

LONDON BOROUGH OF TOWER HAMLETS

DRAFT SEX ESTABLISHMENT LICENSING POLICY

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FOREWORD

Lead Member – Cleaner Safer

(To be drafted)

1.0 Introduction

1.1 This document sets out the London Borough of Tower Hamlets Council's draft policy (the "Policy") regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 This document relates to applications for sex establishment licences covering:

- sex 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.

1.3 The Council adopted the Act on [insert date of adoption].

2.0 Review and Consultation

2.1 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 (insert date)). It is subject to change dependent upon any relevant government guidance and secondary legislation that may be issued).

2.2 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.

2.3 Consultation on this Policy will take place with:

- the Chief Officer of Police for the London Borough of Tower Hamlets
- one or more persons who appear to the authority to represent the interests of persons carrying on sex establishment businesses in the authority's area 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:-
 - regulatory authorities such as the fire authority
 - community safety and child protection
 - interested parties such as resident associations and trade associations.

2.4 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.
- 2.5 The full list of consultees, comments made and their consideration by the Council is available on request from the Licensing Service or by email to licensing@towerhamlets.gov.uk.
- 2.6 The Policy will be published via the Council's website www.towerhamlets.gov.uk. Hard copies will be available upon request from the Licensing Service.
- 2.7 If anyone wishes to comment regarding this Policy, please send them via email or letter to the Licensing Service:

THE DRAFT SEX ESTABLISHMENT LICENSING POLICY
Licensing Service
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

- 2.8 Once adopted, the Council may review the Policy from time to time as it deems appropriate.
- 2.9 Working with its partners the Council will continue to ensure that it reasonably and proportionately reflects the needs of its local communities through:-
- continued meaningful consultation
 - the promotion of a consistent and fair approach to regulation
 - consultation with the police and other agencies as appropriate, to establish protocols for effective enforcement

3.0 Definitions

- 3.1 The Act - This refers to Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 (as amended by the Policing and Crime Act 2009).
- 3.2 The Policy - Draft sex establishment licensing policy.
- 3.3 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.

- 3.4 The Council - This means the London Borough of Tower Hamlets.
- 3.5 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
- 3.6 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.
- 3.7 The Organiser - This is any person who is responsible for the organisation or management of the relevant entertainment or the premises.
- 3.8 Permitted hours - **These** are the hours of activity and operation that have been authorised under a sex establishment licence.
- 3.9 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.
- 3.10 Sex Establishment – A Sex Establishment is a Sex Cinema, Sexual Entertainment Venue or Sex Shop.
- 3.11 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.
- 3.12 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.

- 3.13 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.

4.0 Policy Considerations

4.1 Background

4.1.1 The overriding aim of Tower Hamlets is to improve the life prospects of its citizens by creating inward investment, improving the nature and quality of the public realm, changing the perception of the borough as run down and deprived, and improving the nature, quality and quantity of jobs in the borough. While this overarching aim is borough wide, its application is in each and every locality in Tower Hamlets.

4.1.2 In achieving these goals, 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.

4.1.3 This Policy has therefore had regard to:-

- Community Strategy Plan 2008 -2020
- Tower Hamlets Local Area Agreement
- Stronger and Safer Communities Strategy
- Tower Hamlets Enforcement Policy
- Tower Hamlets Cultural Strategy
- Tower Hamlets Core Strategy
- Tower Hamlets Town Centre Spatial Strategy
- The Human Rights Act 1998
- The Disability Discrimination Act 1995
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003)
- Tower Hamlets' Statement of Licensing Policy (Gambling Act 2005)

4.1.4 In devising this policy, consideration has also been given to underlying statistics and trends regarding Tower Hamlets and the key challenges they present, and to associated plans and policies to address these challenges within the Borough. While this policy has been determined on a locality by locality basis, the matters set out in this section affect all localities in the borough to a greater or lesser extent.

4.2 Demographics

4.2.1 The area of the borough is 19.77 square kilometres, making Tower Hamlets the 6th smallest London borough.

- 4.2.2 The resident population in the 2001 census was 196,106. By 2007 this had grown to 215,300 (ONS mid-2007 population estimates). This rate of growth was 17.9%, which was the second largest rate for all of the London boroughs. The 2009 estimate of population is 234,828 (Mayhew Harper Associates Limited.)
- 4.2.3 The Greater London authority expects the acceleration to continue, so that by 2026 the population will be over 300,000, representing a rate of population growth of 2% each year, nearly three times the rate of growth for London as a whole.
- 4.2.4 The small size of the borough and the size of the population means that the residential density of the borough is very high. In fact on average there are 11,900 people living in each square kilometre within the borough. This is the third highest residential density of all boroughs in England. The effect is that, all things being equal, any prospective sex establishment is likely to have a relatively large number of residents living in close proximity to it.
- 4.2.5 The small size of the borough relative to its population means that community facilities such as schools and places of worship, are situated close to each other and to the residential populations they serve. This also means that, all things being equal, any sex establishment is likely to have a community facility in relatively close proximity
- 4.2.6 The strong growth in population expected over the next decade, together with the growth of community facilities which must accompany such growth, mean that the issues of density will increase markedly in coming years. The Council intends to lay the foundations for such growth now by working to produce a step change in the character and quality of the urban realm in each locality in Tower Hamlets.

4.3 Ethnicity

- 4.3.1 Tower Hamlets is a multi-ethnic community, with 56% of the population being from non-white British ethnic groups, with about 34% being Bangladeshi, and 110 different languages being spoken by schoolchildren in the borough.
- 4.3.2 Sex establishments are unlikely to be used, or viewed, equally by all ethnic groups, but the Council must take account of the views of those who oppose such establishments in tightly knit, diverse residential communities.

4.4 Deprivation

- 4.4.1 Tower Hamlets ranks as the third most deprived borough in England, calculated on a range of measures of deprivation. (The English Indices of Deprivation.) Within the borough, 53% of children live on unemployment benefits (End Child Poverty.) The employment rate for the working age population in the Borough is 58.6% compared with the London average of 69.8% and the English average of 74.3%. The rate of unemployment in Tower Hamlets is 14.5%, the second worst unemployment rate in Great Britain.
- 4.4.2 The Council believes that it is key to effecting a step change in the economic performance of the borough that the character of all localities in the borough is continuously improved and that features which may be seen as impediments or disincentives to local investment are removed.

4.5 Canary Wharf

- 4.5.1 Despite the poverty and overcrowding within Tower Hamlets, the borough also accommodates one of the most important financial and business centres in the United Kingdom at Canary Wharf. The Council considers it vital for the economic performance of the borough that the character of Canary Wharf as a high-end business hub be preserved and enhanced.

4.6 Policy response

- 4.6.1 The Council has responded to the challenges described above in formulating its key strategic plans and priorities for the Borough.
- 4.6.2 Of prime importance is the Tower Hamlets 2008 – 2020 Community Plan, developed by the Tower Hamlets Partnership and adopted by the Council in 2008 after an extensive consultation process, with local residents, local business groups and individuals, and organisations reflecting the diversity of communities.
- 4.6.3 Looking forward to 2020, the aim of the Community Plan is to improve the quality of life for everyone who lives and works in the borough.
- 4.6.4 The aspiration of “One Tower Hamlets” runs throughout the Community Plan. One Tower Hamlets is about reducing inequalities and poverty, strengthening cohesion and making sure communities live well together.

4.6.5 Included as issues that emerged as significant priorities were the following: -

- a) Concern about the level of crime and fear of crime
- b) The importance of retaining the rich diversity of Tower Hamlets.
- c) The importance of place-shaping and ensuring connected and cohesive communities through planning and design
- d) The need to have and encourage respect among communities

4.6.6 The Council's vision is to achieve balanced, sustainable communities and neighbourhoods to enable a good quality of life for all. In consultation with its partners it has developed and adopted a number of strategies, policies and plans that set out how we mean to achieve this vision.

4.6.7 The Council's Core Strategy and Town Centre Spatial Strategy are key tools to realise the vision of the Community Plan. It is a 15 year plan which will shape what the Borough will look like. Key to this is the reinvention of the East End's historic hamlets or places. It is perceived that the Borough would benefit from the development of these town centres / places. The aim is to reinvent, strengthen and transform the places that make Tower Hamlets unique. The aim is also to ensure that the Borough will continue to be a place for diverse communities whilst also building on its strategic importance as a unique part of Inner London.

4.6.8 The Council aims to integrate this Policy with the objectives of the Community Plan and the Core Strategy so that it contributes to achieving the vision of the borough. While each locality and application must be considered on its merits, the Council does not consider that the presence of sex establishments tend to further those objectives. The provision of sex establishments is considered by this Council to contradict and undermine its stated aims and exacerbate the challenges it faces in bringing about

- Improving quality of life
- Reducing inequalities and poverty
- Strengthening community cohesion
- Ensuring communities live well together

5 The appropriate number of sex establishments

5.1 In formulating this policy for the appropriate number of sex establishments for each locality in the Borough, the Council has divided the Borough into 23 localities as set out in Map 1. The average size of each locality is 0.85 sq. km.

5.2 The Council has taken account of:

- a. The Council's plans and proposals to improve the character and attractiveness of localities within the Borough so as to make them more attractive places to live, work and invest.
- b. The dispersal of housing throughout the localities in the Borough, as shown on Map 3, so that any sex establishment would be likely to be in proximity to such a facility.
- c. The rapidly increasing residential density of the Borough.
- d. The deprivation of the residential communities in the Borough;
- e. The dispersal of facilities for children, including schools, playgroups and children's centres throughout the localities in the Borough, as shown on Maps 6 and 7, so that any sex establishment would be likely to be in proximity to such a facility.
- f. The dispersal of places of worship throughout the localities in the Borough, as shown on Map 8, so that any sex establishment would be likely to be in proximity to such a facility.
- g. The dispersal of premises attracting vulnerable people such as GP surgeries, health centres, hospitals and dentists, as shown on Map 9, so that sex establishments are likely to be in proximity to such facilities.
- h. Areas and premises attracting families such as leisure and sport facilities and play spaces and play path finders, parks and open spaces, as shown on Map 1, so that sex establishments are likely to be in proximity to such facilities.
- i. The diversity of the residential population and the aim of improving community cohesion.
- j. In the case of Canary Wharf, the special needs of that locality as a high grade business area.
- k. The aim of gender equality, with particular reference to reducing the fear of crime among women and community attitudes to sex establishments.

5.3 The Council has also taken into account the review of striptease in the Borough carried out in 2008 by the Overview and Scrutiny Committee Working Group. An extensive consultation process was carried out and there was an overwhelming response that striptease had an adverse impact on neighbourhoods and that the Council should do all it could to restrict this type of activity.

5.4 Without prejudice to the above, it is the Council's view that having regard to each locality and recognising that because of the mix of uses, the character of the individual localities, the strategic vision of the Council and the existing locations of particular types of premises in those wards, it would be inappropriate for sex establishments to be located in the individual localities.

5.5 Further, 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.

5.6 For these reasons, the Council has set a limit on the number of sex establishments that it thinks is appropriate for its locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments for each locality is as follows:

Place	Appropriate Number
Shoreditch	Nil
Bethnal Green	Nil
Globe Town	Nil
Victoria Park	Nil
Fish Island	Nil
Spitalfields	Nil
Whitechapel	Nil
Stepney	Nil
Mile End	Nil
Bromley by Bow	Nil
Aldgate	Nil
Shadwell	Nil
Limehouse	Nil
Bow Common	Nil
Poplar	Nil
Poplar Riverside	Nil
Tower of London and St Katherine Docks	Nil
Wapping	Nil
Canary Wharf	Nil
Blackwall	Nil
Leamouth	Nil
Millwall	Nil
Cubitt Town	Nil

5.7 While each case will be decided on its own individual merits, the Council intends that the nil policy will be strictly applied.

5.8 In formulating this policy, the Council has given particular consideration to the fact that there are existing sex establishments in the Borough some of which have been trading for considerable periods of time without complaint. The Council has also had due regard to the human rights of such traders. Nevertheless, in light of the public interest in, and the reasons for having this policy, the fact that an application relates to an existing trader against whom there has been no previous complaint is unlikely to be considered a reason for applying an exception to the policy.

6.0 General Policy

6.1 Principles to be applied

- 6.1.1 The policies in this section are to be read subject to the nil policy set out in Section 5.
- 6.1.2 Every application will be considered on its merits on a case by case basis in determining applications to grant, refuse, renew, transfer or vary a licence.
- 6.1.3 The applicant must effectively address the policies on the appropriate number and the character of the relevant locality before the application is considered.
- 6.1.4 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.
- 6.1.5 The Council shall have regard to all relevant considerations, including any representations received and comments made by:-
- Ward Councillors
 - Police
 - Fire Brigade
 - Planning
 - Environmental Health – Environmental Protection
 - Environmental Health Commercial
 - Community Safety
 - Licensing Authority
 - Interested Parties (local residents / businesses)
 - Any representations made by the applicant.

6.2 Mandatory grounds

- 6.2.1 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 an EEA state, or has not been resident for six months prior to the making of an application
 - e) to a company not incorporated in an EEA state.
- 6.2.2 In considering whether a mandatory ground for refusal applies, the Council will carry out appropriate investigations, including through the application form and applicant interviews.

6.3 Discretionary grounds

6.3.1 The Council may 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 place / 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.

6.3.2 In determining the suitability of the applicant and others, the Council shall normally take into account:-

- a. previous knowledge and experience;
- b. any evidence of the operation of any existing / previous licence, including any licence held in any other borough
- c. any reports about the applicant, beneficiaries and management of the premises received from objectors or the Police and any criminal convictions or cautions.

6.3.2 The Council intends positively to investigate such matters, including through the application form and interviews.

6.3.3 The Council's approach to the appropriate number of sex establishments is set out in section 5 above.

6.3.4 In considering the character of the locality, 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.

6.3.4 In considering the vicinity of the premises, 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. Further, 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 200 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. The fact that premises are not within 200 metres of such sensitive uses does not mean that a licence will be awarded. The application must also be judged against all other policies in this plan.

6.3.5 In considering issues of the character of the locality and the vicinity of the premises, the Council may also have regard to the following factors:-

- a) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons
- b) the proximity of educational establishments to the premises
- c) the proximity of places of worship to the premises
- e) access routes to and from schools, play areas, nurseries, children's centres or similar premises
- f) the proximity to shopping centres
- g) 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)
- h) the potential impact of the licensed activity on crime and disorder and public nuisance
- i) 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
- j) the nature and concerns of any objections received from residents/establishments objecting to the licence application.
- k) any evidence of complaints about noise and/or disturbance caused by the premises.
- l) current planning permission/ planning requirements on the premises
- m) any current planning policy considerations
- n) proximity of other sex establishments
- o) whether there is planned regeneration of the area
- p) any current licences related to the premises in relation to activities, uses and hours
- q) comments / observations of the Police and Council Officers, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/ prosecutions pending.

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

6.3.6 All applications for new licences for sex establishments, as described in the Act shall be referred to the Licensing Sub-Committee for decision.

6.4 Renewal Applications

6.4.1 When considering a renewal application then, in addition to the policies set out above, the Council may take into account the policies set out above, together with:

- 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

6.4.2 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.

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

6.5 Variation Applications

5.5.1 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 policies set out above.

7.0 The Application Process

7.1 Making an application

7.1.1 Any application should be made in writing to the Licensing Service. At the address:-

***Licensing Service
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY***

7.1.2 The Service contact number is 0207 364 5008.

- 7.1.3 Applications may take 12 weeks to determine. Initial applications for sexual entertainment venues will take longer, because the Council is prohibited from determining them until the Second Appointed Day, which is 6 months after the First Appointed Day (the date the Council adopted the Act).
- 7.1.4 Applicants for a licence must complete and return the application form (which can be provided on request from the Licensing Service) together with:-
- a . 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;
 - b . five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - c . five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 200 metres;
 - d . five sets of plans (scale 1:50) showing the layout of the sex establishment;
 - e . the correct fee as set by the Council
- 7.1.5 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. Notices are available from the Licensing Service. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.
- 7.1.6 Applicants are also required to place a public notice in a local newspaper, which has predominant circulation in the Borough, at their expense. A specimen advertisement is available from the Licensing Service. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 7.1.7 Where applications are made otherwise than electronically, the applicant must send a copy to the chief officer of police not later than 7 days after making the application.
- 7.1.8 Officers from Environmental Health (Commercial) Service 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.
- 7.1.9 As part of the established procedure for dealing with applications, Environmental Health – Environmental Protection Officers are consulted. If there is the possibility of noise nuisance from amplified music or other noise sources, 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.
- 7.1.10 Comments on applications are also sought from local Ward Members, the Police, the Planning and any other relevant service or organisation as deemed appropriate by the Council.

- 7.1.11 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.
- 7.1.12 Any licence approved does not constitute any approval under any other statute or bye-law. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 7.1.13 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.
- 7.1.14 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.

7.2 Renewal of Licences

- 7.2.1 To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence.
- 7.2.2 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.
- 7.2.3 The application form, with relevant plans and fee should be sent to the Licensing Service. Please note that applications for renewals of licence are also subject to the site and newspaper notice requirements and the police notification requirements set out in the above paragraphs 7.1.5, 7.1.6 & 7.1.7.

7.3 Variations

- 7.3.1 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.
- 7.3.2 All variation applications for sex establishment licences must be referred to the Council's Licensing 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.

7.4 Transfer of Licence

7.4.1 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.

7.5 Representations on an Application

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

7.5.2 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.

7.5.3 The Local Government (Miscellaneous Provisions) Act 1982 specifies that the identity and address of an objector shall not be revealed to an applicant without their consent.

7.5.4 However, the general 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 Licensing Sub-Committee may have full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.

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

8.0 Duration of Licence

8.1 Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.

9.0 Appeals

9.1 There is no right of appeal:-

- a) against refusal of licence on the grounds set out in paragraph 5.6 or 6.2.1 above, unless an applicant can prove the appropriate ground of refusal does not apply to them.
- b) where refusal of licence is based on the grounds set out in paragraph 6.3.1(c) and (d) above.

- 9.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision.
- 9.3 Where an appeal is lodged (other than on grounds stated at paragraph 9.1) 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.

Appendix

Locality Maps

Map	Characteristics
<p><u>Map 1</u> Defines Localities / Places in Tower Hamlets</p>	
<p><u>Map 2</u></p> <ul style="list-style-type: none"> • Localities • Land use in the Borough (residential, educational, parks, open spaces, offices, retail, industrial) • Waterways 	Demonstrates the high urban density of the Borough and dispersal of community facilities.
<p><u>Map 3</u></p> <ul style="list-style-type: none"> • Localities • Residential Land use 	Demonstrates the high concentration of residential land use in the Borough. There are varying concentrations of residential land use. There are very few localities/places without residential use.
<p><u>Map 4</u></p> <ul style="list-style-type: none"> • Localities • Current premises that would require Sexual Encounter Establishment Licence • Schools • Children Centres • Places of Worship 	Demonstrates the density of schools and places of worship in the Borough.
<p><u>Map 5</u></p> <ul style="list-style-type: none"> • Localities • Sports and Leisure facilities 	Demonstrates that the sports and leisure facilities are sporadically distributed in the Borough with a concentration around Canary Wharf Isle of Dogs and the west side of the Borough.
<p><u>Map 6</u></p> <ul style="list-style-type: none"> • Localities • Places where play facilities are available 	Demonstrates that play facilities are widely available in the Borough in nearly all localities
<p><u>Map 7</u></p> <ul style="list-style-type: none"> • Localities • Schools • Playgroups • Children Centres 	Demonstrates that for most of the Borough there is a uniform spread of schools and children centres.
<p><u>Map 8</u></p> <ul style="list-style-type: none"> • Localities • Places of Worship 	Demonstrates that there is a variable distribution of Places of worship in the Borough.
<p><u>Map 9</u></p> <ul style="list-style-type: none"> • Localities • Hospitals • Doctors • Dentists 	Demonstrates that for most of the Borough there is a uniform spread of hospitals, doctors and dentists.