



**Haringey** Council

# **DRAFT SEX ESTABLISHMENT LICENSING POLICY**

**Foreword by the Cabinet Member for Neighbourhoods**

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## **1. Introduction**

The Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) introduced a licensing scheme to control sex establishments, defined as sex shops, sex cinemas and sex entertainment venues as amended by the Policing and Crime Act 2009. The Council adopted the 2009 Act on 19<sup>th</sup> July 2010

This document contains the draft policy (the “Policy”) regarding the regulation of Haringey Council of sex establishments and the procedure relating to applications for sex establishment licences.

This document relates to applications for sex establishment licences covering:

- sexual entertainment venues
- sex cinemas
- sex shops

as set out in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

We recognise that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retails and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.

The Council has a duty to promote gender equality, consider crime and disorder and ensure fair and rational determination of applications.

The Authority is compliant with the Provision of the Services Regulations 2009 which implements the EU Services 2006/123/EC.

This policy is:

- non discriminatory
- justified by an overriding reason relating to the public interest.
- Proportionate to that public interest objective
- Clear and ambiguous
- Objective
- Made public in advance and
- Transparent and accessible.

All applications must be properly determined as they have an overriding reason relating to the public interest, therefore tacit authorisations further to the EU Services Directive will not apply.

## **2. Definition**

**The Act**

This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).

**The Policy**

This refers to the draft sex establishment licensing policy.

**Relevant locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that each ward within the borough represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ ward.

**Character of the relevant locality**

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

**Inappropriate proximity**

A distance of 400 metres in direct line of sight between the proposed establishment and any residential property, school, care facility etc, or 200 metres distance if there is no direct line of sight.

**The Council**

This means the London Borough of Haringey.

**Display of nudity**

This means:

- In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- In the case of a man: exposure of his pubic area, genitals or anus

**The licensed premises**

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required to operate. Note that licences are not required for the sale, supply or demonstration of birth control items.

**The Organiser**

This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.

**Permitted hours**

These are the hours of activity and operation that have been

authorised under a sex establishment licence.

### **Sex Articles**

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

### **Sex Cinema**

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity or genital organs or urinary excretory functions.

### **Sexual Entertainment Venue**

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

### **The meaning of Sexual Entertainment Venue**

The Policing and Crime Act 2009 has now extended the definition of “sex establishment” to include “sexual entertainment venues” as defined in Schedule 3 of the 1982 Act as amended.

The Council should judge each case on its merits, it is expected that the definition of relevant entertainment would apply to the following forms of entertainment:

Lap dancing	Pole dancing
Table dancing	Strip shows
Peep shows	Live sex shows

(This list is not exhaustive)

### **Premises that are not sexual entertainment venues**

The revision not only sets out what is a sexual entertainment venue but also what is not, and the following would not be sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in the Schedule 3 to the 1982 Act);
- Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where-

- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and

- c) no such occasions has lasted longer than 24 hours.

Other premises or types of performances or displays exempted by an order of the Secretary of State.

### **Sex Shop**

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

## **3. Policy considerations**

It is the Council's view that having regard to each ward and recognising that because of the mix of uses, the character, the strategic vision and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in its wards. The association that sex establishments have with a part of the "sex industry" and adult entertainment means that they are not suitable for location in those parts of the borough associated with commerce, family retail and entrepreneurship, nor are they appropriate for location in residential areas or areas frequented by families and children.

### **3.1. Principles to be applied**

Specific mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- a) to anyone under 18 years of age
- b) to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) to someone who has been refused a new or renewal of licence within the last 12 months (from the date of making the application)
- d) to an individual who is not resident in the United Kingdom or has not been resident for six months prior to the making of an application
- e) to a company not incorporated in the United Kingdom

### **3.2. The Council has determined that the following principles will apply.**

The Council has set a limit on the number of sex establishments that it thinks is appropriate for its relevant localities. The Council treats each

ward in the borough as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments is nil

<b>Ward</b>	<b>Appropriate Number</b>
Alexandra	Nil
Bounds Green	Nil
Bruce Grove	Nil
Crouch End	Nil
Fortis Green	Nil
Harringay	Nil
Highgate	Nil
Hornsey	Nil
Muswell Hill	Nil
Noel Park	Nil
Northumberland Park	Nil
St Ann's	Nil
Seven Sisters	Nil
Stroud Green	Nil
Tottenham Green	Nil
Tottenham Hale	Nil
West Green	Nil
White Hart Lane	Nil
Woodside	Nil

There is no right of appeal to the Magistrates Court against a decision based on this element of the Policy.

- 3.3.** The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities and will inform applicants and objectors of the parameters under which the Council will make licence decisions.
- 3.4.** Despite the fact that nil is the number of sex establishments considered appropriate in any ward within the borough under the policy, the sub-committee must consider any application for such a licence and make its decision based on the merits of the particular application. The reason for this is that as a matter of public law a decision maker exercising a statutory discretion must not "shut his ears to an application" and be always "...willing to listen to anyone with something new to say..". The sub-committee may depart from the policy if it considers it appropriate to do so in a particular case. Such departures are likely to be exceptional. Whenever considering a departure from the policy, particular regard will be given to the proximity of the proposed licensed premises to the types of buildings and areas listed in paragraph 3.6.



- 3.5.** The Council has considered the character of its wards and determined that the appropriate number of sex establishments for each ward is nil. The Council's vision is to achieve greener, cleaner, sustainable communities and neighbourhoods to enable a good quality of life for all.

The Council's "nil per ward policy" responds to this concern and in addition to the above is based on the following factors which justify this safeguarding step:

It will not allow licences to be granted where the appropriate number is exceeded.

- 3.6.** The Council is of the view that it is not appropriate to have a sex establishment situated within 'inappropriate' proximity to or within sightlines of:-
- i. Purely or primarily residential accommodation.
  - ii. Schools, play areas, nurseries, children's centres or similar premises.
  - iii. Youth facilities and colleges
  - iv. Access routes to and from schools, play areas, nurseries, children's centres or similar premises.
  - v. Places of worship..
  - vi. Historic buildings or tourist attractions.
  - vii. Industrial Estates
  - viii. Safe houses for vulnerable adults
  - ix. Premises attracting vulnerable people such as GP surgeries and addiction centres
  - x. Areas and premises attracting families such as leisure and sport facilities and play spaces, parks and open spaces
  - xi. Our diverse cultural communities
  - xii. Main shopping streets
  - xiii. Areas with history of social difficulties
  - xiv. Areas with high levels of recorded crime
  - xv. the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons
  - xvi. the proximity of educational establishments to the premises
  - xvii. the proximity of places of worship to the premises
  - xviii. access routes to and from schools, play areas, nurseries, children's centres or similar premises
  - xix. the proximity to shopping centres
  - xx. the proximity to community facilities / halls and public buildings such as swimming pools, leisure centres, public parks, youth centres / clubs (this list is not exhaustive)
  - xxi. the potential impact of the licensed activity on crime and disorder and public nuisance
  - xxii. the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated

- xxiii. the nature and concerns of any objections received from residents/establishments objecting to the licence application.
- xxiv. any evidence of complaints about noise and/or disturbance caused by the premises.
- xxv. current planning permission/ planning requirements on the premises
- xxvi. any current planning policy considerations
- xxvii. proximity of other sex establishments
- xxviii. whether there is planned regeneration of the area
- xxix. any current licensing permissions related to the premises in relation to activities, uses and hours
- xxx. comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/ prosecutions pending.
- xxxi. the suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:
  - previous knowledge and experience of the applicant
  - any evidence of the operation of any existing / previous licence held by the applicant, including any licence held in any other borough
  - any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant any other relevant reason

The above factors are not an exhaustive list of considerations but are indicative of the types of factors which may be considered in dealing with an application.

- 3.7.** In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications. In giving due regard to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and other relevant authorities.

The Council will take account of the potential impact of the licensed activity on:-

- crime and disorder;
- the cumulative impact of licensed premises in the area, including hours of operation and the character of the locality in which the premises are situated.

- 3.8.** The Council understands that the co-ordination and integration of

policies, strategies and initiatives is important. This policy takes account of, and is supported by, other Council policies and relevant legislation mentioned below. Through partnership working, the Council will seek to secure the proper integration of its Policy with other licensing policies, local crime prevention, planning, tourism, race equality schemes and cultural strategies, and any other plans introduced for the management of town centres and the night time economy.

This Policy has therefore had regard to:

- The Community Strategy

## **4. General Policy**

### **4.1. Discretionary Grounds for Refusal**

**4.2.** The Act allows the Council to refuse to grant or renew a licence on the grounds that:-

a) the grant or renewal of the licence would be inappropriate, having regard:-

- to the character of the relevant locality; or
- to the use to which any premises in the vicinity are put; or
- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### **4.3. General Considerations**

**4.4.** Every application will be considered in accordance with this policy in determining applications to grant, refuse, renew, transfer or vary a licence.

The applicant must effectively address the policies on the appropriate number and the character of the relevant locality/ ward in order for any grant of an application to be considered.

**4.5.** Sex establishments are not to be functionally visible to passers by on retail thoroughfares or pedestrian routes. Premises should be at basement level or with a main entrance away from such routes.

**4.6.** The Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Police
- Fire Brigade
- Planning Service
- Pollution Group
- Community Safety
- Licensing Authority
- Interested Parties (local residents / businesses)

- Any representations made by the applicant.

#### **4.7. New Applications**

**4.8.** The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind 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
- d) the grant or renewal of licence would be inappropriate having regard to:
  - i. the character of the relevant locality
  - ii. the use to which any premises in the vicinity are put; or
  - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

**4.9.** The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licensed premises is such that granting a licence is considered inappropriate.

The Council shall not normally grant a licence to operate as a sex establishment where there are residentially occupied premises, schools (including nursery groups) and other places / access routes used to a significant degree by children or young persons, or places of worship within 200 metres of the premises seeking a licence.

The Council shall not normally grant a licence to operate as a sex establishment, if it will result in more than one premises licensed as a sex establishment within 400 metres of residentially occupied premises, schools (including nursery groups) and other places / access routes used to a significant degree by children or young persons, or places of worship.

All applications for new licences for sex establishments, as described in the Act shall be referred to the Miscellaneous Functions Committee for decision.

#### **4.10. Renewals**

When considering a renewal application the Council may take into account the criteria set out above and:

- a) the type of activity to which the application relates
- b) the duration of the proposed licence
- c) the days and hours of operation of the activity
- d) the layout and condition of the premises
- e) the use to which other premises in the vicinity are put
- f) the character of the locality in which the proposed premises are situated
- g) the levels of crime and disorder in the area
- h) past demonstrable adverse impact from the activity
- i) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts

**4.11.** It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.

If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the Miscellaneous Functions Committee for decision.

#### **4.12. Variations**

**4.13.** Where an application is made to vary any of the terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out below.

## **5. Application process**

### **5.1. Making an Application**

- An application for a new licence must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid. The application must be accompanied by documents that show the operating conditions intended to be put in place. This document must show the code of conduct for dancers, rules of conduct for the customer both of which will be subject to approval by the licensing authority and police. The document should also state the intended policy in terms of any contact between customers and performers (not just during a performance). The checks put in place in employing a performer to work on the premises. Checks into their status to work in the UK must be undertaken.
- An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—

- (a)the full name of the applicant;
  - (b)his permanent address; and
  - (c)his age.
- An application made by a body corporate or an unincorporated body shall state—
  - (a)the full name of the body;
  - (b)the address of its registered or principal office; and
  - (c)the full names and private addresses of the directors or other persons responsible for its management.
- An application relating to premises shall state the full address of the premises.
- An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- Application fee

**5.2.** Any application should be made in writing to the Licensing Team. The Service is open from 9.00 am -5.00 pm, Monday -Friday. The Service contact number is 020 489 8232. Please note that generally, applications may take 12 weeks to determine.

Below is the criteria requested by Haringey Council to be submitted with the application. This allows the Council and other responsible authorities i.e. the Police to determine whether the applicant and staff members are considered fit and proper, that the premises meet health and safety requirements and that there are no crime and disorder issues relating to the business.

- if the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- if the applicant is a company, a passport-size photograph of each of the Directors, the Company Secretary, or any other person responsible for the management of the company which must be dated and have the name of the person identified in the photograph printed on the back;
- a passport-size photograph of each person responsible for the management of the premises which must be dated and have the name of the person identified in the photograph printed on the back;
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;

- if the applicant is a partnership, a certified copy of the Partnership Deed;
- a set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.

**5.3.** Applicants for a licence must complete and return the application form (which can be provided on request from the Licensing Team) together with:

- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- five sets of plans showing the existing and front elevation of the premises depicting all signage;
- five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 200 metres;
- five sets of plans (scale 1:50) showing the layout of the sex establishment;

The applicant is also required to:

- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- The applicant must also display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.

**Note:** The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

**5.4.** Officers from Building Control and the Fire Authority will inspect the premises to ensure that required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.

**5.5.** As part of the established procedure for dealing with applications, Enforcement Response officers are consulted. If there is the possibility of noise nuisance for example from amplified music, these officers may

also carry out an inspection and recommend noise insulation work. Any requirements they identify must be complied with at all times any licence is in force.

- 5.6.** Comments on applications are also sought from local Ward Members, the Police, the Head of Planning and any other relevant person as deemed appropriate by the Council.
- 5.7.** Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 5.8.** Any licence approved does not constitute any approval under any other Acts (eg the Town and Country Planning Act 1990) or Bye-Laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 5.9.** The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 5.10.** On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with this.

#### **5.11. Renewal of licences**

- 5.12.** To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence.
- 5.13.** provide a set of audited accounts of the business for the two complete trading years immediately prior the date of the application.
- 5.14.** The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

#### **5.15. Variation of Licence**

- 5.16.** The application form, with relevant plans and fee should be sent to the Licensing Team. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in the above paragraphs.



**5.17.** Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

- An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- Application fee (see fee's list relating to sex establishment premises)
- If the applicant is a limited company, a form provided by the Council which provides details of the company;
- If the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- if the applicant is a partnership, a certified copy of the Partnership Deed;
- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.
- serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

**5.18.** All variation applications for sex establishment licences must be referred to the Council's Miscellaneous Sub-Committee for decision. Applicants must not operate any revised or varied arrangements until

such an application has been approved and any revised or varied licence has been issued.

#### **5.19. Transfer of licence**

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

#### **5.21. Representations on an Application**

**5.22.** Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the Licensing Team, setting out the grounds of objection.

**5.23.** The Council will weigh up and balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.

**5.24.** The legislation dictates that, unless a person making representations provides consent, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Miscellaneous Sub-Committee.

**5.25.** However, the grounds of any objection made on the application must be provided to the applicant prior to the determination of the application. The report to the Miscellaneous Sub-Committee may have full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.

**5.26.** Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Miscellaneous Sub-committee before the application is determined.

## **6. Duration of licence**

- 6.1.** Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.
- 6.2. Application Procedure – Officers**
- 6.3.** An application for a licence should be made on the statutory form. This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.
- 6.4.** Any person over the age of 18 can apply for a licence provided they:
- (a) are a resident of the UK; and
  - (b) have been a resident of the UK throughout the 6 month period preceding the application; and
  - (c) are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
  - (d) have not been refused a grant or renewal application within the period of 12 months immediately preceding the date of the application.
  - (e) A body corporate can apply for a licence provided it was incorporated in the UK.
- 6.5.** The application must be accompanied by a plan
- 6.6.** The applicant must pay a fee to accompany the application, the amount of which will depend on the application type.
- 6.7.** If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit the required documents. If these documents are provided within a reasonable length of time (to be determined by the Licensing Authority), the application will be deemed valid from the day they are received. The applicant will then be required to re-advertise the application at the premises and in the local newspaper, stating the new consultation period.
- 6.8.** If the reason for invalidity is not remedied within a reasonable length of time (to be determined by the Licensing Authority), the application will become invalid and will not be progressed any further. The applicant may apply for a refund of the application fee, which will be refunded in full minus the Council's costs. Should the applicant wish to gain a licence at any point in the future, he will have to submit a completely new application along with the relevant fee.
- 6.9.** In addition to the notice given by the applicant at the premises and in the local newspaper the Council will:

- (a) send notification of the application to local residents within a 30m radius of the premises; and
- (b) fix a notice (or notices where appropriate) to the nearest lamp post(s) to the premises to which the application relates.

**6.10.**The **consultees** for this type of application are the professional bodies whose opinion the licensing authority considers in determining the application. These are:

- (a) Environmental Health Service;
- (b) Building Control Surveyors;
- (c) Licensing Inspectors;
- (d) London Fire and Emergency Planning Authority;
- (e) Planning Department;
- (f) Metropolitan Police Service.

**6.11.**As part of the application process, one or more of the responsible authorities will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Some responsible authorities may deem it necessary to investigate the applicant or, where the applicant is a company, the company and the directors of that company. Once they have considered the application and/or made any necessary inspections or investigations they will inform the Licensing Authority whether or not they wish to make an objection.

**6.12.**Each authority has individual requirements that they will consider when deciding whether or not a premises is suitable or an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, an indication of what these are is as follows:

**6.13.**Environmental Health Service:

Visits are made with regard to all applications for licenses to ensure that the applicant is compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the licence to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers and adequate sanitary facilities.

**6.14.**Building Control Surveyors:

The Building Control Surveyors will assess each licensing application from a public safety perspective and look to ensure that the appropriate technical standards are in place for the licensable activity being applied for. This may entail advising on issues such as means of escape, primary and secondary lighting, seating layout and design and safe capacities. If works are required to bring the premises up to the relevant standard the Building Control Surveyors will then ensure that these are completed satisfactorily prior to any licence being granted.

**6.15.Licensing Inspectors:**

The Premises Licensing Inspectorate pays particular regard to enforcement matters and will make comment on any premises which has a connection with unlicensed activity (whether or not formal enforcement action has been instigated). In addition, each applicant is assessed to determine their possible involvement or connection with unlicensed activity or other similar offences (such as those contained under the Video Recordings Act 1984).

**6.16.**Observations and/or comments are then made in support of police representations or, in more serious cases, in the form of a formal objection.

**6.17.**Any person wishing to object to the application must give notice in writing to the Licensing Authority, stating in general terms the grounds of the objection, not later than 28 days after the date of application.

**6.18.**If an objection is made by a Residents' Association or Local Amenity Society it shall be confirmed at any licensing hearing that the objection has been formally authorised by that Association. This confirmation should be made by the Chairman, Secretary or other duly authorised officer of the Association.

**6.19.**Petitions shall bear the prayer of that petition on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the applicant. Each person signing should also print his name and address. Each page of the petition should be dated.

**6.20.**Copies of the objections shall be forwarded onto the applicant by the Licensing Authority. However, all objections must remain anonymous and the Licensing Authority will not reveal the name or address of the objecting party without their consent.

**6.21.**A Councillor may also object to the application in accordance with Schedule 3 paragraph 10(15) of the Act.

**6.22.**The applicant may respond in writing to any objections received against the application. The Case Officer will provide the objector with a copy of the response.

**6.23.**Unless the objection relates to the character of the applicant, the Case Officer may seek to mediate between the parties to see if agreement can be reached prior to a Licensing Sub-Committee hearing.

**6.24.**Applications for renewal, transfer and variation applications may be granted under delegated authority without the need for a hearing provided no objections have been received against the application.

## **6.25.Hearings**

- 6.26.**Following the end of the consultation period, applications for new licences will be referred to the Licensing Sub-Committee to be determined. Written notice of the hearing will be given to the applicant and all interested parties or responsible authorities who have made objections.
- 6.27.**The Sub-Committee shall normally consist of three Members. However no business shall be transacted unless at least two members are present. The Councillor for the Ward in which the applicant's premises are situated or where either the applicant or the objectors live shall not normally sit on the Sub-Committee when that application is to be considered.
- 6.28.**Under no circumstances shall applicants or objectors lobby members of the Sub-Committee determining the application although it is perfectly proper for the support of the Ward Councillor concerned to be sought.
- 6.29.**At any time during the hearing, the Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal and/or Policy Advisor or other relevant officer.
- 6.30.**A report will be put before the Licensing Sub-Committee Members by the Case Officer. This report will contain any objections made by interested parties or responsible authorities, any response to the objections by the applicant and any relevant supporting evidence from either side. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing. A copy of the report will be sent to the applicant and any objectors in advance of the meeting.
- 6.31.**The report may or may not include the Case Officer's recommendation but if it does details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.
- 6.32.**Each party will be given the opportunity to present their arguments before the Licensing Sub-Committee. A party to the application may also call witnesses and will be given the opportunity to cross-examine any other party to the application. An objector may not raise any ground of objection not referred to in the written objection.
- 6.33.**The applicant and the objector shall attend the hearing in person.
- 6.34.**If the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate

- 6.35.**In the case of the applicant, the representative must be empowered to supply any undertaking requested by the Sub-Committee or demonstrate that any conditions attached to the licence will be complied with.
- 6.36.**All objectors and applicants are reminded that they can, if they wish, be legally represented, at their own expense, at the hearing.  
Alternatively they may if they wish ask a Councillor to represent them.
- 6.37.**Where objection has been lodged in accordance with paragraph 10(15) of the Schedule but the objector fails to attend, the Sub-Committee is required by paragraph 10(18) of the Schedule to have regard to it. In these circumstances the Sub-Committee will be prepared to hear and consider any evidence and arguments put forward by or on behalf of the applicant not only on general matters but also in relation to the objection(s) which have been received. In reaching its decision, the Sub-Committee will take into account the fact that any statements made by an objector(s) who is not present will not have been tested by questioning.
- 6.38.**In addition to making an objection, a Councillor may either:
- (a) make a submission to the Sub-Committee in accordance with the rule; or
  - (b) give evidence as a witness on behalf of any party at the hearing.
- 6.39.**If a Councillor, who has not made an objection under the schedule, wishes to make a submission to the Sub-Committee, he may either address the Sub-Committee or may submit a written statement regardless of whether or not he is a witness called by any party as follows:
- (a) If the Councillor wishes to address the Sub-Committee this will normally be done after the Case Officer has introduced the report and called any evidence.
  - (b) Alternatively the Councillor may, with the agreement of the Sub-Committee, address the Sub-Committee at a later stage in the proceedings. Where this happens an opportunity will be given to the other parties to comment on that submission and if necessary call fresh evidence.
  - (c) Before a Councillor addresses the Sub-Committee he must first make a declaration that he has not previously discussed the application with the Members of the Sub-Committee and will take no part in the determination of the application.

- (d) Any evidence given by the Councillor in addressing the Sub-Committee will be subject to questioning by any party or by members of the Sub-Committee.
- (e) Any evidence given by the Councillor in addressing the Sub-Committee shall only relate to those matters already known to the applicant by way of the report or by reason of the notice required under sub-paragraph (f) below.
- (f) Notice in writing of any evidence to be given by the Councillor in addressing the Sub-Committee shall be provided to the Case Officer at least 14 days before the date of the hearing, setting out in general terms the nature of the evidence.
- (g) If the submission is by way of written statement the Sub-Committee will take into account the fact that the Councillor was not available to be cross-examined in considering the weight to be attached to the submission.
- (h) A submission by way of written statement shall be provided to the Case Officer at least 14 days before the date of the hearing.
- (i) The Case Officer shall, on receipt of any notice under sub-paragraph (f) above or a written submission under sub-paragraph (h) above, send a copy to the applicant as soon as possible.
- (j) If a Councillor fails to comply with the time limits in sub-paragraphs (f) or (h) above and there is an objection to the Councillor's submission being heard or admitted, the Sub-Committee may hear argument and may hear or admit the submission if it feels in all the circumstances it would be reasonable to do so.
- (k) Involvement by the Councillor under this rule is limited to making a submission. There is no right to question the parties or witnesses, to call witnesses or to make a closing address.

**Note:** For the avoidance of doubt this rule does not preclude a Councillor from representing and presenting the case on behalf of his constituents if they are persons who have objected in accordance with Schedule 3 paragraph 10(15) of the Act.

#### **6.40. Order of Proceedings**

**6.41.** At the start of the hearing the Chairman will introduce himself and other members of the Sub-Committee.

**6.42.** There will be a list provided indicating the names of the persons appearing at the hearing and the Chairman will establish whether



there are any additions or alterations to be made to it. The Chairman will then outline the procedure to be followed for the remainder of the hearing. The procedure shall be as follows and normally in the following order:

- (a) The Case Officer will introduce the report referred to in Rule 6.5 and will outline the matter before the Sub-Committee, giving any relevant background information. This will, where appropriate, include a summary of the activities proposed by the applicant under any licence granted.
- (b) Any Council Officer may be legally represented.
- (c) The Responsible Authorities may make observations unless the authority concerned is objecting under the schedule.
- (d) The applicant(s) and objector(s) shall present their respective cases. The applicant or applicants will normally present their case first. Any party may be represented.

**NOTE:** There is no automatic right for an objector to give evidence although normally the Sub-Committee permits this. If there is a challenge to an objector giving such evidence the Sub-Committee should consider representations from the applicant and objector on this point before deciding whether or not oral evidence will be permitted.

- (e) The party presenting its case first may call witnesses and may address the Sub-Committee either before or after doing so.
- (f) The other party or parties may then call witnesses and may address the Sub-Committee before doing so.
- (g) Closing addresses may then be made to the Sub-Committee in this order:
  - (i) Officers
  - (ii) Objector(s)
  - (iii) Applicant(s)
- (h) New evidence must not be introduced in any closing address. In exceptional circumstances, the Sub-Committee may, with the agreement of the other parties, allow the introduction of further evidence by any party at any time prior to the closing addresses.

**6.43.**Where a person gives evidence as a witness:

- (a) He is first asked to state his full name and address. A witness may withhold his address but to do so may result in no weight being given to his evidence if his address is relevant to any issue in the case.

- (b) He may either make a statement or give evidence in answer to questions from his representative.
- (c) He may then be questioned by the opposing party or parties. Members of the Sub-Committee and its legal and policy advisors may ask questions at any stage but will usually ask them at this stage. An opposing party may ask questions arising out of a new matter raised by a question from the Sub-Committee or its legal and policy advisors. A witness may decline to answer questions but less, if any, weight will then be attached to his evidence.

**NOTE:** An objector is entitled to remain anonymous, where however this puts the applicant at a disadvantage, this fact will be taken into account by the Sub-Committee.

- (d) If represented, he may then be re-questioned by his representative but only on matters arising out of the questions from others.

#### **6.44.Documentary Evidence**

**6.45.**Documentary evidence upon which any party intends to rely shall be submitted to the Case Officer prior to the publication date of the report in order that it may be included with the report to be submitted to the Sub-Committee. A copy of this report will be supplied to both applicants and objectors prior to the hearing.

**6.46.**Any document submitted to the Case Officer after the report has been published and on which one party wishes to rely shall be the subject of the following procedure before it may be taken into account by the Sub-Committee in reaching its decision:

- (a) The document must be shown to all the other parties to the hearing wherever possible before the hearing commences.
- (b) The party wishing to rely on the document shall be asked to explain why the document was not submitted in advance and may make any representations as to why it should be taken into account by the Sub-Committee in reaching its decision.
- (c) The other party or parties to the hearing shall indicate whether, because of its late submission, they have any objection to the Sub-Committee taking the document into account in reaching its decision.
- (d) The Sub-Committee may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.

- (e) Taking into account its power to grant an adjournment (including the possible delay and cost caused thereby) and any representations or objections made by the parties, the Sub-Committee shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

**Note:** At least 8 copies should be provided of any document that is to be submitted at the meeting.

#### **6.47.Video Evidence**

**6.48.**If one of the parties wishes to show video evidence at the hearing the Case Officer should be advised prior to the publication of the report. At least one copy of the video evidence shall be supplied to the Case Officer so that the opposing party or parties may have the opportunity to view the evidence in advance of the hearing. Provided the appropriate notice has been given the Council will normally provide the necessary viewing equipment.

**6.49.**At the hearing the Chairman will establish whether any party objects to the video being shown. If an objection is raised then the parties concerned should give their reasons for and against the proposed showing of the video. The Legal Advisor to the Sub-Committee may also give advice before the Sub-Committee decides whether or not to see the video evidence.

#### **6.50.Waiver of Rules**

**6.51.**In any particular case, any of these rules may be waived, altered or modified by the Sub-Committee or by an officer of the Council acting under delegated powers.

#### **6.52.Decision**

**6.53.**At the end of a hearing the Chairman may invite the Committee to pass a resolution under Section 12A of the Local Government Act 1972 to exclude the press and public so as to enable the Sub-Committee to deliberate in private. If the resolution is passed the Chairman will announce that the Sub-Committee will retire to another room and will return as soon as possible to announce its decision (which can be reached by majority decision). The Sub-Committee will normally be accompanied by the Committee Officer and the Legal and Policy advisers but the decision shall be arrived at by Members of the Sub-Committee only.

**6.54.**The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to revoke a licence and if granting or varying a licence, may attach any conditions they consider appropriate.

**6.55.**Where the Sub-Committee decide to refuse the application, they may do so on any of the following grounds:

- (a) that the applicant for a new, renewal or transfer application is unsuitable to hold the licence by reason of having been convicted of an 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) for new or renewal applications, 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;
- (d) for new or renewal applications, that the grant 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.

#### **6.56. Notification of the decision**

**6.57.**The Chairman will announce the Sub-Committee's decision together with reasons in public at the end of the hearing. This decision will then be communicated in writing to the parties as soon as possible after the hearing. Where the application was granted, the Case Officer will issue the appropriate sex establishment licence.

**6.58.**The applicant will also receive a copy of the standard conditions relating to sex establishments. These conditions apply to all issued licences.

**6.59.**The Operator must be experienced to operate the type of sex establishment in question.

The operator understands the general conditions, and has a management structure that will deliver compliance with the operating conditions. The operator will need to satisfy the Authority that s/he can be relied upon to act in the best interest of the performers, in how they are remunerated and or application of financial penalties, the facilities available to them on site, how they are protected and how their physical welfare is monitored.

#### **6.60. Standard Conditions**

- A copy of the Sex Establishment Licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises, the toilets and the changing rooms.
- A written Code of Conduct for the performers and written Code of Conduct for customers, this should reflect a zero tolerance on customers/performers who break the rules of conduct. The policy must also state that any assaults that take place on staff will be reported to the police, whether or not the victim wishes to press charges
- No person under 18 years of age to enter the premises.
- All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the premises.
- No person under 18 years of age is to be employed in the business of the establishment.
- The licensee must take steps to ensure that any performers are registered at the start of their work, and a list of all staff in attendance per day is to be kept and made available on request to officers of the Council or the police.
- There shall be a 1 metre rule distance between the dancer and the customer at all times : The only physical contact permitted between customers and performers is:
  - the placing of money in a garter worn by a performer or in the performer's hand at the conclusion of a performance.
  - a brief handshake at the beginning or end of a performance.
  - a kiss by the performer on the customer's cheek after the performer has replaced her clothing at the end of a performance.
  - A notice repeating the precise wording of the above conditions shall be displayed at the entrance of the premises, at each table and in each bar area.
- All transactions should be receipted, this includes dances undertaken.
- The Licence holder must have a suitable level of public liability insurance.
- Monthly meetings to discuss rules, changes with the performers and other members of staff.
- At all entrances there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to all persons under 18 years of age.
- The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any

statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.

- The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.
- All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.
- The Licensee or a responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.
- No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.
- The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.
- The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.
- No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.
- A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.
- The Licensee shall immediately notify the Council if he intends to cease trading from the premises.
- The Licensee shall inform the Council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.

- The Licensee shall not in the conduct of the business employ any person:-
  - Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;
  - Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;
  - The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.
- The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under:
  1. The Obscene Publications Act, 1959,
  2. The Protection of Children Act, 1978, or
  3. The Customs and Excise Management Act, 1979
- The windows of the premises must be such that there is no view from outside into the interior of the premises and no window display is to be permitted.
- A lobby area is to be installed with double doors so restricting the view into the premises when patrons are entering and leaving
- A sex shop shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours
- CCTV is to be installed, operated and maintained to a standard agreed with by the Police and the Licensing Authority. The system is to include 31 day imaging storage and be available for inspection in accordance with the Police's requirement.
- All goods to be discreetly wrapped before leaving the premises- sex shops only.
- No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures this does not apply to a premises licensed as a sex cinema.
- Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.
- There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.
- Any striptease entertainment must only be provided on a designated stage area, adjacent to tables where customers are seated and adjacent to the bar.
- Performances of striptease / lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.
- No performer shall make physical contact with the breasts and / or genitalia of any other performer during a performance nor shall

there be performances or demonstrations of simulated sex or related activities.

- When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience. Nudity shall only be permitted by performers and not by customers
- It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.
- The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person.
- No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises
- The licensee shall ensure that no music played in connection with the licensed activity is audible at or within the site boundary of any residential premises.

## 7. Appeals

### 7.1. There is no right of appeal

- against refusal of licence on the grounds set out in paragraph 3.1 & 3.2 above, unless an applicant can prove the appropriate ground of refusal does not apply to them
- where refusal of licence is based on the grounds set out in paragraph 3.1 (c) and (d) above
- against conditions applied to a licence

### 7.2. Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

### 7.3. Where an appeal is lodged (other than on grounds stated at paragraph (7.1) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

### 7.4. Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 apply:

**Article 1** – Every person is entitled to the peaceful enjoyment of his or Her possessions including the possession of licence and shall not be



deprived of the possession except in the public interest.

**Article 6** – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

### **Article 10**

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

## **8. Review of consultation**

- 8.1. In developing the Policy for the three kinds of sex establishment (sex shop, sex cinema and sex entertainment venue), the Council has had regard to Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, as amended by the Policing and Crime Act 2009. The draft Policy was approved for consultation by Licensing Committee on 19th July 2010. It is subject to change dependant upon any relevant government guidance and secondary legislation that may be issued.
- 8.2. The Council recognises the important role that regulatory authorities, the licensed trade, residents, businesses and other stakeholders have to play in influencing this Policy. It therefore intends to take a wide range of views on the Policy as part of its consultation which takes place over a twelve week period before finalising and publishing the Policy. Any frivolous / vexatious representations received will not be considered.
- 8.3. Consultation on this Policy will take place with:
- the Chief Officer of Police for the London Borough of Haringey
  - one or more persons who appear to the authority to represent the interests of persons carrying on sex establishment businesses in general
- and
- one or more persons who appear to the authority to represent the

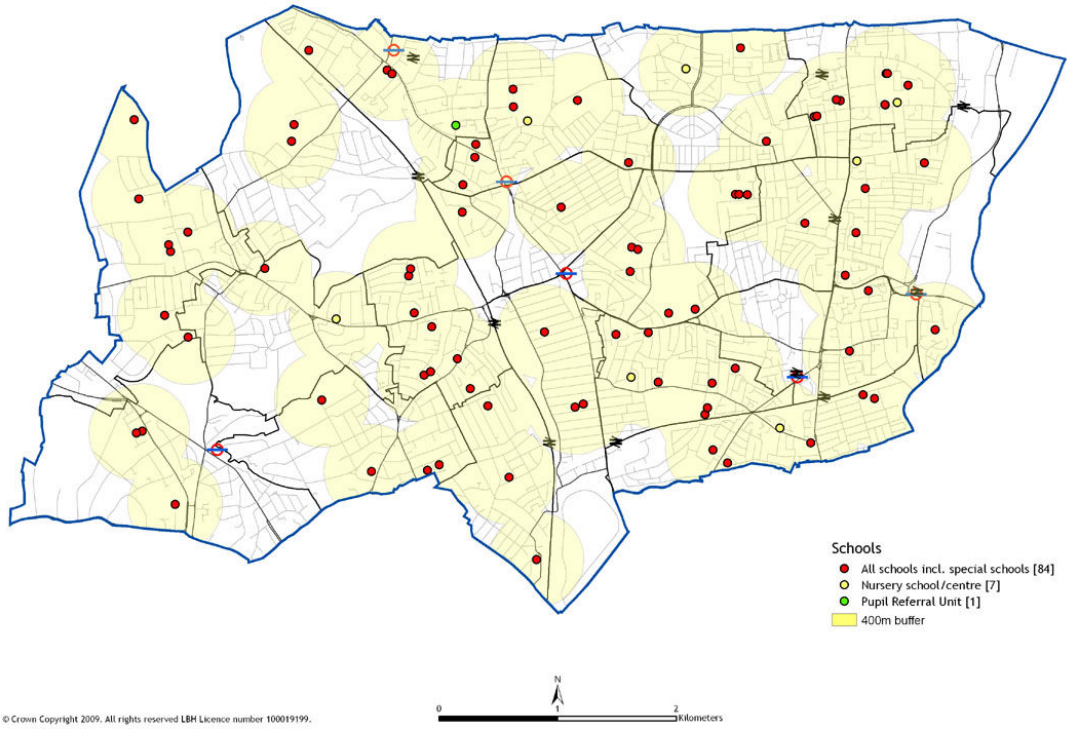
interests of persons who are likely to be affected by or otherwise have an interest in the Policy. This includes but is not limited to:

- a) regulatory authorities such as the fire authority, community safety and child protection
- b) interested parties such as resident associations and trade associations.

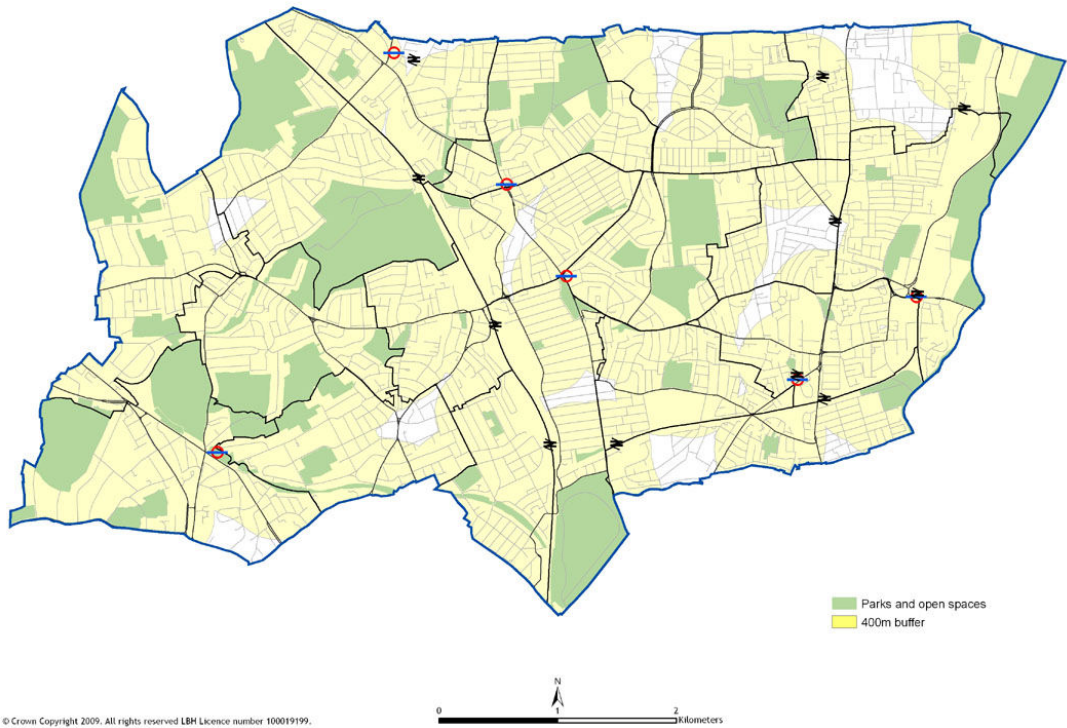
- 8.4. The Licensing Authority will give due weight to the views of those consulted and amend the Policy where appropriate following responses received. In determining what weight to give particular representations, the factors to be taken into account will include:
  - who is making the representation (what is their expertise or interest)
  - what their motivation may be for their views
  - how many other people have expressed the same or similar views
  - how far representations relate to matters the Council should include in its Policy.
- 8.5. The full list of consultees, comments made and their consideration by the Council is available on request from the Licensing Team or by email to [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk).
- 8.6. The Policy will be published via the Licensing website [www.haringey.gov.uk/licensing](http://www.haringey.gov.uk/licensing). Hard copies will be available upon request from the Licensing Team.
- 8.7. Should you have any comments regarding this Policy, please send them via email or letter to the Licensing Team
- 8.8. Once adopted, the Council may review the Policy from time to time as it deems appropriate.

## **9. Maps of Haringey**

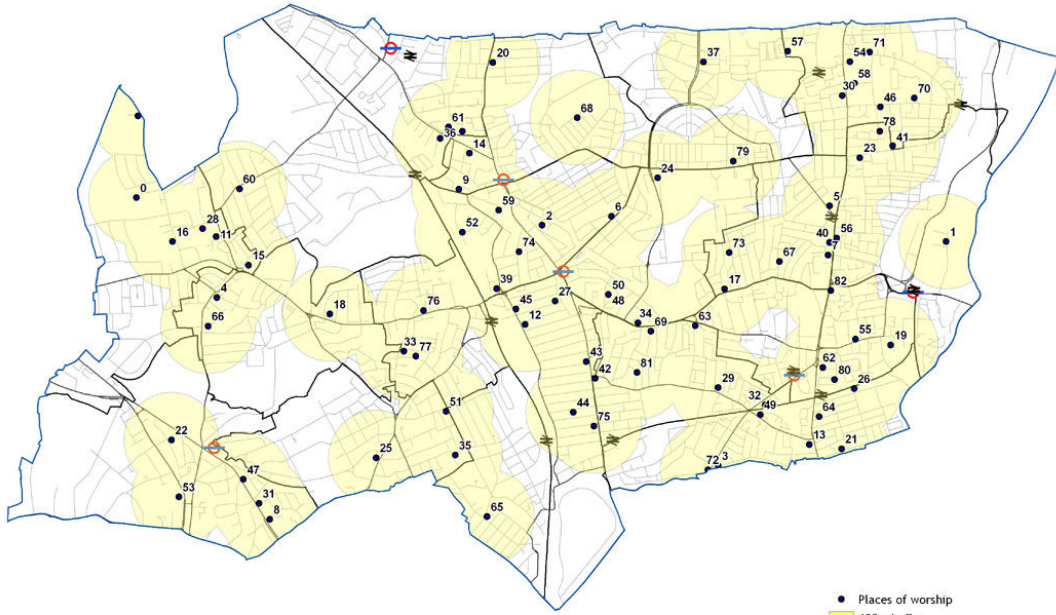
### **9.1. Map 1 – All schools**



## 9.2. Map 2 – green/ open spaces



## 9.3. Map 3 – Places of Worship



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