *The City Together Strategy: The Heart of a World Class City 2008-2014* provides an overarching strategy for the City of London. It contains five main themes:
- Competition and opportunity. A principal aim is to enable the City to continue to flourish and to see the benefits of its success spread across London, the UK and internationally.
  - Support for communities. The Common Council aims among other things to promote appropriate provision of community facilities and to

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<sup>3</sup> March 2010.

improve people's health, safety and welfare within the City's environment.

- Protection, promotion and enhancement of environment. The Common Council's aims include the protection and enhancement of the built environment of the City and its public realm.
- Vibrant and culturally rich. The Common Council's strategy includes the promotion of the City as a cultural asset, to encourage greater diversity and vibrancy and cultural and leisure activities; and to facilitate development of the built environment in a way which respects the distinctive character of the City.
- Safer and stronger. The Common Council aims to ensure that the City is a safe place in which to live, work or visit, to support community cohesion and to minimize any aspects of the night time economy which are detrimental to the City.

3.4 The Common Council has had regard to these broad strategic aims, so far as relevant, in the development of this Policy.

### **Cultural Strategy**

3.5 The City of London's Cultural Strategy contains ambitions including:

- Creating a world class cultural quarter.
- Using arts and culture as a civilizing influence to enrich and enhance the late night visitor experience.
- Encouraging the use of City spaces through cultural activity to increase the communal sense of security and safety.
- Linking with the business economy to realize those ambitions.

- 3.6 The Common Council has taken account of the Cultural Strategy in considering the extent to which SEVs may affect or contribute to the realization of the Common Council's ambitions.

**Local Development Framework: Core Strategy**

- 3.7 The Core Strategy recognises the imperative of offering the right business conditions, built environment and infrastructure to allow the financial and business services sector to flourish. In terms of the night time economy, the Strategy is to contain and diminish issues regarding anti-social behaviour while maintaining an attractive, accessible environment. As for the City's culture and heritage, the strategy is to manage the City's offering so that it remains a cultural and leisure destination for workers, residents and visitors.

## 4 PUBLIC CONSULTATION

- 4.1 In developing this Policy, the Common Council conducted an extensive public consultation, involving a face to face survey, an on-line survey and a postal survey. In total, there were over 2,300 responses. The results of these surveys have helped to inform the content of the Policy. The results which follow are for the face to face survey, with the results from the postal and on-line surveys footnoted respectively.
- 4.2 The survey showed strong support for having an SEV policy, with 67%<sup>4</sup> of respondents supporting adoption.
- 4.3 There was strong majority support for policies dealing with: the suitability of the applicant (90%<sup>5</sup>); detailed operating rules (87%<sup>6</sup>); character of localities for the location of SEVs (86%<sup>7</sup>); and compatibility with neighbouring uses (85%<sup>8</sup>). There was also majority support for a policy dealing with the interior layout of the venue (54%<sup>9</sup>).
- 4.4 Respondents were asked whether there were any localities within the City of London which were appropriate for SEVs. Fewer than a quarter (23%<sup>10</sup>) thought that there were, while 49%<sup>11</sup> thought that there were not and 28%<sup>12</sup> didn't know. In general, fewer women than men considered that there were localities in which SEVs were appropriate.
- 4.5 The consultation revealed that large majorities of respondents considered SEVs to be inappropriate near to certain uses: schools (94%<sup>13</sup>); places of

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<sup>4</sup> 77% online, 68% postal.

<sup>5</sup> 93%, 86%.

<sup>6</sup> 85%, 83%.

<sup>7</sup> 85%, 85%.

<sup>8</sup> 85%, 86%.

<sup>9</sup> 63%, 59%.

<sup>10</sup> 25%, 19%.

<sup>11</sup> 58%, 67%.

<sup>12</sup> 17%, 13%.

<sup>13</sup> 93%, 93%.

worship (91%<sup>14</sup>); family leisure facilities (87%<sup>15</sup>); residential (87%<sup>16</sup>); historic buildings (77%<sup>17</sup>); youth facilities (82%<sup>18</sup>), and cultural facilities (71%<sup>19</sup>). There was a somewhat more even split as to financial institutions (27%<sup>20</sup> saying compatible and 44%<sup>21</sup> saying incompatible); and retail (28%<sup>22</sup> v 46%<sup>23</sup>). Respondents were more evenly split on the issue of the juxtaposition of SEVs and late night entertainment or shopping, although even then a minority in the three surveys overall – 46% - considered the uses to be compatible.<sup>24</sup>

4.6 The issues of locality and juxtaposition were not the only issues considered to be important by respondents in deciding whether or not to grant a licence. Large majorities considered the following issues to be very or fairly important: safety and treatment of workers (94%<sup>25</sup>); community safety issues (93%<sup>26</sup>); safety and treatment of customers (89%<sup>27</sup>); the ability to supervise (90%<sup>28</sup>); disabled access (75%<sup>29</sup>), and the quality of the venue (76%<sup>30</sup>).

4.7 The Common Council has taken due account of these community views, particularly where they reveal strong support for (or against) a particular position.

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<sup>14</sup> 82%, 87%.

<sup>15</sup> 91%, 92%.

<sup>16</sup> 87%, 91%.

<sup>17</sup> 75%, 81%.

<sup>18</sup> 82%, 89%.

<sup>19</sup> 73%, 82%.

<sup>20</sup> 21%, 17%.

<sup>21</sup> 58%, 57%.

<sup>22</sup> 22%, 14%.

<sup>23</sup> 59%, 64%.

<sup>24</sup> The figures were 67% v 21% in the face to face survey, 41% v 44% in the on-line survey and 32% v 49% in the postal survey.

<sup>25</sup> 87%, 81%.

<sup>26</sup> 85%, 83%.

<sup>27</sup> 75%, 70%.

<sup>28</sup> 86%, 80%.

<sup>29</sup> 60%, 50%.

<sup>30</sup> 75%, 69%.

## 5 APPLICATIONS

5.1 The Common Council's policy in respect of applications is as follows:-

### **POLICY 1: PROCEDURE FOR APPLICATIONS**

- (1) Applicants for new licences, renewals and transfers will be required to complete the application form at Appendix 1 to this Policy. If the application form is not duly completed or the fee is not paid, the application will be returned to the applicant.**
- (2) A site notice shall be displayed in the form set out at Appendix 2 to this policy. The site notice shall be on bright yellow A3-sized paper with black 20 point font. The applicant will be required to enclose a copy of the site notice with the application form. The applicant will be required to file with the Common Council a statutory declaration confirming display of the site notice for the period required by Schedule 3 paragraph 8(10) of the Local Government (Miscellaneous Provisions) Act 1982.**
- (3) The newspaper advertisement of the application shall be in the form and of the size set out in Appendix 2 to this Policy. A copy of the newspaper shall be filed with the Common Council as soon as practicable after publication.**

5.2 The Common Council's policy in respect of the procedure for consideration of applications is as follows:-

### **POLICY 2: PROCEDURE FOR CONSIDERATION OF APPLICATIONS**

**The Common Council has a responsibility to consider whether the mandatory or discretionary grounds for refusal apply whether or not there have been objections to the application. To this end it will:**

- (1) Require completion of a detailed application form.**
- (2) Consider the application form and require the applicant to supply any necessary further information.**
- (3) Interview the applicant. The interview will normally be conducted by a licensing officer and a police officer.**
- (4) Conduct an inspection of the premises. This will be by a licensing officer of the City Corporation but may include police officers or Licensing Committee Members.**
- (5) Make such further checks and inquiries as are considered necessary.**
- (6) Convene a hearing of the Licensing Committee for the purposes of consideration of the application and any objections.**
- (7) Notify the applicant and any objectors of any information or documents they will be required to produce, whether before or at the hearing.**
- (8) Require all applicants, partners or directors, together with the proposed manager of the premises and any person for whose benefit the business will be carried on, to attend the hearing, unless notified otherwise.**
- (9) Require a report by officers to be presented to the Licensing Committee, which may contain officers' recommendations.**

**A hearing will be convened for all new applications and transfer applications, whether or not there have been objections. Applications**

**for renewal will be decided by officers unless there have been objections or there is some other reason why the matter ought to be considered by the Committee.**

**The procedure for hearings shall be determined by the Licensing Committee. A copy of the procedure will be published on the City of London Corporation's website and is included as Appendix 4.**

## 6 MANDATORY GROUNDS FOR REFUSAL

6.1 The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory grounds for refusal. These are:

- (a) that the applicant is under the age of 18;*
- (b) that the applicant is for the time being disqualified from holding a licence;<sup>31</sup>*
- (c) that the applicant is not a body corporate and is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made;*
- (d) that the applicant is a body corporate which is not incorporated in an EEA state;*
- (e) that the applicant has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.*

6.2 The Common Council's role in relation to the mandatory grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.

### **POLICY 3: MANDATORY GROUNDS FOR REFUSAL**

**The Common Council will proactively investigate whether any mandatory grounds for refusal apply, by following the procedures set out in Policies 1 and 2.**

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<sup>31</sup> Following revocation of a licence, the holder is disqualified from holding a further licence in the same local authority area for 12 months.

## 7 DISCRETIONARY GROUNDS FOR REFUSAL

7.1 The Local Government Act 1982 provides discretionary grounds for refusal. These are:-

*(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of a criminal offence or for any other reason;*

*(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;*

*(c) 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 considers is appropriate for that locality. (For this purpose, nil may be an appropriate number.)*

*(d) that the grant or renewal of the licence would be inappropriate, having regard —*

*(i) to the character of the relevant locality; or*

*(ii) to the use to 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.*

7.2 *Applications for transfer may not be refused on the grounds in (c) and (d) above. Other than that, all the policies in relation to the discretionary grounds for refusal apply to new grant, renewal and transfer applications.*

7.3 *The Common Council's role in relation to the discretionary grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.*

#### **POLICY 4: DISCRETIONARY GROUNDS FOR REFUSAL**

- (1) The Common Council will proactively investigate whether any discretionary grounds for refusal apply, by following the procedures set out in Policies 1 and 2.**
- (2) Each discretionary ground for refusal will be separately and individually considered, having regard to Policies 5-10 below. If any ground applies, the application will be refused.**

7.4 The Common Council's policy for consideration of the suitability of the applicant is as follows:-

#### **POLICY 5: SUITABILITY OF APPLICANT**

- (1) In considering whether the applicant is suitable to hold a licence, the Common Council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:**
  - (a) has convictions which are relevant to his suitability to hold the licence, the age of the conviction and any explanation given regarding the circumstances of the conviction or rehabilitation undergone. Spent convictions will be taken into account only where justice cannot be done except by admitting evidence relating to the convictions or the surrounding circumstances;**
  - (b) is honest;**
  - (c) is qualified by experience to run an SEV of the size and nature he is proposing to run;**
  - (d) demonstrates an understanding of and willingness and ability to comply with the Common Council's general SEV licence conditions;**

**(e) can be relied upon to run the premises in accordance with the licence and with the requirements of the Local Government (Miscellaneous Provisions) Act 1982;**

**(f) can demonstrate a history of compliance in relation to this or other premises and licensing or other regulatory regimes;**

**(g) is proposing to run the premises himself or to employ others to do so;**

**(h) is proposing a management structure which will deliver compliance with licence conditions and the Local Government (Miscellaneous Provisions) Act 1982 through:**

**(i) managerial competence and experience;**

**(ii) presence of managers throughout trading hours;**

**(iii) a credible and effective management structure;**

**(iv) a system for internal enforcement of rules including through training and monitoring of staff and performers;**

**(v) a viable business plan providing sufficient capital and revenue to ensure that licensing and other legal obligations will be observed.**

**(i) demonstrates an understanding of and willingness and ability to act in the best interests of performers, including in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored;**

**(j) has developed a thorough written welfare policy for performers and a system of enforcement of such a policy;**

**(k) has a competent written system for ensuring that the performers are adults and are entitled to live and work in the UK;**

**(l) demonstrates a willingness and ability to protect members of the public visiting the premises, for example through transparent charging and freedom from solicitation;**

**(m) demonstrates an understanding of the requirements of good neighbourliness and is willing and able to engage constructively with those living or working in the locality and with relevant statutory authorities.**

7.5 The Act also permits refusal on the grounds that the person who will actually be managing the business or any person for whose benefit the business would be managed, would be refused a licence, whether under one of the mandatory or discretionary grounds for refusal. The Common Council's policy is as follows:

#### **POLICY 6: SUITABILITY OF MANAGER OR BENEFICIARY**

**(1) The Common Council will require the applicant to identify the proposed manager(s) or beneficiary(s) of the business.**

**(2) In considering whether those individuals would be refused a licence the Common Council will apply Policies 1-5 above, treating those individuals as though they were applicants for the licence so far as it is relevant to do so.**

7.6 The Common Council may refuse a licence on the grounds that the number of SEV licences is equal to or exceeds the number which the authority consider is appropriate for that locality.<sup>32</sup> The concept of "locality" is elastic, particularly in a small but densely urbanized area such as the City of London.

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<sup>32</sup> The Act also permits the Common Council to consider the number of sex establishments in the locality generally.

Hence, the Common Council has decided not to pre-define localities with precision for the purposes of this policy. However, in considering its policy, the Common Council has considered each and every part of the City of London in order to identify whether there are any localities in which the licensing of SEVs is appropriate.

7.7 In deciding whether and if so what policy to adopt in relation to this discretionary ground, the Common Council has taken into account the matters set out in Sections 2 – 4 above. It has principally been influenced by the following considerations.

7.8 First, the public consultation revealed that a large majority of workers and residents in the City of London consider that SEVs are inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. The Common Council agrees that these uses are sensitive and that SEVs are generally not appropriate near to them.

7.9 Second, the public consultation indicated that only 22% of respondents overall and only 15% of women considered that there were any localities within the City of London boundaries that are appropriate for SEVs. When respondents were asked to identify a locality which they considered suitable, no locality was named by more than 3.5% of respondents. The Common Council concludes that there is no locality for an SEV which is supported by more than a very small percentage of City workers and residents.

7.10 Third, the Common Council has taken account of its own corporate strategies and priorities as represented by its Community Strategy, its Cultural Strategy and its Local Development Framework: Core Strategy. The Common Council believes that SEVs are:

- (a) not consonant with a culturally rich and diverse City, in particular in that they tend not to be inclusive facilities, appeal

to only a narrow sector of the community, and are unlikely to enhance the cultural reputation of the City of London;

- (b) largely inconsistent with the international reputation of the City as a leading business environment and, in so far as they are used by the business community, are (while not excluding women) generally unattractive environments for women workers to attend and so tend to discriminate against such workers;
- (c) inconsistent with goals of community cohesion, particularly having regard to the sensitivities of children, and the fears and sensitivities of women workers, residents and visitors.

7.11 Fourth, the Common Council has also had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality in the City of London will not advance equality of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for performers. However, it also recognizes that those working in SEVs are often peripatetic and self-employed, and so will retain the opportunity to find employment as performers at other venues in London or in other roles in the leisure industry. The Common Council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.

7.12 The Common Council has also had regard to its duties under the Provision of Services Regulations 2009 and the Human Rights Act 1998. It considers that a nil policy per locality is clearly necessary, proportionate and justified within the Regulations and the Act.

7.13 The Common Council has disregarded any moral consideration in formulating this policy. It has also taken account of the possibility that some of the consultation responses may have been motivated by moral considerations.

## **POLICY 7: THE NUMBER OF SEX ESTABLISHMENTS**

**The Common Council's policy is that there is no locality within the City of London in which it would be appropriate to license an SEV. Accordingly, the appropriate number of SEVs for each and every locality within the City of London is nil.**

- 7.14 The Common Council may refuse a licence on the ground that it would be inappropriate having regard to the character of the relevant locality. The Common Council's policy as to this ground of refusal has been formulated in particular by a consideration of the material set out in sections 2-4 above.

## **POLICY 8: CHARACTER OF LOCALITY**

- (1) The Common Council's policy is that SEVs are unsuitable uses in localities whose character is, or is significantly, one or more of the following:
  - i. educational;
  - ii. residential;
  - iii. religious;
  - iv. family leisure.
  - v. late night entertainment and shopping
- (2) In other cases, the question of the appropriateness of the SEV having regard to the character of the locality will be considered on the merits of the individual case.
- (3) In considering the character of the locality, the Common Council will have regard to the impact of the proposed SEV on

that character, taking account of size, presentation, location, lighting, trading name and all other material factors.

(4) In considering such impact, the Common Council will not grant a licence where the exterior façade of the premises includes images (whether photographic or graphic) or text indicating or referring to the nature of the proposed licensed activity, save as specifically required or permitted by licence conditions;

7.15 Will not normally grant premises operating at or whose façade is at ground floor level.

7.16 The Common Council may refuse a licence on the ground that it would be inappropriate having regard to the use to which any premises in the vicinity are put. In deciding upon its policy as to this ground of refusal, the Common Council recognises the various conflicting pressures for development and land use within the City and has attempted to strike a balance between them. The Common Council's policy has been formulated in particular by a consideration of the material set out in sections 2-4 above.

#### **POLICY 9: VICINITY**

**(1) The Common Council will not normally grant a licence where any premises within the vicinity are used for the following:**

**(a) school;**

**(b) place of worship;**

**(c) family leisure;**

**(d) domestic residential buildings;**

**(e) important historic buildings;**

**(f) youth facilities;**

**(g) important cultural facilities.**

**(2) In other instances, the Common Council will consider this ground of refusal on the merits of the individual case.**

**(3) The precise extent of vicinity will be determined in the light of the precise location of any application and any representations made in response thereto.**

**(4) In deciding whether such premises are in the vicinity of the application site, the Common Council will not use a pre-determined distance, but will consider each case on its individual merits, and will take account of its local knowledge where appropriate. In determining the issue, it will take account of:**

**(a) distance,**

**(b) intervisibility,**

**(c) linkages between them, including whether the premises and application site are connected by well-used walking routes;**

**(d) any visual or physical barriers between them.**

**(5) In considering the application of this policy to domestic residential buildings, the Common Council will take into account the number of such buildings, their density, their primary use, the number of dwelling units they comprise and their distance from the application site.**

7.17 The Common Council may also refuse a licence on the ground that it would be inappropriate having regard to the layout, character and condition of the premises. In applying this ground, the Common Council will take into

account a wide range of considerations, including the accessibility of the premises, protection of the public, prevention of crime and disorder, and maintenance of the quality, fabric and tourist and business reputation of the City of London. It has also taken account of the material set out in sections 2-4 above.

#### **POLICY 10: LAYOUT, CHARACTER AND CONDITION**

- (1) The Common Council expects premises licensed as SEVs to achieve a high quality of build, appearance, maintenance and fit-out in keeping with the standards and reputation of the City of London.**
- (2) The Common Council expects applicants to give due consideration to the fear of crime, intimidation and harassment particularly among female residents and workers in the vicinity, and so provide a quality and style of built environment which protects against such fear.**
- (3) The Common Council expects all parts of the premises to be fully accessible to disabled people.**
- (4) The Common Council expects the premises to be laid out and lit so as to ensure that there is at all times proper supervision and surveillance throughout.**
- (5) The Common Council's policy is to refuse private booths.**
- (6) The Common Council expects a digital CCTV system to operate at all times when the public are on the premises. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings will be made available upon request to the police or an authorised officer.**

**(7) The Common Council expects dedicated, secure, private, single sex changing rooms, rest rooms and WCs for performers which are inaccessible to members of the public.**

**In this policy “private booth” means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.**

## 8 CONDITIONS

- 8.1 The Common Council has made regulations prescribing standard conditions applicable to SEVs as set out in Appendix 3 to this Policy. In doing so, it has had particular regard to the matters set out in sections 2 and 3 above. Its policy in relation to such conditions is as follows.

### **POLICY 11: STANDARD CONDITIONS**

- (1) The Common Council will apply the Standard Conditions unless such conditions are expressly excluded or varied.**
- (2) The Common Council will only vary or exclude the Standard conditions in exceptional circumstances.**
- (3) In deciding whether the circumstances are exceptional, the Common Council will consider the purpose of the condition and whether that purpose would be advanced in equal manner if it were varied or excluded.**

- 8.2 The Common Council may also add conditions in individual cases. Its policy in relation to the exercise of that power is as follows:

### **POLICY 12: INDIVIDUAL CONDITIONS**

- (1) The Common Council will add individual conditions where this is considered necessary and proportionate.
- (2) Prior to refusal of a licence, the Common Council will consider whether the proposed reason for refusal may be avoided by the imposition of conditions.
- (3) The Common Council will in general avoid adding conditions which are already conditions on a separate consent, such as a premises licence under the Licensing Act 2003 or a planning consent.

- (4) Before adding conditions, the Common Council will notify the applicant of the proposal to add conditions and give an opportunity for the applicant and any other party to make submissions as to the proposal.

9        **WAIVER**

9.1        The Common Council has power to waive the requirement for a licence where it considers that to require a licence would be unreasonable or inappropriate. In deciding whether to exercise its discretion to waive the requirement for a licence, the Common Council will apply the following policy.

**POLICY 13: WAIVER**

**The Common Council’s policy is to grant waivers only when all of the following conditions are satisfied:**

- (1) The waiver is sought in respect of a temporary event.**
- (2) The event does not consist of striptease, lap-dancing, pole dancing or similar activities.**
- (3) If an application for a licence were to be made, the application would not, in the opinion of the Common Council, be likely to attract any reasonable objections.**

## 10 **ENFORCEMENT**

10.1 The City of London Corporation will conduct enforcement activities in relation to SEV licences according to the principles set out in the City of London Corporation's Department of Environmental Services' Policy Statement on Enforcement. A copy of the Policy may be obtained from the Council upon request, and is also obtainable from The City of London Corporation's website at: [DES Policy Statement on Enforcement](#)

## 11 FEES

11.1 The Common Council will set fee levels for grants, variations, renewals and transfers of licences. Details of such fee levels will be published on its website.

## APPENDIX 1

### Application Form

**Application for grant, renewal or transfer of sex establishment licence pursuant to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for use of premises as a sexual entertainment venue.**

### IMPORTANT NOTES

- (1) All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.**
- (2) Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.**
- (3) Please send the completed application form to The Licensing Team Manager City of London Corporation, Department of Environmental Services, PO Box 270, Guildhall, London EC2P 2EJ.**

### A. THE APPLICANT

Question 1:

Is the Applicant:

- a. An individual
- b. A company or other corporate body
- c. A partnership or other unincorporated body.

*If the applicant is an individual, answer question 2.*

*If the applicant is a company or other corporate body, answer questions 3 and 4.*

*If the applicant is a partnership or other unincorporated body, answer question 5.*

Question 2:

*Answer only where the applicant is an individual*

- (1) What is the full name of the Applicant?
- (2) Has the Applicant ever been known by a different name? If so, state the Applicant's former name.

*Go to question 5*

Question 3:

*Answer only where the Applicant is a company or other corporate body.*

- (1) What is the name of the Applicant?
- (2) Where is the Applicant registered?
- (3) What is the registered number of the Applicant?
- (4) When was the Applicant registered?
- (5) Has the Applicant previously been known by any other name and if so, what name?
- (6) Has the Applicant:
  - Ever been convicted of a criminal offence? Yes  No
  - Has the Applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked? Yes  No
  - Ever been served with a winding up petition? Yes  NoIf the answer to any of these questions is Yes, provide full details.

- (7) What are the names of the Applicant's Directors and Company Secretary.
- (8) Are there persons responsible for the management of the Applicant other than the Directors and the Company Secretary? If so, state their names.
- (9) State the names of all persons with a shareholding greater than 10% in the Applicant.
- (10) Is the Applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary.

*Go to question 5*

Question 4:

*Answer only where the applicant is a partnership or other unincorporated body:*

- (1) What is the name of the Applicant?
- (2) What are the names of the Applicant's partners?
- (3) Are there persons responsible for the management of the Applicant other than the partners? If so, state their names.
- (4) Has the Applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked? Yes  No

If the answer is Yes, provide full details.

*Go to question 5*

Question 5:

Does the Applicant have a trading name different from that given in answer to questions 2, 3 or 4 above? If so, state the trading name.

Question 6:

What is the Applicant's trading address?

Question 7:

Will the business for which a licence is sought be carried on for the benefit of a person other than the Applicant? Yes  No

If the answer is Yes, state the name of such person(s). If such person(s) are a company or other corporate body state their place of registration and registered number, and the identity of all Directors, the Company Secretary, and those with a greater than 10% shareholding.

Question 8: Does the Applicant operate any other sex establishments, whether licensed or not? If so, state the name, address and type of sex establishment (e.g. sex cinema, sex shop, sexual entertainment venue) of each.

Question 9:

For each of the individuals named in the answers to Questions 2, 3, 4 and 7, please confirm that the form at Annex A to this application has been completed and submitted as part of this application. Yes  No

**B. THE PREMISES, VEHICLE, VESSEL OR STALL**

Question 10:

Is this application in respect of:

- a) Premises
- b) Vehicle
- c) Vessel
- d) Stall

Question 11:

*Answer only where the application is for a vehicle, vessel or stall*

Where is it proposed to use the vehicle, vessel or stall?

Question 12:

*Answer only where the application is for a premises*

What is the full address of the premises for which a licence is sought?

Question 13:

- (a) Is the whole of the premises to be used as a sex establishment?
- (b) If not, state the use of the remainder of the premises.
- (c) State the names of those who are responsible for managing the remainder of the premises.

Question 14:

- (a) State the nature of the Applicant's interest in the premises, vehicle, vessel or stall, e.g. owner, lessee, sub-lessee.
- (b) If the Applicant is a lessee or sub-lessee, state:
- (i) the name and address of the landlord;
  - (ii) the name and address of the superior landlord (if any);
  - (iii) the amount of the annual rental;
  - (iv) the length of the unexpired term
  - (v) the length of notice required to terminate the tenancy.

Question 15:

- (a) State the current use of the premises.
- (b) Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment? Yes  No
- (c) If so, state the date of the planning permission.
- (d) If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details.

Question 16:

- (a) Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003? Provide full details including the name of any Designated Premises Supervisor.
- (b) Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?
- (c) Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details.

Question 17:

- (a) Is each customer access to the premises, vehicle, vessel or stall:
- Directly from the street or a public thoroughfare?
  - From other premises?
- If from other premises, provide full details.
- (b) Is each customer access from the street to be supervised at all times the premises are open to the public? Yes  No
- If the answer is No give full details of proposed door control and supervision.
- (c) State whether all door supervisors are to be licensed with the Security Industry Authority.
- Yes  No

Question 18:

Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled? Yes  No

If the answer is No, state the Applicant's proposals for affording such access.

Question 19:

(a) Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application? Yes  No

(b) If the answer is yes, state the name and address of the person or body now operating the business.

### **C. THE BUSINESS**

Question 20:

Under what name will the business be known?

Question 21

Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share arrangement? If so, provide full details together with a copy of any such agreement.

Question 22

Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements.

### **D. MANAGEMENT OF THE BUSINESS**

Question 23

- (a) State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ("the Manager").
- (b) Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole and exclusive occupation.
- (c) Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ("the Relief Manager(s)").

- (d) Confirm that the Relief Manager(s) or one of them will be based at the premises full-time in the absence of the Manager.
- (e) For each of the Manager and Relief Manager(s), confirm that the form at Annex A to this application has been completed and submitted as part of this application.  
Yes  No

Question 24:

*This question need not be answered in the case of renewals*

Give details of the times during which it is proposed to open the business.

Days of the week

Hours of the day

Question 25:

State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used.

*Please note that a plan of the exterior showing such signage and advertising is required to be submitted with this application.*

Question 26:

- (1) What means are to be taken to prevent the interior of the premises being visible to passers-by?
- (2) What, if any, window displays are to be exhibited? Please indicate the size and nature of any intended display.

Question 27:

State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.

Question 28:

State what age restrictions are to be applied in respect of admissions, and how are these to be enforced.

*In answering, state what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For sex shops provide details of arrangements for preventing proxy sales.*

Question 29:

State the arrangements for CCTV and for retention of recordings.

*In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded.*

Question 30:

- (1) State whether the proposal is for full nudity. Yes  No
- (2) Give full details of the nature of the entertainment, e.g. lap-dancing, pole dancing, stage strip-tease.
- (3) State what if any separation between performers and audience is proposed, e.g. performers on stage, 1 metre, no contact or full contact.
- (4) State whether arrangements are proposed for private booths or areas. If so, provide full details, including proposals for supervision of such areas.

Question 31:

*This question need not be answered in the case of renewals*

- (1) State proposals for preventing nuisance to residents and businesses in the vicinity.
- (2) State proposals for promoting public safety
- (3) State proposals for preventing crime or disorder
- (4) State proposals for protecting children from harm
- (5) Set out the Applicant's system for checking the age and right to work in the UK for all employees.
- (6) Set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance.  
*Note, the Code of Practice must be attached to this form.*
- (7) Set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance.  
*Note, the Rules for Customers must be attached to this form.*
- (8) Set out the system for monitoring compliance with the venue's Policy for Welfare of Performers.  
*Note, the Policy for Welfare of Performers must be attached to this form.*

Question 32:

Set out any further information which you wish the authority to take into account.  
*Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sex Establishment Licensing Policy or standard conditions.*

Question 33:

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.

## **E. APPLICANT CONTACT DETAILS**

Please give the contact details which you would like used for the purposes of this application.

Name:

Organisation

Address

Telephone Number

Mobile Number

Fax Number

E-mail address

## **F. SIGNATURE AND DECLARATION**

The following declaration must be signed in all cases:

- a. If the Applicant is an individual, by that individual;
- b. If the Applicant is a partnership, by all individuals who are partners;
- c. If the Applicant is a company, by a director or the company secretary;
- d. In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application was submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any licence issued being revoked.

I / we certify to the best of my / our knowledge and belief that the information given in this application is complete and correct in every respect.

I / we agree to notify the City of London Corporation should any of the information given in this application change.

Name

Position in organisation

Date

Signature

---

## **ANNEX A**

Information on individuals named in answers to questions 2, 3, 4, 7 and 23

Note, for each individual, the applicant must supply a passport sized photograph which must be dated and have the name of the person identified in the photograph printed on the back.

1. Name
2. Former name (if any)
3. Position in relation to Applicant (e.g. Director, Partner, Manager)
4. Date of birth
5. Gender: Male / Female
6. Permanent residential address
7. If resident at this address for less than 3 years, state previous address.
8. Have you been resident in the United Kingdom for more than six months prior to the date of the application?
9. Have you ever been disqualified from holding a sex establishment licence under Schedule 3 paragraph 17 of the Local Government (Miscellaneous Provisions) Act 1982? If so, give full details.
10. Have you ever been involved in the management of a business, whether as proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, refused on renewal, reviewed or revoked?
  - Sex establishment licence.
  - Licence for the sale or supply of alcohol.
  - Licence for the provision of entertainment, whether sexual or otherwise.
  - Personal licence under the Licensing Act 2003.If so, provide full details.
11. Have you ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?

If so, provide details of the date, convicting court, offence and penalty imposed.

12. To your knowledge are you currently the subject of any criminal investigation?

If so, provide full details.

13. Have you ever had any civil legal action taken against you?

If so, provide full details.

14. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?

If so, provide full details.

15. Have you ever been disqualified from acting as a company director?

If so, provide full details.

16. Is there any other information which you believe the licensing authority would reasonably expect notice of, or you would like the licensing authority to take into account when considering the information you have supplied?

If so, provide full details.

17. Is there any information in this Annex which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.

**I DECLARE THAT THE INFORMATION ON THIS FORM IS TRUE AND COMPLETE.**

**Signed**

**Dated**

---

## **ANNEX B**

Documents supplied with this application

- |  |  |
|--|--|
| 1. A site scale plan (1:1250).   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 2. Drawings showing the front elevation as existing.   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 3. Drawings showing the front elevation as proposed<br>Including proposed signage, advertising and<br>window display | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Scale layout plan of premises.   | Yes <input type="checkbox"/> No <input type="checkbox"/> |

*Note, the requirements of the layout plan are set out below.*

- |   |  |
|---|--|
| 4. Planning permission  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 5. Certificate of lawful use or development   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 6. If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 7. If the Applicant is a partnership, a certified copy of the Partnership Deed.   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 8. A set of accounts for the trading year immediately preceding the application.<br><i>Note, the requirements for the accounts are set out below.</i> | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 9. A copy of any of other licences for the premises, vehicle, vessel or stall.  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 10. Code of Practice for Performers.  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 11. Rules for Customers   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 12. Policy for Welfare of Performers  | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 13. Copies of photographs of all individuals completing the form at Annex A.  | Yes <input type="checkbox"/> No <input type="checkbox"/> |

### **Requirements for layout plan**

The layout plan must show:

- (1) The layout of the premises including, e.g., stage, bars, cloakroom, WCs, performance area, dressing rooms.
- (2) The extent of the boundary of the premises outlined in red.
- (3) The extent of the public areas outlined in blue.
- (4) All means of ingress and egress and a description of the place from which entry is made or to which the exit leads.
- (5) Uses of different areas in the premises, e.g. performance areas, reception.
- (6) Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
- (7) Location of points of access to and egress from the premises.
- (8) Any parts used in common with other premises.
- (9) Position of CCTV cameras.
- (10) Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
- (11) Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
- (12) The location of any public conveniences, including disabled WCs.
- (13) The position of any ramps, lifts or other facilities for the benefit of disabled people.
- (14) Any level changes at the entrance to or within the premises which may be inaccessible to disabled people.
- (15) The location and type of any fire safety and any other safety equipment.
- (16) The location of any kitchen on the premises.

## Requirements for accounts

Where the Applicant is a company, other corporate body, partnership or other unincorporated body, the Applicant should provide its full company or partnership accounts as the case may be. Where the applicant is an individual, the Applicant should provide a set of accounts for the business itself. The Common Council does not require such accounts to be audited unless the Applicant is otherwise required to prepare audited accounts.

## Documents evidencing public notice and service

1. Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application. Yes  No
2. Copy of notice of application displayed on or near the premises. Yes  No
3. Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3 paragraph 10(10) Local Government (Miscellaneous Provisions) Act 1982. Yes  No
4. Evidence of service of this application form and all enclosures upon Chief Officer of Police at [address] within 7 days after the date of this application. Yes  No

## APPENDIX 2

### SITE NOTICE AND NEWSPAPER ADVERTISEMENT

**For site notices, this notice must be printed on bright yellow A3 paper in Black 20 point Font.**

**For newspaper advertisements the advertisement must be at least the size set out below.**

### SEX ESTABLISHMENT LICENCE APPLICATION

Notice of application for grant / renewal / transfer [delete as applicable] of a sex establishment licence pursuant to Schedule 3 Local Government Miscellaneous Provisions Act 1982

TAKE NOTICE that on [date] [name(s) of Applicant] applied to the City of London Corporation for the grant / renewal / transfer [delete as applicable] of a sex establishment licence.

NAME AND ADDRESS OF PREMISES / LOCATION OF VEHICLE / VESSEL / STALL [delete as applicable]:

*[Note, the precise address or location, sufficient to identify the location and extent of the premises, vehicle, vessel or stall, must be given]*

DAYS AND HOURS OF OPERATION:

ACTIVITY: Sexual entertainment venue.

INSPECTING THE APPLICATION: The application may be inspected at the City of London Corporation offices, Walbrook Wharf, 79-83 Upper Thames Street, London EC4R 3TD

OBJECTIONS: Any person wishing to make objections on the application shall do so in writing to The Licensing Team Manager City of London Corporation, Department of Environmental Services, PO Box 270, Guildhall, London EC2P 2EJ or by e-mail at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk). The grounds of the objection must be stated in general terms. **The objection must be received by the City of London no later than** *[insert date 28 days after the date of the application]*.

Signed  
Name  
Organisation  
Address

Date

APPENDIX 3

STANDARD CONDITIONS

**City of London Corporation**

**Regulations prescribing standard conditions applicable to licences for sexual entertainment venues**

**Made on the 5<sup>th</sup> day of May 2011**

**Coming into force on 6<sup>th</sup> day of May 2011**

The Common Council makes these regulations pursuant to Schedule 3 paragraph 13 of the Local Government (Miscellaneous Provisions) Act 1982.

### **Definitions**

1. In these Regulations, unless the context otherwise requires:
  - a. 'Code of Conduct' means the Code required under condition 2626 below.
  - b. 'Common Council' means the Common Council of the City of London Corporation.
  - c. 'City Corporation Officer' means any person authorized in writing by the Common Council.
  - d. "Customer" means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
  - e. 'Licensable activities' means the activities permitted by the Sexual Entertainment Venue licence.
  - f. 'Licensee' means the holder of a Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982.
  - g. 'Other contact of a sexual nature' means contact which must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
  - h. 'Premises' means the premises licensed as a Sexual Entertainment Venue.
  - i. **'Private booth' means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.**
  - j. 'Rules for Customers' means the Rules required under condition 42 below.
  - k. 'Sexual Entertainment Venue' shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.
  - l. 'Staff' means all those working at the premises whether employed or self-employed, including performers and door supervisors.

- m. 'Unclothed' means when breasts and/or genitals and/or anus are fully or partially uncovered. For this purpose "partially uncovered" includes being covered in a transparent material.

## **General**

- 2. Every Sexual Entertainment Venue Licence granted, renewed or transferred by the Common Council shall be subject to the standard conditions set out in these Regulations unless they have been expressly excluded or varied by the Common Council.
- 3.
  - a. These conditions or any of them may be excluded or varied by the Common Council in any special case.
  - b. Any such exclusion or variation may be given unconditionally or on such terms and conditions and subject to such restrictions as the Common Council thinks fit.
  - c. If the licensee wishes any of these conditions to be excluded or varied, an application must be made to the Common Council pursuant to Schedule 3 paragraph 13(4) of the Local Government (Miscellaneous Provisions) Act 1982.
- 4. These conditions may be varied by further Regulation at any time.
- 5. In the event of any conflict between a condition contained in these Regulations and an individual condition contained in a Sexual Entertainment Venue licence, the individual condition shall prevail.
- 6. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
- 7. The premises shall be maintained in accordance with the layout plan and front elevation plan approved by the Common Council and appended to the licence.
- 8. Private booths shall not be installed or used for sexual entertainment at any time.
- 9. The premises shall not be used for licensable activities before or after the hour specified in the licence for such activities.
- 10. The premises shall not afford access to any other premises.
- 11. The licensee shall notify the Common Council as soon as is reasonably practicable, and in any event within seven days, of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.

12. The premises may not be used as a sex cinema or a sex shop pursuant to this licence.

### **Management**

13.
  - a. At all times that the premises are open to the public the premises shall be supervised by a manager who is present on the premises and engaged in such supervisory activities.
  - b. A notice showing the name of the manager who is supervising the premises at any particular time shall be conspicuously displayed in a position where it can easily be seen by customers entering the premises.
  - c. The licensee shall ensure through training and monitoring that the manager understands the licence conditions, including the conditions set out in these Regulations and all Codes and Rules referred herein.
  - d. The licensee shall ensure that all managers are trained before they first carry out management duties at the premises.
  - e. Refresher training shall be provided for managers at least every six months.
  - f. A written register shall be kept in relation to training and monitoring pursuant to this condition.
  - g. In this condition “manager” means a person over the age of 18 whose identity has been notified to the Common Council in writing at least 7 days before engaging in supervisory activities pursuant to this condition.
14. The licensee shall maintain a register in a form approved by the Common Council recording which staff are on duty at any time at which the premises are being used for licensable activities. The register shall be produced immediately on request by a police officer or a City Corporation Officer.
15. All staff other than performers shall wear badges (or some other identifying feature approved by the Common Council) clearly identifying them as members of staff.
16. All areas used for licensable activities shall be supervised at all times so as to ensure compliance with the conditions of the licence.
17.
  - a. All public parts of the premises excluding WCs shall be covered by CCTV cameras at all times.
  - b. All CCTV cameras shall be set to record at all times.

- c. The CCTV system shall be of sufficiently high quality, and the premises sufficiently lit throughout, to enable clear facial recognition of individuals at all times.
  - d. CCTV footage shall be retained for a minimum of 31 days and be available immediately on request by a police officer or City Corporation Officer.
  - e. The licensee shall at all times display clearly visible and legible notices informing members of the public that the premises are covered by CCTV.
  - f. The licensee shall ensure that CCTV images are viewed only by police officers, City Corporation Officers or other persons expressly authorized by him.
18. The licensee shall devise, implement and maintain a system of monitoring, recording and enforcement to ensure that the Code of Conduct and Rules for Customers are observed by performers and customers at all times. Records of such monitoring, recording and enforcement shall be maintained and disclosed to Police and City Corporation Officers upon request.
19. The licensee shall devise, institute and maintain a policy for prevention of use of the premises for the taking of illegal drugs, whether by staff or customers. The policy shall include regular checks of the premises for evidence of drug use. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and records of checks and monitoring shall be available for inspection at all times by City Corporation Officers.
20. The licensee shall maintain dated, bound and paginated books of:
- a. Incidents at the premises.
  - b. Refusals of entry.
  - c. Persons banned from the premises.

The books shall be available for inspection at all times by police officers and City Corporation Officers.

**Age controls**

21. No person under the age of 18 shall be admitted to any part of the premises at any time or be employed in the business of the Sexual Entertainment Venue.
22. The licensee shall implement and maintain a Challenge 21 policy.

### **Exterior of premises**

23. The following matters and no other shall be displayed on the outside of the premises:
  - a. The name, style or title as approved by the Common Council.
  - b. The words “Licensed Sexual Entertainment Venue” in characters no higher than 8 cm.
  - c. The opening hours of the premises.
  - d. The street number.
  - e. A notice stating: “No admittance to persons under 18 years of age”.
  - f. A Challenge 21 notice.
  - g. Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Common Council.
24. The entrance and windows of the premises shall be so arranged that no person shall be able to see into the premises from outside.
25. All entrances to the premises shall be supervised by door supervisors licensed by the Security Industry Authority (or any successor body) at all times that the premises are open to the public.

### **Conduct of performers**

26.
  - a. The licensee shall provide to the Common Council a Code of Conduct for performers and any amended Code operated by the licensee from time to time.
  - b. The licensee shall ensure that all performers are trained in the Code of Conduct before they first perform at the premises.
  - c. Refresher training shall be provided for performers at least every six months.
  - d. A written register shall be kept in relation to such training.
  - e. Copies of the Code of Conduct shall be prominently displayed in the performers’ rest room and changing room.
27.
  - a. At no time may any member of a staff other than a performer be unclothed.
  - b. At all times during the performance the performer must be at least 1 metre from the customer or, where more than one customer, each of them.

- c. Prior to the performance or at the completion of the performance there may be hand to hand payment for the performance.
  - d. At no time except during the performance may a performer be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking donations for a performance.
  - e. No member of staff may at any time (and whether or not performing):
    - i. sit or lie on the lap or any other part of any customer;
    - ii. kiss, stroke, fondle, caress or embrace any customer;
    - iii. straddle any customer;
    - iv. engage in any other contact of a sexual nature with any customer;
    - v. solicit a customer for sex or suggest that such services may be available.
  - f. No performance may include:
    - i. the use of sex articles or similar objects;
    - ii. the touching by performers of their own sexual organs;
    - iii. contact between performers;
    - iv. participation by members of the audience;
    - v. performance to standing customers except from a segregated, raised stage area.
28. Save where this condition has been waived by the Common Council, performers may not expose their genitals or anus.
29. a. No solicitation for sexual purposes shall take place on the premises.
- b. The licensee shall ensure that no telephone number, residential address, e-mail address or other information that may facilitate further contact between performers and customers is conveyed on the premises.

**Welfare of staff**

30. No member of staff shall work at the premises until:
- a. They have supplied:

- i. proof of age;
    - ii. evidence of a right to work in the UK;
    - iii. an official proof of identity such as passport or driving licence.
  - b. They have been interviewed by the licensee for the purposes of ensuring that they wish to work at the premises of their own free will and they have confirmed their wish in writing.
  - c. They have signed for receipt of the Code of Conduct and Rules for Customers.
31. The licensee shall copy and retain on file the documents and other evidence required by condition 30(a), (b) and (c) which shall be available for inspection by police officers and City Corporation Officers at all times.
32. The licensee shall assess all risks to the welfare of performers, including arising from their gender, and shall devise, institute and maintain a policy for the protection of their welfare while on the premises and when they leave the premises. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and monitoring records shall be available for inspection at all times by City Corporation Officers.
33. Suitable changing, rest room, WC and shower facilities shall be provided for performers. The facilities shall comply with the following standards:
  - a. The facilities shall be secure, private, for single sex use only and shall not be accessible by customers or, except with permission, by other members of staff or management.
  - b. The changing and rest rooms shall comprise an area or areas of a minimum of 2 sq.m. per performer engaged to perform at any one time.
  - c. The changing and rest rooms shall be located in the immediate vicinity of, but not within, WC areas.
  - d. Private and lockable storage units shall be provided for each performer for the safe keeping of valuables and clothing.
  - e. A supply of free drinking water shall be provided for all performers.
  - f. Sufficient sitting out space shall be provided for rest breaks for performers.

- g. Adequate showers shall be provided for performers adjacent to, and directly accessible from, the changing facilities.
  - h. Adequate WCs shall be provided for performers in the immediate vicinity of the changing facilities.
  - i. The WC and shower facilities shall provide privacy and security from intrusion by others, and shall not be accessible or accessed by customers at any time.
- 34. Single sex WC facilities shall be provided for staff members other than performers. The facilities shall not be used by customers.
  - 35. Doors and openings which lead to part of the premises to which the public are not permitted access shall have notices placed on them marked "NO ADMITTANCE".
  - 36. Performers and customers shall not be permitted to share any external smoking area.
  - 37. The licensee shall not fine performers for misconduct or any other reason.
  - 38. Performers shall be afforded secure transport from the premises at the end of trading hours.
  - 39. The licensee shall take all reasonable precautions and exercise all due diligence to prevent contact between performers and customers away from the premises.
  - 40. The licensee shall employ a "house mother" to supervise and ensure the welfare of performers.

**Protection of customers**

- 41. a. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices, including charges for the company of a hostess or performer.
- b. The tariff shall be:
  - i. placed in such a position that it can easily and conveniently be read by customers before paying any fee for admission to the premises;
  - ii. at each bar in the premises;
  - iii. on each customer table at the premises.
- c. The tariff shall be drawn to the attention of every customer before they have paid any fees or charges.

d. No charge shall be made to any customer except for a service and of an amount shown on the tariff.

e. No charge shall be made to the customer for any drink provided for a hostess or companion unless the customer has specifically ordered it, having first been made aware of the cost.

### **Conduct of customers**

42. a. The licensee shall provide to the City Corporation its Rules for Customers.
- b. The licensee shall ensure that all performers are trained in the Rules for Customers before they first perform at the premises.
- c. Refresher training shall be provided for performers at least every six months.
- d. A written register shall be kept in relation to such training.
- e. Copies of the Rules for Customers shall be prominently displayed in the performers' rest room and changing room.
- f. The Rules for Customers shall be prominently displayed:
- i. at each bar in the premises;
  - ii. on each customer table at the premises.

### **Marketing of licensable activities**

43. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the City Corporation's area:
- a. personal solicitation, including on foot or from vehicles;
  - b. leafleting;
  - c. flyers;
  - d. handouts;
  - e. externally displayed advertisements, such as on billboards or cars.
44. No commission or gratuity whether in cash or kind shall be paid nor any other incentive offered to taxi or minicab drivers for bringing customers to the premises.

**Protection of neighbours**

45. The licensee shall ensure that no noise shall emanate from the premises or vibration transmitted through the structure of the premises which gives rise to a nuisance to the occupiers of other premises.
46. Prominent notices shall be displayed at the exit of premises requesting customers to depart quietly.
47. A dedicated taxi service shall be provided for customers upon request. Details of the service shall be advertised in the premises.
48. Doors supervisors shall request customers to depart quietly where necessary.

**Disabled people**

49. All parts of the premises which are open to the public shall be accessible to disabled people save for WC facilities where there are other WC facilities specially designated for use by disabled people.

## APPENDIX 4

### **LICENSING COMMITTEE PROCEDURE FOR HEARINGS FOR SEV LICENCE APPLICATIONS**

1. This procedure shall apply to all hearings conducted under the provisions of the Local Government (Miscellaneous) Provisions Act 1982 (as amended) in relation to licences for Sexual Entertainment Venues.
2. Public hearings conducted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 shall take the form of a discussion led by the Licensing Committee. Cross-examination will be permitted when the Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Committee, on the points set out below.
3. At the start of the hearing the Chairman of the Committee will introduce himself and other Members of the Committee as well as the City Corporation Officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.<sup>33</sup>
4. The Chairman will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of all parties so as to avoid repetition. Although the use of a spokesman will be encouraged by the Committee, the decision rests with those parties making representations.
6. In the event of disorder or persistent disregard of the authority of the Chairman, the Chairman may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.

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<sup>33</sup> At revocation hearings pursuant to Schedule 3 paragraph 17 of the Act, references in this procedure to 'applicant' should be read as references to the licence holder.

8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.
9. In the event that the Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.
10. The Chairman will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the Comptroller & City Solicitor but those persons will play no part in the decision-making process.
13. In due course, the Committee will return to announce their decision or to inform those present when the decision will be given.