

# Appendix 1

**Changes to legislation:** Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 December 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### CONTROL OF SEX ESTABLISHMENTS

##### Modifications etc. (not altering text)

- C1** Sch. 3 applied (24.7.1996) by [City of Westminster Act 1996 \(c. viii\), s. 3\(1\)](#)  
Sch. 3: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1](#)
- C2** Sch. 3: power to apply with amendments (including the insertion of a new Sch. 3 para. 3A) conferred on a borough council (which has resolved, in accordance with s. 2 of this Act, that Sch. 3 shall apply to their area) by [Greater London Council \(General Powers\) Act 1986 \(c. iv\), s. 12\(1\)\(4\)](#) (coming into force in accordance with s. 12(2)(3)); and in Sch. 3 para. 3A, as so applied by a participating council, proviso (ii) is repealed by [London Local Authorities Act 1990 \(c. vii\), ss. 3, 5, 18, Sch. 1](#)
- C3** Sch. 3: power to apply with further amendments (including the insertion of a new Sch. 3 para. 3B) conferred on the City of Westminster and on any other borough council (which has resolved that Sch. 3 shall apply to their area with the amendments contained in [1986 c. iv, s. 12](#)) by [London Local Authorities Act 2007 \(c. ii\), s. 33\(2\)-\(7\)](#) (coming into force in accordance with ss. 1(4), 3, 33(1)) (as modified (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 4\(1\)-\(6\)](#) (with savings in arts. 4(7)-(9))
- C4** Sch. 3: power to apply with the amendments made by [2009 c. 26, s. 27](#) (which amendments would otherwise be excluded) conferred (6.4.2010 for E., 8.5.2010 for W.) on a local authority (where that authority has, before the coming into force of [2009 c. 26, s. 27](#), resolved under s. 2 of this Act that Sch. 3 is to apply to the area of the local authority) by [Policing and Crime Act 2009 \(c. 26\), ss. 27, 116\(4\), Sch. 3 para. 2; S.I. 2010/722, art. 3\(b\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(b\)](#)
- C5** Sch. 3, so far as its provisions have effect by virtue of [1986 c. iv, s. 12](#), is repealed (with savings) (6.4.2010) by [The Policing and Crime Act 2009 \(Consequential Provisions\) \(England\) Order 2010 \(S.I. 2010/723\), arts. 1\(2\), 2\(1\)](#) (with arts. 2(2)-(6))

##### *Saving for existing law*

- 1 Nothing in this Schedule—
- (a) shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Schedule; or
  - (b) shall be taken into account in any way—
    - (i) at a trial for such an offence; or
    - (ii) in proceedings for forfeiture under section 3 of the <sup>M1</sup>Obscene Publications Act 1959 or section 5 of the <sup>M2</sup>Protection of Children Act 1978; or
    - (iii) in proceedings for condemnation under Schedule 3 to the <sup>M3</sup>Customs and Excise Management Act 1979 of goods which section 42 of the <sup>M4</sup>Customs Consolidation Act 1876 prohibits to be imported or brought into the United Kingdom as being indecent or obscene; or

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(c) shall in any way limit the other powers exercisable under any of those Acts.

#### Marginal Citations

- M1** 1959 c. 66.  
**M2** 1978 c. 37.  
**M3** 1979 c. 2.  
**M4** 1876 c. 36.

#### Meaning of “sex establishment”

2 In this Schedule “sex establishment” means a [<sup>F1</sup>sexual entertainment venue,] sex cinema or a sex shop.

#### Textual Amendments

- F1** Words in Sch. 3 para. 2 inserted (E.W.) (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 27\(2\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), [art. 3\(a\)](#) (with [arts. 4-12](#)); [S.I. 2010/1375](#), [art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395](#), [arts. 3-11](#))

#### Meaning of “sexual entertainment venue”

[<sup>F2</sup>2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

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- (4) The relevant national authority may by order amend or repeal sub-paragraph (3)(b).
- (5) But no order under sub-paragraph (4) may—
  - (a) increase the number or length of occasions in any period on which sub-paragraph (3)(b) as originally enacted would permit relevant entertainment to be provided; or
  - (b) provide for shorter intervals between such occasions.
- (6) The relevant national authority may by order provide for descriptions of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of this Schedule.
- (7) Any power of the relevant national authority to make an order under this paragraph—
  - (a) is exercisable by statutory instrument;
  - (b) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
  - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (8) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (12) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- (13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.
- (14) In this paragraph—
  - “audience” includes an audience of one;
  - “display of nudity” means—
    - (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
    - (b) in the case of a man, exposure of his pubic area, genitals or anus;
  - “the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—
    - (a) the relevant entertainment; or
    - (b) the premises;



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“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means—

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.]

#### Textual Amendments

- F2** Sch. 3 para. 2A and cross-heading inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009](#) (c. 26), [ss. 27\(3\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), [art. 3\(a\)](#) (with [arts. 4-12](#)); [S.I. 2010/1375](#), [art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395](#), [arts. 3-11](#))

#### Meaning of “sex cinema”

- 3 (1) In this Schedule, “sex cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; or
  - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,
- but does not include a dwelling-house to which the public is not admitted.
- (2) No premises shall be treated as a sex cinema by reason only—
- [<sup>F3</sup>(a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation]
  - [<sup>F4</sup>(b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of [<sup>F5</sup>the Cinemas Act 1985].]

#### Textual Amendments

- F3** Sch. 3 para. 3(2)(a) substituted (24.11.2005) by [Licensing Act 2003](#) (c. 17), s. 201(2), [Sch. 6 para. 85\(2\)\(a\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056](#), art. 2(2)
- F4** Sch. 3 para. 3(2)(b) substituted by [Cinemas Act 1985](#) (c. 13, SIF 45A), s. 24(1), [Sch. 2 para. 16\(b\)](#)
- F5** Words in Sch. 3 para. 3(2)(b) substituted (24.11.2005) by [Licensing Act 2003](#) (c. 17), s. 201(2), [Sch. 6 para. 85\(2\)\(b\)](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056](#), art. 2(2)

#### Meaning of “sex shop” and “sex article”

- 4 (1) In this Schedule “sex shop” means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

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- (a) sex articles; or
  - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity.
- (2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.
- (3) In this Schedule “sex article” means—
- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; and
  - (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies—
- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - (b) to any recording of vision or sound,
- which—
- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

#### *Miscellaneous definitions*

- 5 (1) In this Schedule—
- “the appropriate authority” means, in relation to any area for which a resolution has been passed under section 2 above, the local authority who passed it;
  - “the chief officer of police”, in relation to any locality, means the chief officer of police for the police area in which the locality is situated; and
  - “vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.
- (2) This Schedule applies to hovercraft as it applies to vessels.

#### **Modifications etc. (not altering text)**

- C6** Sch. 3 para. 5 modified (6.4.2010 for E., 8.5.2010 for W.) by Policing and Crime Act 2009 (c. 26), s. 116(4), Sch. 3 para. 2(4); S.I. 2010/722, art. 3(b) (with arts. 4-12); S.I. 2010/1375, art. 3(b) (with transitional and saving provisions in S.I. 2010/1395, arts. 3-11)

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*Requirement for licences for sex establishments*

- 6 (1) Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.
- (2) Sub-paragraph (1) above does not apply to the sale, supply or demonstration of articles which—
- (a) are manufactured for use primarily for the purposes of birth control; or
  - (b) primarily relate to birth control.
- 7 (1) Any person who—
- (a) uses any premises, vehicle, vessel or stall as a sex establishment; or
  - (b) proposes to do so,
- may apply to the appropriate authority for them to waive the requirement of a licence.
- (2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.
- (3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 10(2) to (5) below and such particulars as the appropriate authority may reasonably require in addition.
- (4) The appropriate authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.
- (5) A waiver may be for such period as the appropriate authority think fit.
- (6) Where the appropriate authority grant an application for a waiver, they shall give the applicant for the waiver notice that they have granted his application.
- (7) The appropriate authority may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

*Grant, renewal and transfer of licences for sex establishments*

- 8 <sup>F6</sup>(1) Subject to <sup>F7</sup>sub-paragraph (2) and] paragraph 12(1) below, the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.
- <sup>F8</sup>(2) No term, condition or restriction may be specified under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005 in respect of the premises, vehicle, vessel or stall.]

**Textual Amendments**

- F6** Sch. 3 para. 8(1): Sch. 3 para. 8 renumbered as Sch. 3 para. 8(1) (1.10.2006) by virtue of [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(a)(i)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

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- F7** Words in Sch. 3 para. 8 inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(a)(ii)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)
- F8** Sch. 3 para. 8(2) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(a)(iii)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)

- 9 (1) Subject to paragraphs 11 and 27 below, any licence under this Schedule shall, unless previously cancelled under paragraph 16 [<sup>F9</sup>or 27A below] or revoked under paragraph 17(1) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.
- (2) Where a licence under this Schedule has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person.

#### Textual Amendments

- F9** Words in Sch. 3 para. 9(1) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(4), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with **arts. 4-12**); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)

- 10 (1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.
- (2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—
- the full name of the applicant;
  - his permanent address; and
  - his age.
- (3) An application made by a body corporate or an unincorporated body shall state—
- the full name of the body;
  - the address of its registered or principal office; and
  - the full names and private addresses of the directors or other persons responsible for its management.
- (4) An application relating to premises shall state the full address of the premises.
- (5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- (6) Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.
- (7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.
- (8) Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.
- (9) The publication shall not be later than 7 days after the date of the application.

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- (10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- (11) Every notice under this paragraph which relates to premises shall identify the premises.
- (12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- (13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.
- [<sup>F10</sup>(14) A copy of an application for the grant, renewal or transfer of a licence under this Schedule shall be sent to the chief officer of police—
  - (a) in a case where the application is made by means of a relevant electronic facility, by the appropriate authority not later than 7 days after the date the application is received by the authority;
  - (b) in any other case, by the applicant not later than 7 days after the date of the application.]
- [<sup>F10</sup>(14A) In sub-paragraph (14) above “relevant electronic facility” means—
  - (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or
  - (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.]
- (15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.
- (16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.
- (17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.
- (18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.
- (19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—
  - (a) before refusing to grant a licence, to the applicant;
  - (b) before refusing to renew a licence, to the holder; and
  - (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.
- (20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall <sup>F11</sup>... give him a statement in writing of the reasons for their decision <sup>F12</sup>....

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### Textual Amendments

- F10** Sch. 3 para. 10(14)(14A) substituted for Sch. 3 para. 10(14) (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), **47(2)** (with regs. 2, 5)
- F11** Words in Sch. 3 para. 10(20) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), **47(3)(a)** (with regs. 2, 5)
- F12** Words in Sch. 3 para. 10(20) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), regs. 1(2), **47(3)(b)** (with regs. 2, 5)

- 11 (1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.
- (2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

### *Refusal of licences*

- 12 (1) A licence under this Schedule shall not be granted—
- (a) to a person under the age of 18; or
  - (b) to a person who is for the time being disqualified under paragraph 17(3) below; or
  - (c) to a person, other than a body corporate, who is not resident in [<sup>F13</sup>the United Kingdom or]<sup>F14</sup>[an EEA state] or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in [<sup>F15</sup>the United Kingdom or]<sup>F14</sup>[an EEA state]; or
  - (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- (2) Subject to paragraph 27 below, the appropriate authority may refuse—
- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;
  - (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
- (a) that the applicant 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;



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- [<sup>F16</sup>(c) that the number of sex establishments, or of 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) that the grant or renewal of the licence would be inappropriate, having regard—
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.
- (5) In this paragraph “the relevant locality” means—
  - (a) in relation to premises, the locality where they are situated; and
  - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

#### Textual Amendments

- F13** Words in Sch. 3 para. 12(1)(c) inserted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, 124; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Sch. 3 para. 12(1)(c)(d) substituted (28.12.2009) by The Provision of Services Regulations 2009 (S.I. 2009/2999), regs. 1(2), 47(4) (with regs. 2, 5)
- F15** Words in Sch. 3 para. 12(1)(d) inserted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, 124; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Sch. 3 para. 12(3)(c) substituted (6.4.2010 for E., 8.5.2010 for W.) by Policing and Crime Act 2009 (c. 26), ss. 27(5), 116(4) (with transitional provisions in Sch. 3); S.I. 2010/722, art. 3(a) (with arts. 4-12); S.I. 2010/1375, art. 3(a) (with transitional and saving provisions in S.I. 2010/1395, arts. 3-11)

#### *Power to prescribe standard conditions*

- 13 (1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred by them.
- [<sup>F17</sup>(1A) No standard condition may be prescribed by regulation under sub-paragraph (1) above in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]
- (2) Regulations under sub-paragraph (1) above may make different provision—
  - (a) for [<sup>F18</sup>sexual entertainment venues,] sex cinemas and sex shops; and
  - (b) for different kinds of [<sup>F19</sup>sexual entertainment venues,] sex cinemas and sex shops.
- (3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—
  - (a) the hours of opening and closing of sex establishments;
  - (b) displays or advertisements on or in such establishments;

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- (c) the visibility of the interior of sex establishments to passersby; and
- [<sup>F20</sup>(d) any change from one kind of sex establishment mentioned in sub-paragraph (2)(a) above to another kind of sex establishment so mentioned.]
- (4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.
- (5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.
- (6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

#### Textual Amendments

- F17** Sch. 3 para. 13(1A) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005 \(S.I. 2005/1541\)](#), art. 1(3), **Sch. 2 para. 26(3)(b)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006 \(S.I. 2006/484\)](#), **arts. 1(1), 2**)
- F18** Words in Sch. 3 para. 13(2)(a) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(a), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)
- F19** Words in Sch. 3 para. 13(2)(b) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(b), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)
- F20** Sch. 3 para. 13(3)(d) substituted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 27(6)(c), 116(4)** (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), **art. 3(a)** (with arts. 4-12); [S.I. 2010/1375](#), **art. 3(a)** (with transitional and saving provisions in [S.I. 2010/1395](#), **arts. 3-11**)

#### *Copies of licences and standard conditions*

- 14 (1) The holder of a licence under this Schedule shall keep exhibited in a suitable place to be specified in the licence a copy of the licence and any regulations made under paragraph 13(1) above which prescribe standard conditions subject to which the licence is held.
- (2) The appropriate authority shall send a copy of any licence granted under this Schedule to the chief officer of police for the area where the sex establishment is situated.

#### *Transmission and cancellation of licences*

- 15 —In the event of the death of the holder of a licence granted under this Schedule, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the appropriate authority may from time to time, on the application of those representatives, extend or further



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extend the period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

- 16 The appropriate authority may, at the written request of the holder of a licence, cancel the licence.

#### *Revocation of licences*

- 17 (1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence—
- (a) on any ground specified in sub-paragraph (1) of paragraph 12 above; or
  - (b) on either of the grounds specified in sub-paragraph (3)(a) and (b) of that paragraph.
- (2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.
- (3) Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

#### *Variation of licences*

- 18 (1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.
- (2) [<sup>F21</sup>Subject to sub-paragraph (4) below,] The appropriate authority—
- (a) may make the variation specified in the application; or
  - (b) may make such variations as they think fit; or
  - (c) may refuse the application.
- (3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.
- [<sup>F22</sup>(4) No variation is to be made under this paragraph in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005.]

#### **Textual Amendments**

- F21** Words in Sch. 3 para. 18(2) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 26(3)(c)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(1), 2**)
- F22** Sch. 3 para. 18(4) inserted (1.10.2006) by [The Regulatory Reform \(Fire Safety\) Order 2005](#) (S.I. 2005/1541), art. 1(3), **Sch. 2 para. 26(3)(d)** (with art. 49) (as amended by [The Regulatory Reform \(Fire Safety\) Subordinate Provisions Order 2006](#) (S.I. 2006/484), **arts. 1(1), 2**)

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### Fees

- 19 An applicant for the grant, [<sup>F23</sup>variation,] renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

#### Textual Amendments

- F23** Word in Sch. 3 para. 19 inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(7\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

#### Modifications etc. (not altering text)

- C7** Sch. 3 para. 19: savings for effects of 2009 c. 26, s. 27(7) (W.) (with application in accordance with art. 3 of the amending S.I.) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\)\(Wales\) Order 2010 \(S.I. 2010/1395\), art. 9\(2\)](#)

### Enforcement

- 20 (1) A person who—
- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above; or
  - (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or
  - (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or
  - (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence,
- shall be guilty of an offence.
- 21 Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.
- 22 (1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to [<sup>F24</sup>a fine].
- (2) A person who, being the holder of a licence under this Schedule, fails without reasonable excuse to comply with paragraph 14(1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F25</sup>level 3 on the standard scale].

#### Textual Amendments

- F24** Words in Sch. 3 para. 22(1) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\), reg. 1\(1\), Sch. 4 para. 11\(2\)](#) (with [reg. 5\(1\)](#))
- F25** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

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#### Modifications etc. (not altering text)

- C8** Sch. 3 para. 22(1): power to amend conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **s. 143(2)(b)** (as added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 48(1)(b)**)

#### *Offences relating to persons under 18*

- 23 (1) A person who, being the holder of a licence for a sex establishment—
- (a) without reasonable excuse knowingly permits a person under 18 years of age to enter the establishment; or
  - (b) employs a person known to him to be under 18 years of age in the business of the establishment,
- shall be guilty of an offence.
- (2) A person guilty of an offence under this paragraph shall be liable on summary conviction to [<sup>F26</sup>a fine] .

#### Textual Amendments

- F26** Words in Sch. 3 para. 23(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 11(3)** (with reg. 5(1))

#### Modifications etc. (not altering text)

- C9** Sch. 3 para. 23(2): power to amend conferred by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **s. 143(2)(m)** (as added by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 48(1)(b)**)

#### *Powers of constables and local authority officers*

<sup>F27</sup>24 .....

#### Textual Amendments

- F27** Sch. 3 para. 24 repealed (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 7 para. 22](#), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

- 25 (1) A constable may, at any reasonable time, enter and inspect any sex establishment in respect of which a licence under this Schedule is for the time being in force, with a view to seeing—
- (i) whether the terms, conditions or restrictions on or subject to which the licence is held are complied with;
  - (ii) whether any person employed in the business of the establishment is disqualified from holding a licence under this Schedule;
  - (iii) whether any person under 18 years of age is in the establishment; and
  - (iv) whether any person under that age is employed in the business of the establishment.
- (2) Subject to sub-paragraph (4) below, a constable may enter and inspect a sex establishment if he has reason to suspect that an offence under paragraph 20, 21 or 23 above has been, is being, or is about to be committed in relation to it.

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- (3) An authorised officer of a local authority may exercise the powers conferred by sub-paragraphs (1) and (2) above in relation to a sex establishment in the local authority's area.
- (4) No power conferred by sub-paragraph (2) above may be exercised by a constable or an authorised officer of a local authority unless he has been authorised to exercise it by a warrant granted by a justice of the peace.
- (5) Where an authorised officer of a local authority exercises any such power, he shall produce his authority if required to do so by the occupier of the premises or the person in charge of the vehicle, vessel or stall in relation to which the power is exercised.
- (6) Any person who without reasonable excuse refuses to permit a constable or an authorised officer of a local authority to exercise any such power shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding [<sup>F28</sup>level 5 on the standard scale].

#### Textual Amendments

**F28** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46

- [<sup>F29</sup>25A(1) A person acting under the authority of a warrant under paragraph 25(4) may seize and remove anything found on the premises concerned that the person reasonably believes could be forfeited under sub-paragraph (4).
- (2) The person who, immediately before the seizure, had custody or control of anything seized under sub-paragraph (1) may request any authorised officer of a local authority who seized it to provide a record of what was seized.
- (3) The authorised officer must provide the record within a reasonable time of the request being made.
- (4) The court by or before which a person is convicted of an offence under paragraph 20 or 23 of this Schedule may order anything—
  - (a) produced to the court; and
  - (b) shown to the satisfaction of the court to relate to the offence;to be forfeited and dealt with in such manner as the court may order.
- (5) But the court may not order the forfeiture of anything under sub-paragraph (4) if it (whether alone or taken together with other things being forfeited which appear to the court to have been in the custody or control of the same person) is worth more than the amount of the maximum fine specified in paragraph 22(1).
- (6) Sub-paragraph (7) applies if a person claiming to be the owner of, or otherwise interested in, anything that may be forfeited applies to be heard by the court.
- (7) The court may not order the forfeiture unless the person has had an opportunity to show why the order should not be made.]

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### Textual Amendments

- F29** Sch. 3 para. 25A inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\), ss. 27\(8\), 116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722, art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375, art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395, arts. 3-11](#))

### Modifications etc. (not altering text)

- C10** Sch. 3 para. 25A: savings for effects of 2009 c. 26, s. 27(8) (W.) (with application in accordance with art. 3 of the amending S.I.) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\), art. 9\(3\)](#)

### *Offences by bodies corporate*

- 26 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of a body corporate are managed by its members sub-paragraph (1) above shall apply to the acts and defaults of a member in connection with his function of management as if he were a director of the body corporate.

### *Appeals*

- 27 (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say—
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
  - (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
  - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
  - (d) a holder of any such licence whose licence is revoked,
- may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to [<sup>F30</sup>a magistrates' court] .
- (2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.
- (3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.
- (4) In this paragraph—
- <sup>F31</sup> ...
- “the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition

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or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

- (5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.
- (6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the <sup>M5</sup>[<sup>F32</sup>Senior Courts Act 1981] for the words "or the Gaming Act 1968" there shall be substituted the words "the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982".
- (7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.
- (8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.
- (9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.
- (10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—
  - (a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
  - (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.
- <sup>F33</sup>(10A) Sub-paragraph (10) does not apply if the grounds for refusing an application for the renewal of a licence are those set out in paragraph 12(3)(c) or (d) of this Schedule.]
- (11) Where—
  - (a) the holder of a licence makes an application under paragraph 18 above; and
  - (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.
- (12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

#### Textual Amendments

- F30** Words in Sch. 3 para. 27(1) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(a\)](#)
- F31** Words in Sch. 3 para. 27(4) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 41\(b\)](#)
- F32** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 11 para. 1\(2\); S.I. 2009/1604, art. 2\(d\)](#)



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- F33** Sch. 3 para. 27(10A) inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 27\(9\)](#), [116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), [art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375](#), [art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395](#), [arts. 3-11](#))

#### Marginal Citations

**M5** [1981 c. 54](#)

#### *Premises which are deemed sexual entertainment venues*

[<sup>F34</sup>27A(1) This paragraph applies if—

- (a) premises are subject to a licence for a sexual entertainment venue; and
- (b) their use would be use as such a venue but for the operation of paragraph 2A(3)(b).

(2) This Schedule applies as if—

- (a) the premises were a sexual entertainment venue; and
- (b) the use or business of the premises was use as, or the business of, such a venue.

(3) But the appropriate authority must cancel the licence if the holder of the licence asks them in writing to do so.

(4) In this paragraph “premises” has the same meaning as in paragraph 2A.]

#### Textual Amendments

- F34** Sch. 3 para. 27A and cross-heading inserted (6.4.2010 for E., 8.5.2010 for W.) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 27\(10\)](#), [116\(4\)](#) (with transitional provisions in [Sch. 3](#)); [S.I. 2010/722](#), [art. 3\(a\)](#) (with arts. 4-12); [S.I. 2010/1375](#), [art. 3\(a\)](#) (with transitional and saving provisions in [S.I. 2010/1395](#), [arts. 3-11](#))

#### *Provisions relating to existing premises*

- 28 (1) Without prejudice to any other enactment it shall be lawful for any person who—
- (a) was using any premises, vehicle, vessel or stall as a sex establishment immediately before the date of the first publication under subsection (2) of section 2 above of a notice of the passing of a resolution under that section by the local authority for the area; and
  - (b) had before the appointed day duly applied to the appropriate authority for a licence for the establishment,
- to continue to use the premises, vehicle, vessel or stall as a sex establishment until the determination of his application.
- (2) In this paragraph and paragraph 29 below “the appointed day”, in relation to any area, means the day specified in the resolution passed under section 2 above as the date upon which this Schedule is to come into force in that area.

#### Modifications etc. (not altering text)

- C11** Sch. 3 para. 28 excluded (W.) (4.5.2010) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\)](#), arts. 3, 4

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- 29 (1) This paragraph applies to an application for the grant of a licence under this Schedule made before the appointed day.
- (2) A local authority shall not consider any application to which this paragraph applies before the appointed day.
- (3) A local authority shall not grant any application to which this paragraph applies until they have considered all such applications.
- (4) In considering which of several applications to which this paragraph applies should be granted a local authority shall give preference over other applicants to any applicant who satisfies them—
- (a) that he is using the premises, vehicle, vessel or stall to which the application relates as a sex establishment; and
  - (b) that some person was using the premises, vehicle, vessel or stall as a sex establishment on 22nd December 1981; and
  - (c) that—
    - (i) he is that person; or
    - (ii) he is a successor of that person in the business or activity which was being carried on there on that date.

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**Modifications etc. (not altering text)**

**C12** Sch. 3 para. 29 excluded (W.) (4.5.2010) by [The Policing and Crime Act 2009 \(Transitional and Saving Provisions\) \(Wales\) Order 2010 \(S.I. 2010/1395\)](#), arts. 3, 4

*Commencement of Schedule*

- 30 (1) So far as it relates to sex cinemas, this Schedule shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and accordingly, until the day so appointed, this Schedule shall have effect—
- (a) with the omission—
    - (i) of paragraph 3 above; and
    - (ii) of paragraph 13(3)(d) above;
  - (b) as if any reference to a sex establishment were a reference only to a sex shop; and
  - (c) as if for paragraphs (a) and (b) of paragraph 13(2) above there were substituted the words “for different kinds of sex shops”.
- (2) Subject to sub-paragraph (1) above, this Schedule shall come into force on the day on which this Act is passed.
- (3) Where, in relation to any area, the day appointed under sub-paragraph (1) above falls after the day specified in a resolution passed under section 2 above as the day upon which this Schedule is to come into force in that area, the day so appointed shall, for the purposes of paragraphs 28 and 29 above, be the appointed day in relation to sex cinemas in the area.

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**Subordinate Legislation Made**

**P1** Sch. 3 para. 30(1): 13.10.1982 appointed by [S.I. 1982/1119](#), art. 2



**Changes to legislation:**

Local Government (Miscellaneous Provisions) Act 1982, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 December 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Sch. 3 para. 1(b)(ii) words substituted by [2006 c. 48 Sch. 14 para. 7](#)

# Appendix 2



## Application for the Grant, Renewal, Transfer or Variation of a Sexual Entertainment Venue Licence

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

**Part one of this form is open to inspection by the press and public**

**Please read the following instructions first**

Before completing this form please read the associated guidance notes. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. Please complete all sections or the application will be deemed incomplete and returned to the applicant.

**Applicants are warned that any person who, in connection with the grant, renewal, transfer or variation of a sexual entertainment licence, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.**

**Applicants are required to complete part one and part two of the application form, and provide any other documents listed in the form.**

You may wish to keep a copy of the completed form for your records.

### Part One: Details of Application

#### Section A: Type of Application

Please specify what type of application you are making:

☒ **New**      ☐ **Renewal**      ☐ **Variation**      ☐ **Transfer**

**Licence Number (if applicable):**

#### Section B: Premises to be licensed

Is the application in respect of (tick as appropriate):

**Premises** ☒      **Vehicle** ☐      **Vessel** ☐      **Stall** ☐

Trading name and full postal address of premises to be licensed  
(If this application is in respect of a Vehicle, Vessel or Stall, then the location where it will be used)

Name: E1 (Studio Spaces Ltd),  
Address: 110 Pennington Street,

Post Town	London	Postcode	E1W 2BB
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Premises E-mail address info@e1ldn.co	Premises contact telephone number(s) N/A
------------------------------------------	---------------------------------------------

### Section C: Applicant Details

Please state whether you are applying for a premises licence as

- |                                 |                                                             |
|---------------------------------|-------------------------------------------------------------|
| a) an individual or individuals | <input type="checkbox"/> please complete box (1)            |
| b) a limited company            | <input checked="" type="checkbox"/> please complete box (2) |
| c) a partnership                | <input type="checkbox"/> please complete box (2)            |
| d) other                        | <input type="checkbox"/> please complete box (2)            |

#### (1): First Individual Applicant Details

MR <input checked="" type="checkbox"/>	MRS <input type="checkbox"/>	MISS <input type="checkbox"/>	MS <input type="checkbox"/>	Other
First names <b>JACK OLIVER</b>		Surname <b>HENRY</b>		
Address		Please do not complete if this is a private residential address – This information is provided in Part 2		
Age of applicant		Over 18: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

#### (1): Second Individual Applicant Details (Insert further pages if necessary for more than 2 applicants)

MR <input type="checkbox"/>	MRS <input type="checkbox"/>	MISS <input type="checkbox"/>	MS <input type="checkbox"/>	Other
First names		Surname		
Address		Please do not complete if this is a private residential address – This information is provided in Part 2		
Age of applicant		Over 18: Yes <input type="checkbox"/> No <input type="checkbox"/>		

#### (2): Other Applicant Details

Name			
Registered number			
Description of applicant			
Registered Address			
Post Town		Postcode	

#### Section D: Premises Details

1. What is the nature of the applicant's interest in the premises (please tick as appropriate)

- a) Freehold ☐  
b) Leasehold ☒

2. If the applicant's interest in the premises is a leasehold one, please state whether it is a:

- a) head lease ☒  
b) sub lease ☐

3. the name and full address of the landlord (if applicable)

Andrew Watson, [REDACTED]

4. the name and full address of the superior landlord (if applicable)

5. Is the whole of the premises to be used under the licence?

- a) Yes ☒  
b) No ☐

6. If "no" please state which part of the premises is to be used for the purpose of the licence:

- a) the use to which the remainder of the premises is put  
  
b) the name(s) of those who are responsible for the management of the remainder of the premises

7. Is the premises to be used for the purposes of the licence, so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

- a) Yes ☒  
b) No ☐

If "No" please state the applicant's proposals for affording such access

7. Is the premises, vehicle, vessel or stall which is to be used for the purposes of the licence, in use as a sex establishment at the date of this application?

- a) Yes ☐  
b) **No** ☒

If the answer is "Yes", please state the name and full address of the person(s) or body who operated the premises, vehicle, vessel or stall as a sex establishment at the date of this application, and the date (where known) the premises, vehicle, vessel or stall was first used as such

If the answer is "No" please state the purpose(s) it is currently being used for

**NIGHTCLUB AND EVENT SPACE**

#### Section E: Current Licences

1. Is the Premises licensed under any other Act (e.g. the Licensing Act 2003)?

- a) Yes ☒  
b) No ☐

2. If yes, please provide details of the licence(s), including the name of the Licence Holder and any Designated Premises Supervisor

Yuval Hen [REDACTED]

## Section F: Business Details

*Each person named in this section will need to complete Part 2 of the application – Personal Details Form*

1. Under what name will the business be trading?  
Studio Spaces Limited

2. If the applicant is a company or other corporate body, please give the names of the applicants directors and company secretary:

ARUSH, Oren  
BENARI, Gadi  
HEN, Yuval

Use additional sheets to continue if necessary

2. Is the whole of the business owned by the applicant, and the applicant does not share the profits of the business with any other person or body?

- a) Yes ☐  
b) No ☒

If the answer is "No", please state the name(s) of those who will share in the profits of the business. In each case, please state the percentage share of the profits to be taken by each person or body involved in the ownership of the business

Name	Percentage share
Alpha Blue Limited	100%

Use additional sheets to continue if necessary

### Section G: Advertising Details

*When considering types of advertising in this section, please refer to the Councils Standard Conditions on Touting for Business and Premises Appearance, which are attached to the Sex Establishment Policy*

1. What advertisement(s) or display(s) are to be exhibited on the exterior of the premises?

Non, events will be direct marketed via social media and other on line platforms.

2. Please state the size(s) of any advertisement(s) or display(s) mentioned in the above question

Not applicable

3. Please state any proposals for solicitation of the business in public areas. E.g. fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles

Not applicable



## Section H: Operation of the Premises

1. Please state the proposed opening times of the premises, vehicle, vessel or stall:  
(Gives times in a 24h clock format)

Day	Opening	Closing
Monday	08:00	07:00
Tuesday.....	08:00	07:00
Wednesday.....	08:00	07:00
Thursday .....	08:00	07:00
Friday .....	08:00	07:00
Saturday .....	08:00	07:00
Sunday.....	08:00	07:00

2. What means are to be taken to prevent the interior of the premises, vehicle, vessel or stall for which the licence is sought from being visible to passers-by?

All external windows are covered so there is no visibility from outside.

3. Have you read and understood the Councils standard conditions for sexual entertainment venues?

- a) Yes ☒
- b) No ☐

4. Are you able to comply with the Councils standard conditions for sexual entertainment venues?

- a) Yes ☒
- b) No ☐

If no, please give the reasons why not:

5. Please give details of any additional conditions you would like to propose, or conditions you like to amend or remove. The Council will expect applicants to address the following factors:

- a) Preventing nuisance to residents and businesses in the vicinity
- b) Public safety
- c) Preventing crime and disorder
- d) Protecting children from harm
- e) Procedures for checking employees age and right to work in the UK
- f) Procedures for training of all staff in the Code of Conduct for Dancers, and for compliance with licence conditions and requirements
- g) Procedures for notifying customers of the Dancers code of conduct
- h) System for monitoring compliance with the venues policy for welfare of dancers

#### Proposed Operating Conditions

##### CCTV

The licensee shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall as a minimum continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be provided with the absolute minimum of delay upon the request of Police or authorised council officer throughout the preceding 31 day period (subject to the prevailing data protection laws).

No less than one member of staff who is able to operate the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide the police or authorised council officer copies of recent CCTV images or data recording (subject to the prevailing data protection laws) with the absolute minimum of delay when requested.

[See existing premises licence Annex 2/Condition 15, and also Annex3/Conditions 4 & 5]

##### Risk Assessment

Risk Assessment as existing condition in the premises licence at Annex 3 Condition 22

##### SIA & Guardians

A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 22:30 (or such other time as agreed in writing with the Licensing Authority and the Police) until 30 minutes after the close of the premises to members of the public on Thursday, Friday, Saturday and Sunday before a Bank Holiday. At all other times the provision of SIA licensed door supervisors shall be subject to a risk assessment.

A minimum of 2 suitably trained Guardians shall be on duty at the premises from 22:30 (or such other time as agreed in writing with the Licensing Authority and the Police) until 30 minutes after the close of the premises. At all times the provision of Guardians shall be subject to a risk assessment.

All door supervisors, guardians and stewards engaged at the venue shall be clearly identifiable; SIA registered door supervisors must have their accreditation clearly displayed.

All door supervisors, guardians, stewards and senior management are to be equipped with radios, linking them to each other.

The premises will maintain an SIA register along with a register containing details of the guardians, stewards, senior management and staff.

[See existing premises licence Annex 2 Conditions 18, 20, 25, 26 and Annex 3 Condition 7]

#### Challenge 25

Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identity cards, such as a driving licence, passport or proof of age card with the PASS hologram.

[See existing premises licence Annex 2 Conditions 11, 12, 13 and Annex 3 Condition 11]

#### Entry

The license holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff.

[See existing premises licence Annex 2 Condition 21]

#### Membership & Tickets

Entry to the venue is for Members and their pre-registered bona fides guests, pre-paid ticket holders and pre-registered guest list.

Membership, guest, and pre-paid ticket holder details shall be provided upon request to the police or authorised council officer with the absolute minimum of delay (subject to the prevailing data protection laws).

#### Managing Noise and Dispersal

[Comment: there are currently very few controls on noise and noise impact on the premises licence. Let's try and keep it that way. The SEV application will not be sent by us to the EHO – we will only send a copy to licensing and the police.]

All external doors and windows shall be kept closed at all times other than for access and egress.

The interior of the premises shall not be capable of being seen from the outside of the premises.

There shall be a written dispersal policy, a copy of which shall be kept on the premises and made available to police or other authorised officers upon request.

Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be

Commented [JH1]: Would it be better to change to 'at all times, other than for access and egress'

seen and easily read by customers requiring customers to leave the premises and the area quietly and respectfully.

Door supervisors and other members of staff to verbally request customers, as they exit the premises, to leave quietly and respect local residential neighbours.

[See existing premises licence Annex 2, Conditions 14, 20, 21, 22, 29 and Annex 3 Conditions 3, 12].

#### Risk Assessment & Record Keeping

Event Diary and Risk Assessment: The licensee and/or management shall maintain a diary of future and on-going events. All events are to be subject of ongoing risk assessment which shall be provided to the Licensing Authority and the Police Licensing Officer. The risk assessment shall as a minimum consider:

- The provision of SIA registered door and premises supervision;
- The provision of Guardians and other stewards;
- The control of the outside entry area;
- The control and supervision of the designated smoking area;
- The control and supervision of sound levels;
- The control and supervision of dispersal; and
- The wellbeing and safety of staff and patrons.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police, which will as a minimum record the following:

- All crimes reported to the venue;
- All ejection of patrons;
- Any complaints received;
- Any incidents of disorder;
- Seizures of drugs or offensive weapons;
- Any faults in the CCTV, searching equipment or scanning equipment (where used);
- Any refusal of the sale of alcohol; and
- Any visit by a relevant authority or emergency service.

#### Operational Policies and Codes of Conduct

The premises shall maintain up-to-date Operation manuals and policies, upon which the Police Licensing Officer and Licensing Authority are to be consulted, and which are to be subject to regular review to include:

- An admissions policy (including dress code);
- An entry, egress and dispersal policy;
- A search policy;
- A wellbeing and safeguarding policy (including WAVE, Goodnight Out, Women's Night Safety Charter, "Ask Angela" and "Speak to Sam";
- Disability access;
- A zero-tolerance drugs policy;
- An incident recording and review policy;
- Guardian, steward, and staff training policies;
- Partner and external co-promoter policies and agreements; and
- Membership, Club and Event Rules and Codes of Conduct.

## Section I: Management of the Premises

*Each person named in this section will need to complete Part 2 of the application – Personal details form*

1. Please give the name of the person who will be responsible for the day to day management of the premises. ("the Manager")

Name: **Jack Henry**  
Role: **Operations Manager**

2. Will this person be based at the premises and will the management of the premises be their sole and exclusive occupation?

- a) Yes ☒  
b) No ☐

3. If no, then please give details of how they are responsible for the day to day management, and what other arrangements are in place for the management of the premises.

4. Which person(s) will be responsible for the day to day management in the absence of the Manager (Use continuation sheets if necessary):

Name: **Aygun Kaz Goskell-Farrell**  
Role: **Head of Operations**

Name:  
Role:

Name:  
Role:

Name:  
Role:

Name:  
Role:

Name:  
Role:

Name:  
Role:

Name:  
Role:

5. Please confirm that at least one of the people named in this section will be at the premises at all times whilst it is open.

- a) Yes ☒  
b) No ☐

## Section J: Details of any further information relevant to this application

Please state below any further information which the applicant would wish to be taken into account when this application is considered (This space may also be used to amplify answers to any previous questions)

E1 (Studio Spaces Ltd), E1 (Studio Spaces Ltd), 110 Pennington Street, London E1W 2BB has the benefit of a premises licence under the Licensing Act 2003.

E1 operates as a nightclub and is at times hired out to independent promoters from the queer, fetish and kink communities.

SEVFor ease E1 uses the term 'queer' promoters and 'queer' communities as a broad umbrella term to encompass these communities.

These are events to which consenting adults may present themselves in an array of fetish or kink clothing (commonly referred to as fetish or kink "gear"). The nature of queer, fetish and kink clothing / gear is such that breasts, pecs, nipples, genitalia and buttocks may be visible. Such visibility is intentional and integral to the particular queer, fetish and kink lifestyle or scene. This clothing / gear is integral to the expression of queer individuals to present their particular fetish and / or kink.

At some of these events arrangements are made by the organiser so as to facilitate sexual activities between consenting adults. The arrangements for these events are made by the promoter who has contracted to operate the venue for their events. The extent and scope of these activities varies extensively between promoters and is dependent on its patrons and communities it caters to.

In general terms E1 considers that there are broadly three types of promoted event: [1] events that will include dress codes that may seem sexual or sexualized which seek to celebrate different aspects of sex, gender, sexuality and sexual expression; [2] events that may constitute adult entertainment which are regulated by the Licensing Act 2003 (see s 182 Guidance, paras 2.22 – 2.25); and [3] events that may be considered relevant entertainment for the purposes of Sch 3 of the Local Government (Miscellaneous Provisions) Act 1982 that may require a sexual entertainment venue licence.

E1 recognises that the established Sex Establishment Licensing Policy of the London Borough of Tower Hamlet is concerned solely with the licensing of lap-dancing and similar venues. Further, the Council has an established policy of waiving the licensing requirement for venues where like-minded consenting adults meet and congregate for Kink events which may include nudity and facilities for sexual activities between such consenting adults. The prime examples of these venues until recent events have seemingly forced them out of the Borough was Backstreets and Crossbreed at the Colour Factory.

Most recently the Council and the licensing authority (both as the administering, regulating and decision making body) has recognized and accepted (i) the importance of safeguarding at these events and venues that host them; (ii) that the PSED is engaged on the part of the licensing authority and the decision makers; (iii) the considerable importance of these type of events and venues to the queer communities and (iv) the principle of gender self-identification.

E1 notes and adopts the manifesto pledges made by Lutfur Rahman concerning equality and diversity

in the Borough which have now been adopted by the Council as Council Policy.

These events at venues such as E1 are an established and long-standing feature of the entertainment and night-time economies. Though, they are only now gaining wider recognition and awareness in main-stream media and society.

The recognition and appropriate regulation of such venues and events is an important step in the promotion of diversity and equality generally and, E1 considers, a vital part of the PSSED.

Equally, recognition and appropriate regulation is an important factor in securing and enhancing well-being and safeguarding.

At the recent hearing on the 26 July 2022 it became apparent to E1 that the licensing authority as responsible authority and the decision making body considers that there may be scope for overlap between events with dress codes, adult entertainment (LA 2003) and potentially activities that may amount to relevant entertainment (1982 Act). In the interests of transparency, the promotion of diversity and equality and the promotion of well-being and safeguarding E1 now makes an application for [1] a waiver from the SEV licensing regime, subject to an agreement to operate in accordance with the below conditions and [2] in the absence of a waiver for an SEV licence subject to the operating conditions set out below.

Schedule 3, para 7(3) of the 1982 Act makes provision for a waiver application either on its own or as part of an application for an SEV licence. The existing Sex Establishment Licensing Policy makes no mention or provision of the waiver application process. Though it is clear from established practice in the London Borough of Tower Hamlets that non-lap-dancing venues have a legitimate expectation of being granted a waiver to operate.

In the absence of any guidance as to the forms and procedures to be followed E1 will make the waiver application before the 1982 Act licensing committee and a licence application in the alternative to follow at the same time.

An SEV waiver / SEV licence proposes to be limited to "Kink events" and operate within the envelope of the existing premises licence and in accordance with the following proposed operating conditions.

### Section K: Additional documentary requirements

The applicant must provide the following documentation, in addition to those documents already requested in prior sections of this application form.

Documents included with this application		Included	
1	The prescribed fee by a cheque made payable to the London Borough of Tower Hamlets (LBTH). You can also phone 020 7364 5008 or <a href="http://www.towerhamlets.gov.uk/pay">http://www.towerhamlets.gov.uk/pay</a>	Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
2	Written consent of the lawful occupier of the premises or land who has control over the premises or land	Yes	<input type="checkbox"/> No <input type="checkbox"/>
3	Code of practice for dancers/performers	Yes	<input type="checkbox"/> No <input type="checkbox"/>
4	Policy for welfare of dancers/performers	Yes	<input type="checkbox"/> No <input type="checkbox"/>
5	Code of practice for customers	Yes	<input type="checkbox"/> No <input type="checkbox"/>
6	A personal details form (Part 2 of the application form) for each person named in the Application	Yes	<input type="checkbox"/> No <input type="checkbox"/>
7	A basic DBS check for each person named in the application	Yes	<input type="checkbox"/> No <input type="checkbox"/>
8	A recent passport size photograph for each person named in the application, each copy bearing the name in block capitals of the person whose likeness it bears.	Yes	<input type="checkbox"/> No <input type="checkbox"/>
9	A site/location plan, (scale 1:1250) to show the location of the premises	Yes	<input type="checkbox"/> No <input type="checkbox"/>
10	A premises plan (scale 1:100) of the premises, vehicle, vessel or stall in respect of which the licence is sought, showing: <ul style="list-style-type: none"> <li>a) The internal layout of the premises including stage, bars, cloakroom, WCs, performance areas, dressing rooms, kitchen, and any external areas to be used (e.g. smoking areas).</li> <li>b) Public areas and staff/private areas to be clearly defined</li> <li>c) Uses for different areas in the premises (e.g. performance areas, reception etc.)</li> <li>d) Any fixed structures or objects</li> <li>e) all means of ingress and egress from the premises</li> <li>f) Position of CCTV cameras</li> <li>g) The location and type of any fire safety and any other safety equipment</li> <li>h) The location of emergency exits</li> <li>i) The position of ramps, lifts or other facilities for the benefit of disabled people.</li> <li>j) Any parts of the premises that may be inaccessible to disabled people.</li> </ul> <i>Other standard metric scales may be acceptable if more practical for the size of the premises.</i>	Yes	<input type="checkbox"/> No <input type="checkbox"/>
11	A drawing (scale 1:100) showing the front elevation as existing (and as proposed if changes are to be made to it) of the premises, vehicle, vessel or stall in respect of which the licence is sought. Other standard metric scales may be acceptable if more practical for the size of the premises.	Yes	<input type="checkbox"/> No <input type="checkbox"/>
<b>Evidence of public notice and service</b>			
12	Complete copy of the newspaper advert advertising the application	Yes	<input type="checkbox"/> No <input type="checkbox"/>
13	Copy of the notice displayed on or near the premises advertising the application	Yes	<input type="checkbox"/> No <input type="checkbox"/>
14	Copy of affidavit or statutory declaration that the notice of application has been displayed on or near the premises, in a place where the notice can be conveniently read by the public as required by paragraph 10(10) schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).	Yes	<input type="checkbox"/> No <input type="checkbox"/>
15	Evidence of the due service upon the Chief officer of police as required by paragraph 10(14) schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended), of a copy of this application and its required documentation.	Yes	<input type="checkbox"/> No <input type="checkbox"/>



### Section L: Correspondence and Contact Details for the Application

Please give details of the person who may be contacted in relation to this application

Name: Niall Forde  
Organisation: Licensing Agent  
Postal Address: c/o Studio Spaces, 110 Pennington Street, London E1W 2BB  
Telephone Number: [REDACTED]  
Email: [REDACTED]

Position/role:  
Agent for the applicant)

### Section M: Private Information

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen. Please note, any requests of this nature will be dealt on a case by case basis, and you will be contacted to discuss further if the information is considered necessary for public disclosure.

### Section N: Declaration and signature of applicant

The declaration must be signed in all cases :

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

I acknowledge that I have received a copy of the standard conditions applicable to a sex establishment licence within the London Borough of Tower Hamlets, and declare that the information given within this application form, to the best of my knowledge, is true and complete in every respect.

*Please use extra pages if necessary*

Name: Niall Forde

Position Agent

Signature

Date

6 October 2022

Name:

Position

Signature

Date



# Appendix 3

**(Studio Spaces Ltd)**  
110 Pennington Street  
London  
E1W 2BB

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

**See the attached licence for the licence conditions**

**Signed by**

**David Tolley**   
**Head of Environmental Health & Trading Standards**

**Date: 19<sup>th</sup> December 2011**

- Variation - 1<sup>st</sup> August 2017
- Variation - 30<sup>th</sup> November 2018
- Variation following sub-committee hearing – 5<sup>th</sup> December 2020
- Minor Variation - 22<sup>nd</sup> November 2021
- Variation - granted on 1<sup>st</sup> August 2022 (following hearing on 26<sup>th</sup> July 2022)

OFFICE USE	Receipt No: 012187	Paid: £315.00	Date: 14/04/2022
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**Part A - Format of premises licence**

Premises licence number

148556

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(Studio Spaces Ltd)  
110 Pennington Street

**Post town**

London

**Post code**

E1W 2BB

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

### **The times the licence authorises the carrying out of licensable activities**

#### **The sale by retail of alcohol – On sales only**

- Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 08.00 hours to 07.00 hours the following day

#### **The provision of late night refreshments - Indoors**

- Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 23.00 hours to 07.00 hours the following day

#### **Provision for Regulated Entertainment - Indoors**

(Plays and Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.

- Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

#### **Non-standard timings**

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:00hrs the next day.

#### **Conditions for Garden area (outdoor space)**

##### **The sale by retail of alcohol**

- Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.

##### **The provision of regulated entertainment – Outdoors**

Recorded music outdoors for garden area only

- Monday to Sunday 08:00 hours to 21:00 hours

##### **Photographic Studio**

- A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence.

### **The opening hours of the premises**

- Sunday to Thursday, from 06:00hrs to 00:30hrs (the following day)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

#### **The opening hours of the outdoor space**

- Monday to Sunday from 08:00 hours to 21:30 hours.

#### **Non-standard timings**

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

On sales only

## **Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Studio Spaces Limited  
19-20 Bourne Court  
Southend Road  
Woodford Green  
Essex  
IG8 8HD

**Tel:** [REDACTED]

**Email:** [REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

**Limited Company:** 06742938

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Yuval Hen

[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

**Personal licence number:** LN/200713276  
**issuing authority:** London Borough of Barnet

## **Annex 1 - Mandatory conditions**

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.



3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

### **Security:**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or  
 any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and

Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

### **Films:**

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction  
Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

### **Annex 2 - Conditions consistent with the operating Schedule**

- 1) During the hours of operation there shall be no noise nuisance audible from the premises within 1metre from the façade of the nearest noise sensitive residential premises;
- 2) Signs shall be displayed to inform all customers that the premises operate a zero tolerance drugs policy;
- 3) The premises shall comply with the dispersal policy;
- 4) Any outside promoters seeking to use the venue for a mainstream disco/nightclub event shall require prior approval from the Licensing Officer at Tower Hamlets Police Service;
- 5) The premises shall provide a free phone linked to a licensed taxi firm for use by customers at the premises;
- 6) The premises shall cease the use of such taxi firms where they breach any of the below rules more than once:
  - a) Use the horn after 23:00 hours (except in an emergency) when collecting/delivering persons to the premises.
  - b) Leave their vehicles to collect patrons from the premises.
  - c) Double park their vehicles outside the premises.

Where rules are breached by APP based taxi firms (or ones not appointed by the premises) the licence holder will report breaches of a) and c) to TFL providing the registration and where available the taxi licence number.

Premises must designate a pick spot for taxi's to minimise the impact of any noise on residents.

- 7) The premises shall use all reasonable endeavours to prevent the use of unlicensed taxis by patrons leaving the premises;
- 8) The premises shall maintain and provide the details of a contact number for any local residents living within 100metres of the premises;
- 9) The premises shall discourage any attempt by organisers, artist or users of the premises to advertise by fly posting or using illegal placards;
- 10) Children aged 14 and under shall be permitted to the premises if accompanied by an adult;
- 11) Signs shall be displayed stating that any person who appears to be under the age of 21 shall be required to provide appropriate proof of age;
- 12) The premises shall ensure consideration of given whether there should be an age restriction to music, dance, exhibitions, publication, multimedia, education and research projects being shown at the premises;
- 13) Signage shall be displayed asking patrons to leave the premises quietly;
- 14) CCTV. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority;
- 15) Use of incident book and refusal book to be followed as per the new security plan and ejection policy, entry policy, drug policy and dispersal policy mentioned in conditions 19-22.
- 16) A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
- 17) All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff while monitored by the premises CCTV system. The search shall include a metal detecting search using an arch or wand, followed by a physical search, and a full bag search.

- 18) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
- 19) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- 20) A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
- 21) A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
- 22) The premises shall adopt the Central East Police Licensing Drugs Policy.
- 23) The premises will carry out a risk assessment into all artists and promoters appearing at the venue.
- a) The purpose of this is to identify any risks and measures that can be put in place to mitigate against them.
  - b) Research will include but is not limited to contacting venues they have appeared recently and looking at their social media sites.
  - c) Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement.
  - d) This risk assessment, including all identified risks and mitigating measures taken, must be a documented and made available to Police upon request
  - e) This shall also apply to any queer/fetish/kink events taking place on the premises.
- 24) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all persons entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.

- 25) The premises security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed every 6 months and the results made available to Police upon request.
- 26) A Cloakroom shall be in operation when events including regulated entertainment are taking place.
- 27) A Toilet attendant shall be in operation in all toilets when events which include regulated entertainment are taking place, or when internal risk assessments require it. This attendant must report any sightings or suspicion of drug use or dealing to a member of security immediately via radio link.
- 28) The customers leaving the venue will be guided via security staff from the venue to direct customer down Pennington Street and up Chigwell Hill and on to The Highway. The egress of these customers from the venue along this route this route must be managed effectively by venue Security Staff to minimise noise from the customers and deter NOx Sellers

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
Attached since 5<sup>th</sup> December 2020

Conditions as per Operating Schedule for garden area

1. Staff training will be given in responsible sales of alcohol and health & safety regulations.
2. Regular monitoring of all area of the premises shall take place by management.
3. Notices asking customers to leave quietly shall be displayed
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or

authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. A minimum of 1 SIA licensed door supervisors per 100 customers shall be on duty at the premises at all times whilst it is open for business.
8. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
11. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

12. Sound system for outside use to be controlled by sound limiter and all music noise to be inaudible at residential premises.

Conditions attached following the Licensing sub-committee hearing of 26<sup>th</sup> July 2022

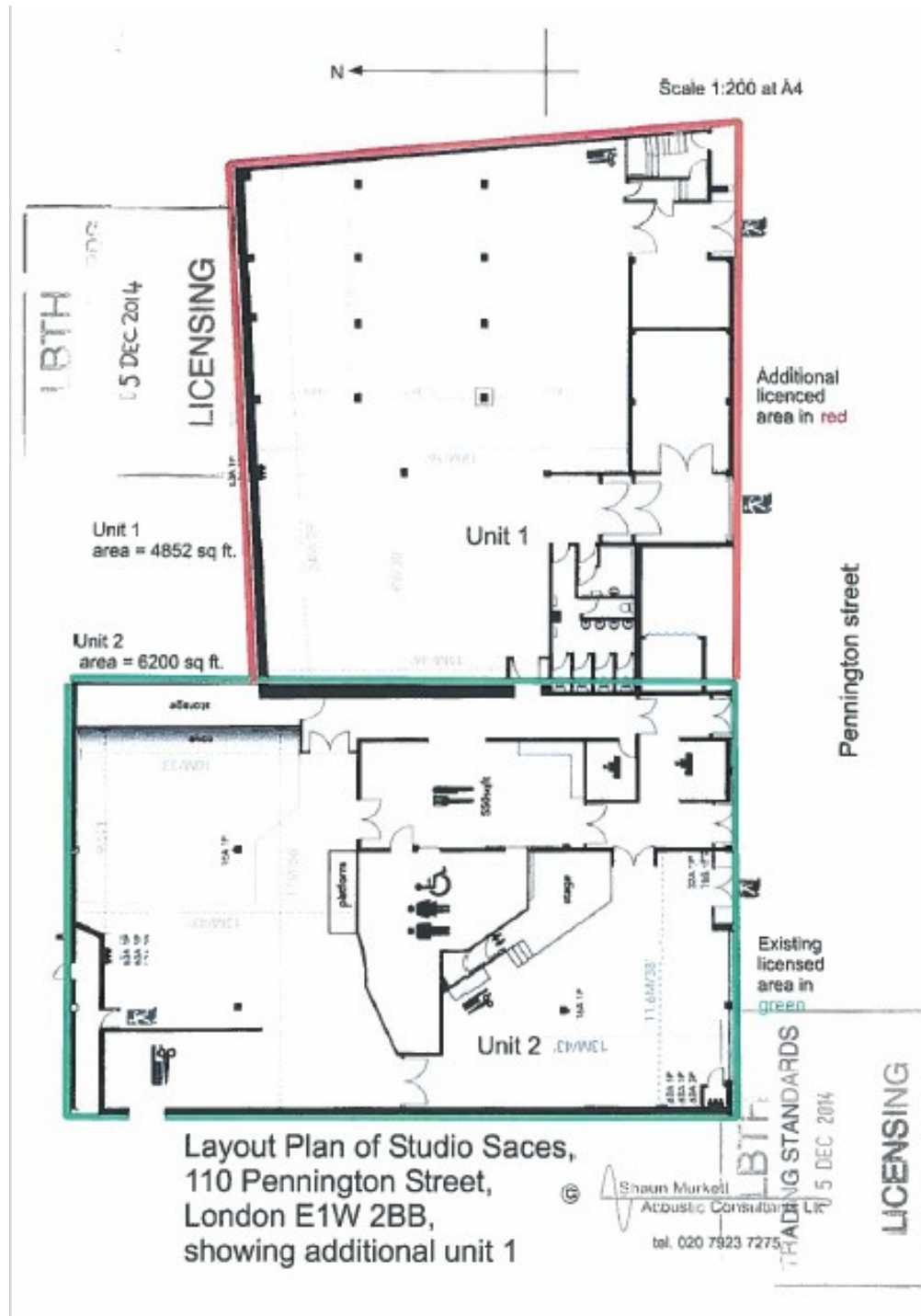
13. The premises licence holder shall implement, maintain and comply with a wellbeing and safeguarding policy for queer, kink and fetish events.
- a. The premises licence holder shall ensure that any external promotor putting on queer/fetish/kink events is aware of and complies with this policy.
  - b. A copy of the policy will be made available to the Licensing Authority and Police upon written request.
  - c. Any updates to the policy shall be communicated to the Local Authority and Police within seven days of such updates.
14. Any queer/kink/fetish events being promoted at the premises shall operate a members-only policy by the promoter.



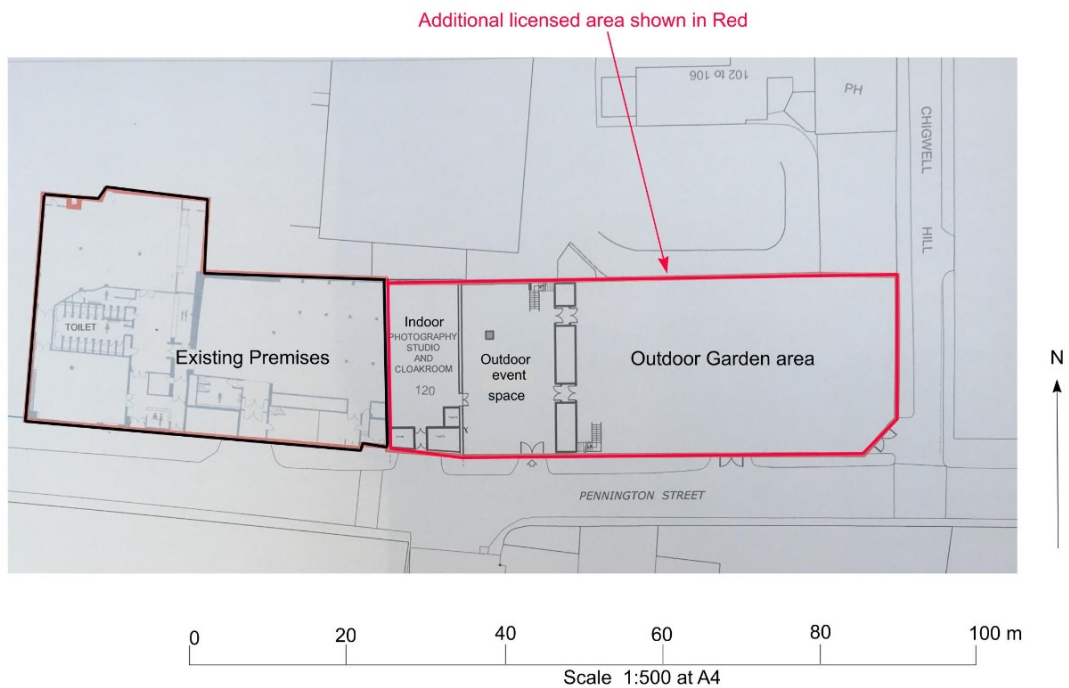
## Annex 4 - Plans

The plans are those submitted to the licensing authority on the following dates:

5<sup>th</sup> December 2014 - Ground Floor (*Units 1 and 2*)



9<sup>th</sup> July 2020 – Plan of the outdoor licensed garden area, including new layout for indoor photographic studio



Proposed Layout plan of total premises area, with new additional area to licence, including indoor photography studio and outside space "E1 Garden", at 110 Pennington Street E1W 2BB.

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June 2020 Acoustic Consultants Ltd.  
www.shawnmurkett-acoustics.co.uk

## Part B - Premises licence summary

**Premises licence number**

**148556**

### Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**

**(Studio Spaces Ltd)**  
110 Pennington Street

**Post town**

London

**Post code**

E1W 2BB

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of regulated entertainment  
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

#### **The sale by retail of alcohol – On sales only**

- Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 08.00 hours to 07.00 hours the following day

#### **The provision of late night refreshments - Indoors**

- Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 23.00 hours to 07.00 hours the following day

#### **Provision for Regulated Entertainment - Indoors**

(Plays and Films. Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.

- Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

**Non-standard timings**

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:00hrs the next day.

**Conditions for Garden area (outdoor space)****The sale by retail of alcohol**

- Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.

**The provision of regulated entertainment – Outdoors****Recorded music outdoors for garden area only**

- Monday to Sunday 08:00 hours to 21:00 hours

**Photographic Studio**

- A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence.

The opening hours of the premises

- Sunday to Thursday, from 06:00hrs to 00:30hrs (the following day)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

**The opening hours of the outdoor space**

- Monday to Sunday from 08:00 hours to 21:30 hours.

**Non-standard timings**

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

Name, (registered) address of holder of premises licence

Studio Spaces Limited  
19-20 Bourne Court  
Southend Road  
Woodford Green IG8 8HD

Where the licence authorises supplies of alcohol

On sales only

Registered company number

Limited Company: 06742938

Name of designated premises supervisor

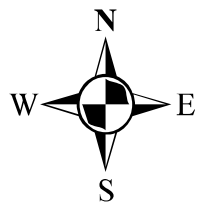
Yuval Hen

State whether access to the premises by children is restricted or prohibited

Children aged 14 and under shall be permitted to the premises if accompanied by an adult

# Appendix 4





# 110 Pennington Street



## Legend

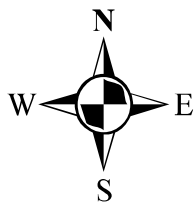
Ward Boundaries

Ward Boundaries

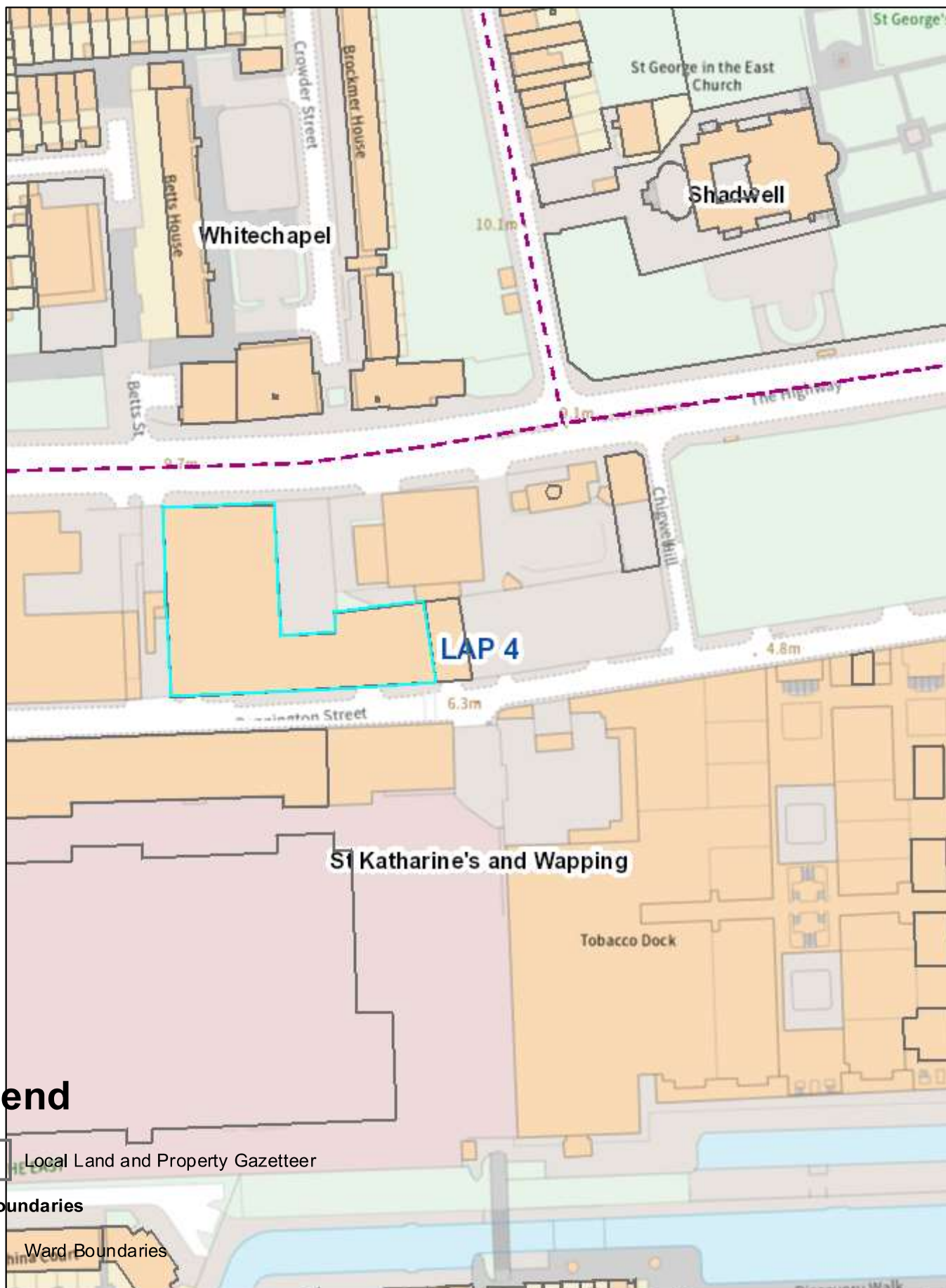
LAP Boundaries

LAP Boundaries

0 0.030.06 0.12 0.18 0.24 km



# 110 Pennington Street



## Legend

Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries

0 0.015 0.03 0.06 0.09 0.12 km

# Appendix 5



N

Scale 1:200 at A4

LBTH

5 DEC 2014

LICENSING

Unit 1  
area = 4852 sq ft.

Unit 2  
area = 6200 sq ft.

Additional  
licenced  
area in red

Pennington street

Existing  
licensed  
area in  
green

Unit 2

platform

stage

Unit 2



550sqft

storage

COVE

10M/33'

12A 1P

63A 1P  
63A 1P  
63A 1P

13M/43'

17M/56'

16A 1P

11.6M/38'

61A 1P  
62A 1P  
63A 1P

22A 1P  
16A 1P

Layout Plan of Studio Saces,  
110 Pennington Street,  
London E1W 2BB,  
showing additional unit 1

©

Shaun Murrell  
Acoustic Consultant Ltd

tel. 020 7923 7275

LBTH

TRADING STANDARDS

5 DEC 2014

LICENSING

# Appendix 6

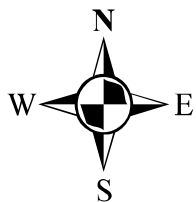




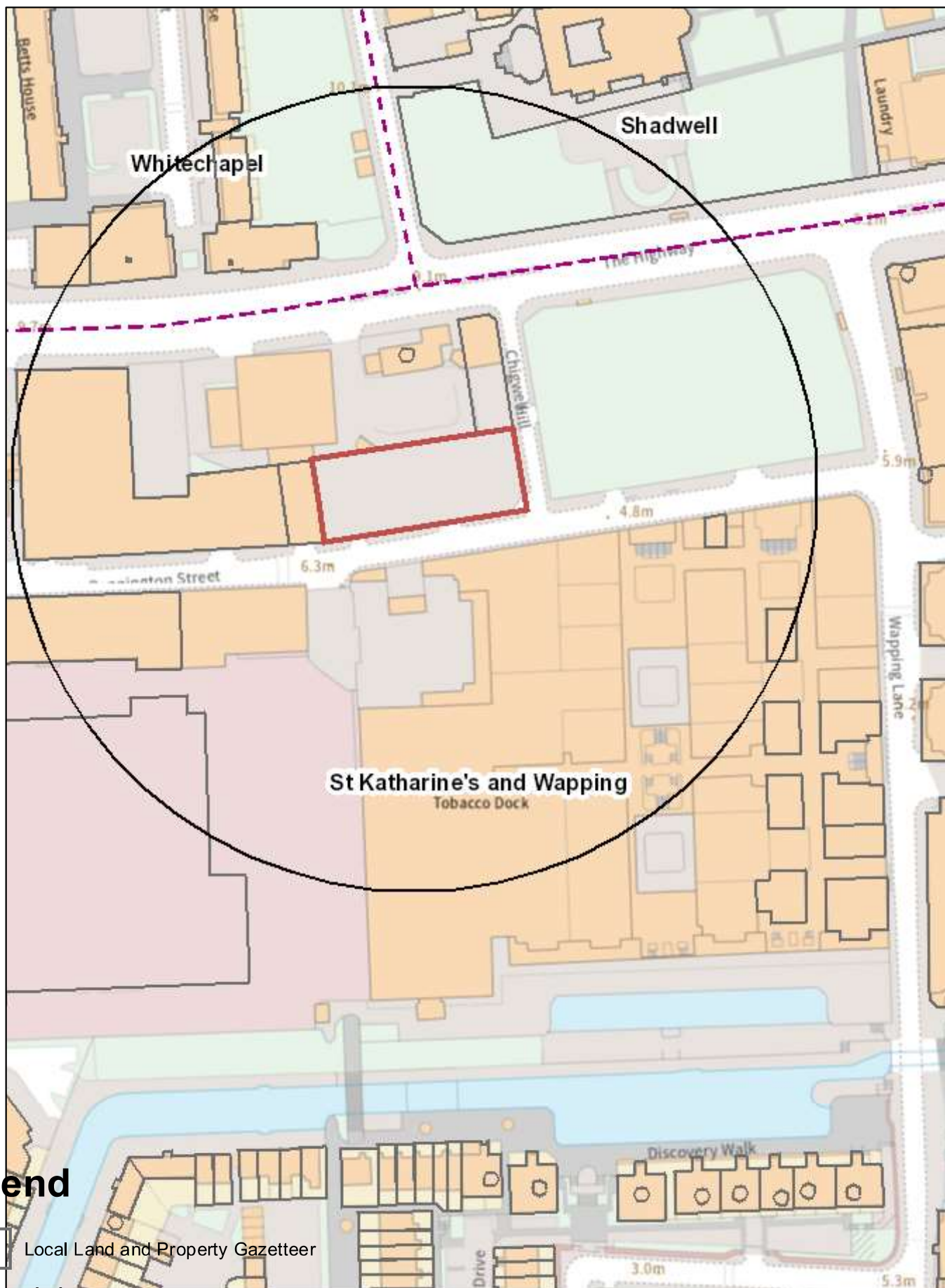


# Appendix 7





# 110 Pennington Street



## Legend

Local Land and Property Gazetteer

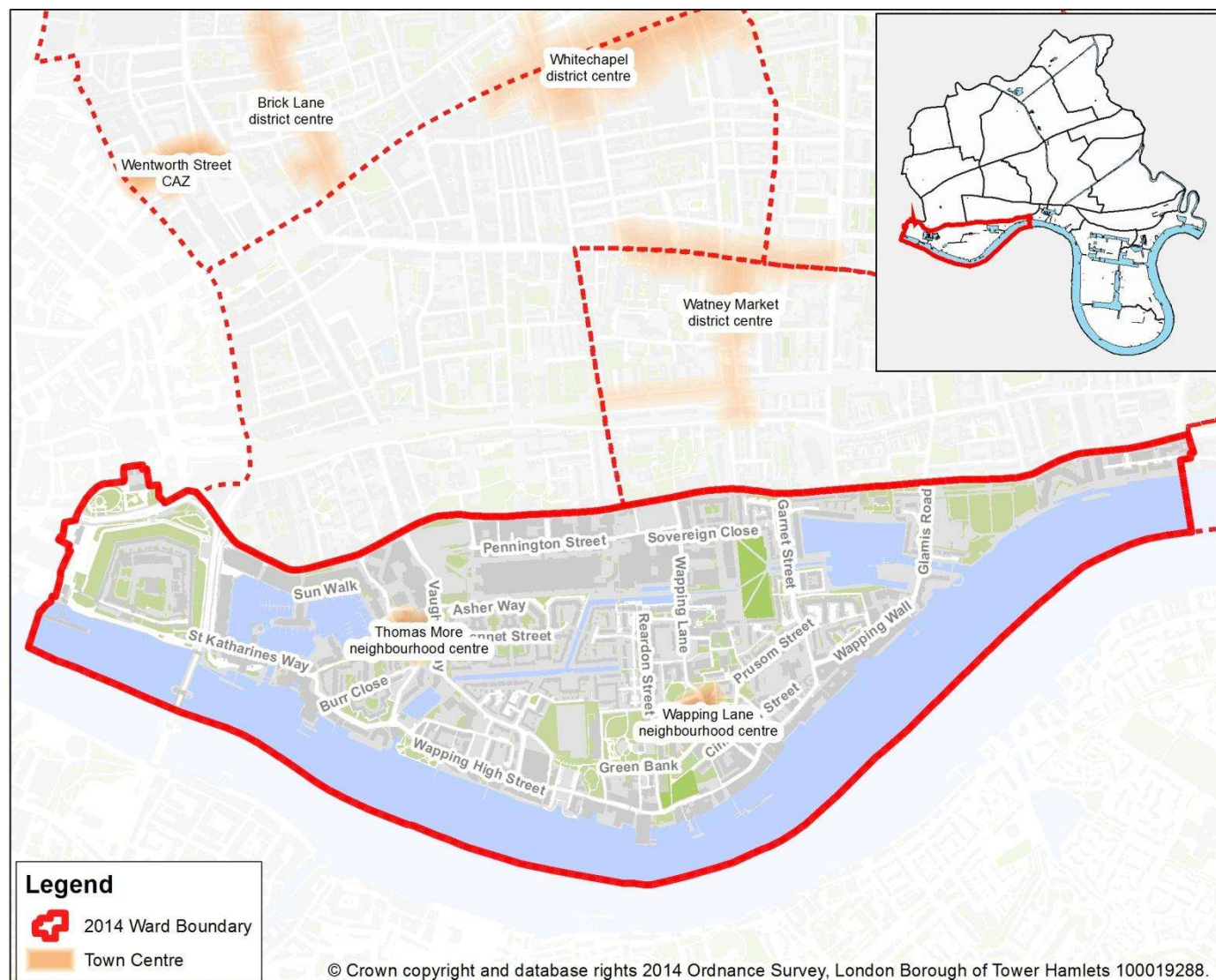
Ward Boundaries

Ward Boundaries

0 0.015 0.03 0.06 0.09 0.12  
km

# Appendix 8

# St Katharine's and Wapping Ward Profile



Corporate Research Unit  
May 2014



## Contents

Population.....	3
Ethnicity .....	4
Religion .....	4
Housing.....	5
Health - Limiting illness or disability .....	8
Unpaid care provision .....	8
Labour market participation .....	9
Socio economic groups .....	10
Qualification levels .....	11

## Introduction

The ward profiles have been produced for all 20 wards in Tower Hamlets. They provide the social, economic and demographic characteristics of each ward in the borough developing a broad picture of the area and help describing local differences.

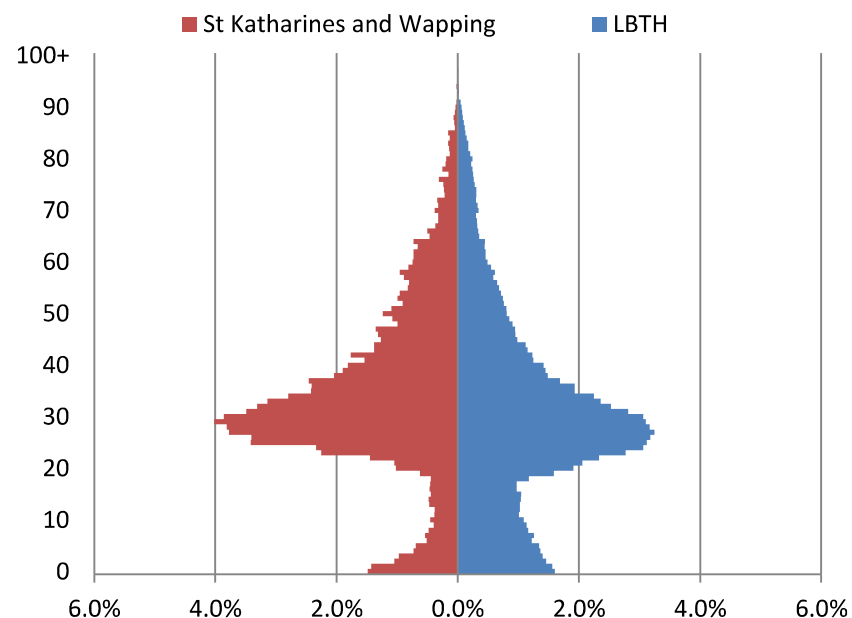
In May 2014, the number of wards increased from 17 to 20. The changes were made by the Local Government Boundary Commission for England, in order to ensure that every councillor in Tower Hamlets represented roughly the same number of residents. The changes mean that no ward will have a population variance of greater than 10 per cent. As a result of the changes, the average population per councillor will be 4,029 in 2014, rising to 4,417 by 2018, according to projected population growth.

Data from the 2011 Census has been used throughout this ward profile as this still provides the single best source of statistics which are available at geography small enough to be aggregated up in to the new wards. While more recent estimates of the resident population are available for the borough and old ward boundaries, these cannot be used to infer the current population according to the new ward boundaries.

## Population

### Age Structure

Figure 1: Proportion of population by age



(Source: Census 2011 QS103EW - Age by single year)

- 83.3 per cent of residents in the St Katharine's and Wapping ward are of working age, the ward had the highest proportion of this age group compared to the rest of the borough. Correspondingly, the ward had the lowest proportion of its residents in the 0-15 year old age category.

Table 1: Number and proportion of residents by age range

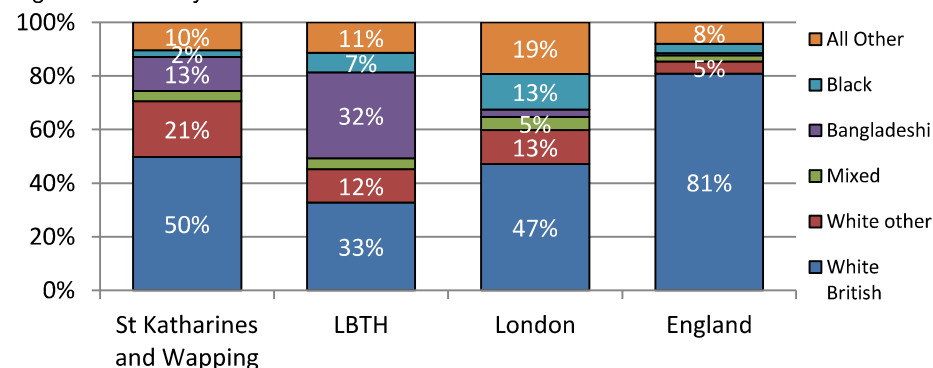
Residents by Age	0-15	16-64	65+	Total
St Katharine's & Wapping	1,153	8,809	619	10,581
St Katharine's & Wapping %	10.9%	83.3%	5.9%	100%
Tower Hamlets %	19.7%	74.1%	6.1%	100%

(Source: Census 2011 QS103EW - Age by single year)

- At the time of the 2011 Census, the population for St Katharine's and Wapping ward was 10,581 which accounted for 4.2 per cent of the total population of Tower Hamlets.
- The ward had 5,827 males and 4,754 females providing a gender split in the ward of 55.1 per cent male and 44.9 per cent female. The ward had the lowest proportion of females and the highest proportion of males in the borough.
- The population density in this ward was 105 people per hectare, lower than the borough average of 129 people per hectare.

## Ethnicity

Figure 2: Ethnicity

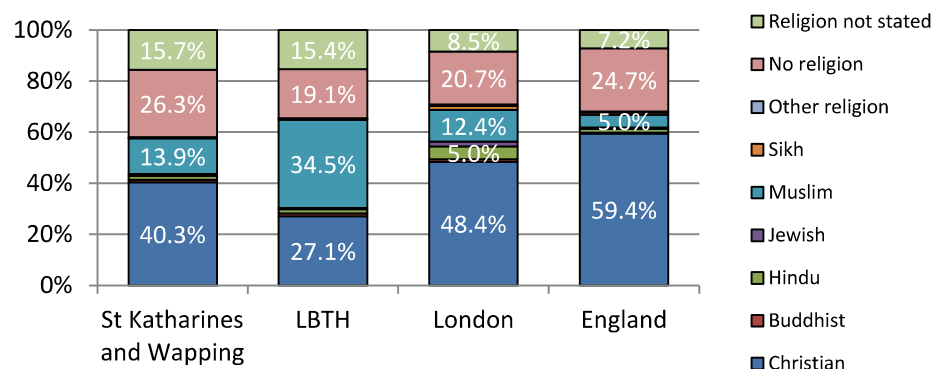


(Source: Census 2011 QS201EW - Ethnic group)

- At the time of the 2011 Census, 3,116 residents in the ward were BME (29 per cent). The ward had the lowest proportion of BME residents in the borough, with the borough average being 54 per cent.
- Residents of Bangladeshi origin accounted for 13 per cent of the population (1,340 residents), a significantly lower proportion compared to the borough average of 32 per cent.
- There were 5,270 White British residents in the St Katharine's and Wapping ward. The proportion of residents who are White British in the ward is 50 per cent, significantly higher than the borough average (33 per cent) and higher than the London average (47 per cent).
- The three largest ethnic groups in the borough (White British, Bangladeshi and White Other) accounted for 83 per cent of all residents in this ward.

## Religion

Figure 3: Religion

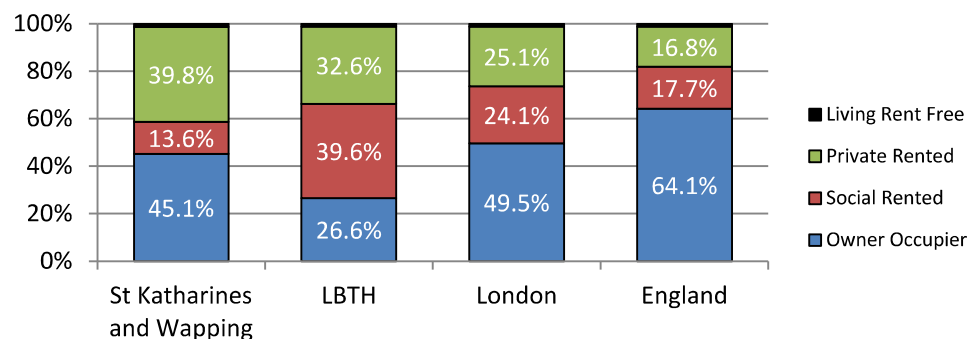


(Source: Census 2011 QS208EW - Religion)

- The St Katharine's and Wapping ward had the highest proportion of Christian residents (40.3 per cent) and the highest proportion of residents who explicitly stated that they had no religion (26.3 per cent).
- In addition, at 13.9 per cent of the population, the ward had the lowest proportion of Muslim residents in the borough.
- Tower Hamlets had a significantly higher proportion of residents who did not state their religion on the census form when compared to London and the rest of England. There were 1,658 residents in the ward who did not state their religion on the census form – accounting for 15.7 per cent of the ward's population, slightly higher than the borough average.

## Housing Tenure<sup>1</sup>

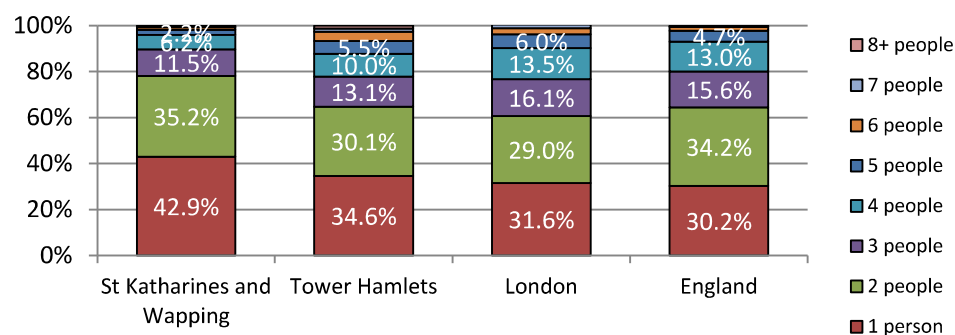
Figure 4: Tenure of households



(Source: Census 2011 QS405EW - Tenure – Households)

## Household size

Figure 5: Tenure of households



(Source: Census 2011 QS405EW - Tenure – Households)

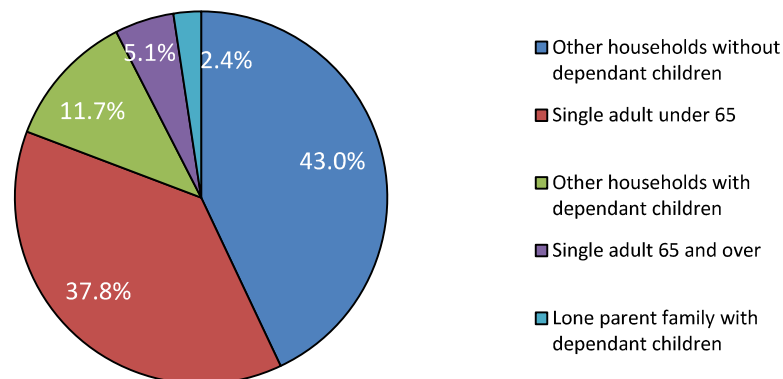
- Tower Hamlets as a whole had a significantly lower proportion of households who were owner-occupier compared to the London average (26.6 per cent compared to 49.5 per cent). The proportion of socially rented households in the borough was almost double that of the London average. There was also a higher proportion of privately rented households compared to the London average.
- There were 5,343 households in the ward. Compared to the other wards, this ward had a lower than average proportion of households – accounting for nearly 5.2 per cent of the whole.
- At 45.1 per cent of households, this ward had the highest proportion of owner-occupied households compared to the other 20 wards in the borough, with 23.5 per cent being the average.
- The ward had the lowest proportion of households who socially rent (13.6 per cent). The proportion of private renters was higher than the borough average. Overall the proportion of renters (53.4 per cent) was significantly lower than the borough average (75.2 per cent).
- The proportion of households in this ward with three or more people accounted for almost 22 per cent of the total households in the ward. This proportion was lower than the borough average of 35 per cent.
- This ward had the highest proportion of one person households.
- On Census day, 219 households were recorded as having five or more people living in them. This equates to 4.1 per cent of the households in the ward and was the lowest proportion out of all 20 wards in the borough (borough average 12.3 per cent).
- The average household size in this ward was 1.98 compared to the borough average of 2.51.

<sup>1</sup> Tenure provides information about whether a household rents or owns the accommodation that it occupies and, if rented, combines this with information about the type of landlord who owns or manages the accommodation.



## Household composition

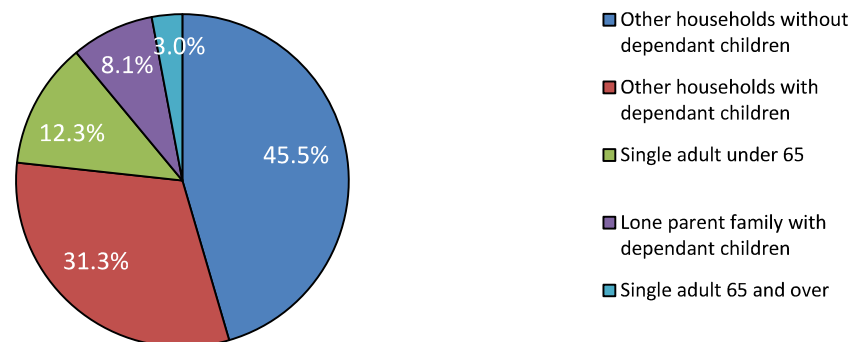
Figure 6: Household composition - percentage of households by type



(Source: Census 2011 QS113EW - Household composition – Households)

- At the time of the Census, 39.4 per cent of all residents in the ward lived in family households with dependent children; this proportion was lower than the borough average of 46.2 per cent.
- However, families with dependent children occupied 14.1 percent of the households in the ward, lower than the borough average of 26.6 per cent.
- Single adult households accounted for 42.9 per cent of all households in the ward; however 14.8 per cent of the ward's residents lived in this type of household.
- Older people living alone (65+) accounted for 5.1 per cent of households which was lower than the borough average of 6 per cent.
- Table 3 shows the proportion of households that were overcrowded, had the required number of bedrooms, or were under-occupied at the time of the Census. 8 per cent of households in the ward (438 households) were overcrowded – lower than the average for the borough (16 per cent).

Figure 7: Household composition: percentage of residents that live in each household type



(Source: Census 2011 QS112EW - Household composition – People)

Table 2: Average household size

Average residents per household	St Katharine's and Wapping	Tower Hamlets	London	England
Households with dependent children	3.79	4.30	3.89	3.78
Households with non-dependent children	1.67	1.81	1.84	1.78

(Source: Census 2011 QS406EW - Household size)

Table 3: Occupancy ratings

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
St Katharine's and Wapping	438	8%	2,584	48%	2,321	43%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

## Health - Limiting illness or disability

Table 4: Limiting illness and disability			
Area	Day-to-day activities limited a lot	Day-to-day activities limited a little	Day-to-day activities not limited
St Katharine's and Wapping	468	479	9,634
St Katharine's and Wapping (%)	4.4%	4.5%	91.0%
Tower Hamlets (%)	6.8%	6.7%	86.5%
London (%)	6.7%	7.4%	85.8%
England (%)	8.3%	9.3%	82.4%
(Source: Census 2011 QS303EW - Long-term health problem or disability)			

- On Census day, around 468 residents (4.4 per cent) in St Katharine's and Wapping had a long term health problem or disability *limiting the persons day to day activities a lot*, while around 4.5 per cent (479 residents) had a long term health problem or disability *limiting the persons day to day activities a little*.
- In St Katharine's and Wapping, the rate of people with a long term health problem or disability *limiting day to day activities a lot* and the rate of people with a long term health problem or disability *limiting day to day activities a little* were significantly below England, London and Tower Hamlets averages.
- Both rates in St Katharine's and Wapping were the third lowest in the borough.

## Unpaid care provision

Table 5: Unpaid care provision				
Area	Provides no unpaid care	Provides 1 to 19 hours unpaid care a week	Provides 20 to 49 hours unpaid care a week	Provides 50 or more hours unpaid care a week
St Katharine's and Wapping	9,906	455	106	114
St Katharine's and Wapping (%)	93.6%	4.3%	1.0%	1.1%
Tower Hamlets (%)	92.4%	4.3%	1.4%	1.9%
London (%)	91.6%	5.3%	1.3%	1.8%
England (%)	89.8%	6.5%	1.4%	2.4%
(Source: Census 2011 QS301EW - Provision of unpaid care)				

- Around 6.4 per cent of residents in St Katharine's and Wapping provided unpaid care. The St Katharine's and Wapping rate was the 4<sup>th</sup> lowest in the borough significantly below the Tower Hamlets (7.6 per cent), London (8.4 per cent) and England (10.2 per cent) averages.
- From 675 residents in St Katharine's and Wapping who provided unpaid care, around 106 residents provided *care for 20 to 49 hours a week*, while 114 residents *provided care for 50 or more hours a week*.
- The proportion of those providing care for 50 hours or more of 1.1 per cent in St Katharine's and Wapping was the lowest in the borough.

## Labour market participation

Table 6: Labour market participation - Economic active (EA) and Economic Inactive (EI) (totals and %)

Area	EA: In employment	EA: Unemployed	EA: Full-time student	EI: Retired	EI: Student (incl. full-time)	EI: Looking after home / family	EI: Long-term sick or disabled	EI: Other
St Katharine's and Wapping	7,005	333	224	424	439	310	216	224
St Katharine's and Wapping (%)	76.3	3.6	2.4	4.6	4.8	3.4	2.4	2.4
Tower Hamlets (%)	57.6	6.7	5.5	4.7	9.9	7.0	4.5	4.0
London (%)	62.4	5.2	4.1	8.4	7.8	5.2	3.7	3.2
England (%)	62.1	4.4	3.4	13.7	5.8	4.4	4.0	2.2

(Source: Census 2011 KS601EW to KS603EW - Economic activity by sex, Population 16 to 74)

- Table 6 shows a summary of labour market participation of residents in the week before the Census 2011. The table summarises economic activity and inactivity of the 16 to 74 population in St Katharine's and Wapping and comparator areas.

- The St Katharine's and Wapping ward had the highest rate of people in employment (76.3 per cent), by far

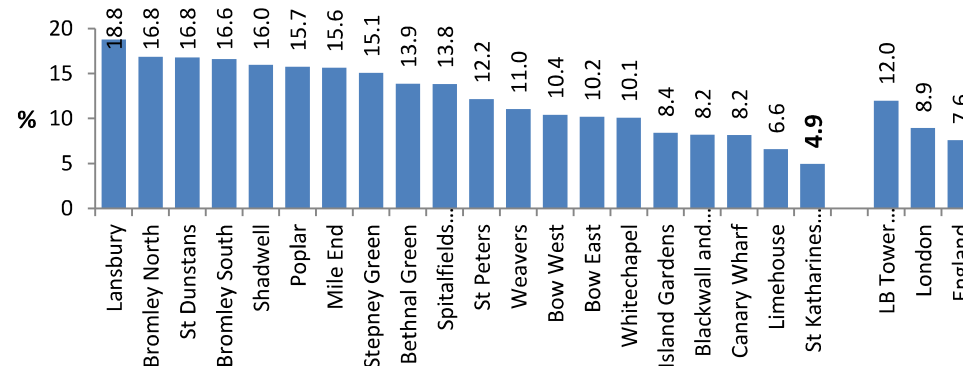
outperforming Tower Hamlets (57.6 per cent), London (62.4 percent) and England (62.1 per cent).

- The proportion of economically inactive residents, including those looking after home & family (3.4 per cent), long term sick (2.4 per cent) and students (4.8 per cent) was lower compared to most other wards in the borough and the Tower Hamlets average.
- A total of 333 residents were unemployed in St Katharine's and Wapping. This rate of 3.6 per cent was below the Tower Hamlets (6.7 per cent), London (5.2 per cent) and England (4.4 per cent) averages.

## Unemployment rate of 16 to 64 (economic active population only)

- Figure 8 on the right shows the unemployment rate based on the economically active population only. This measure is the better unemployment measure but it is in general higher compared to the rate based on the proportion of all residents in the 16 to 74 age group as shown above.
- St Katharine's and Wapping had the lowest unemployment rate in the borough with 4.9 per cent. The rate was significantly below the Tower Hamlets rate (12 per cent).

Figure 8: Unemployment rate of 16 to 64 – economic active population only

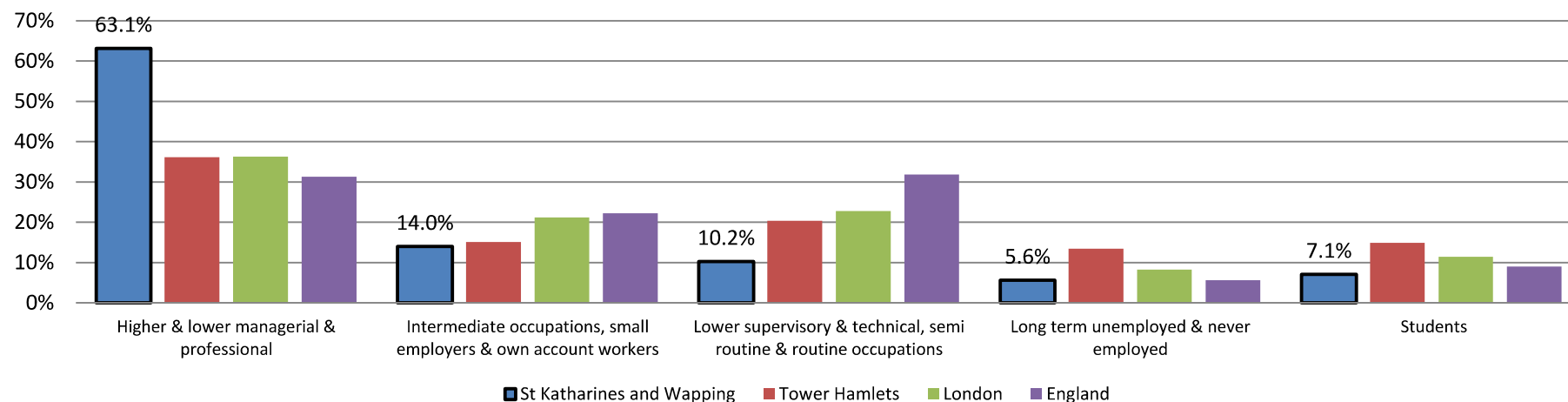


(Source: Census 2011: QS601EW - Economic activity)



## Socio economic groups

Figure 9: Socio Economic Groups



(Source: Census 2011 QS607EW - NS-SeC)

- At the time of the Census, over two thirds of the ward's working aged population were classified as working in managerial and professional occupations (2,986 residents).
- There was an almost even split between the higher managerial & professional (2,986 residents) and lower managerial & professional (2,806 residents).
- All other socio-economic groupings in this ward were lower than the borough averages. The ward had the lowest proportion out of all 20 wards in the borough for both the long term unemployed / never employed and the student categories.

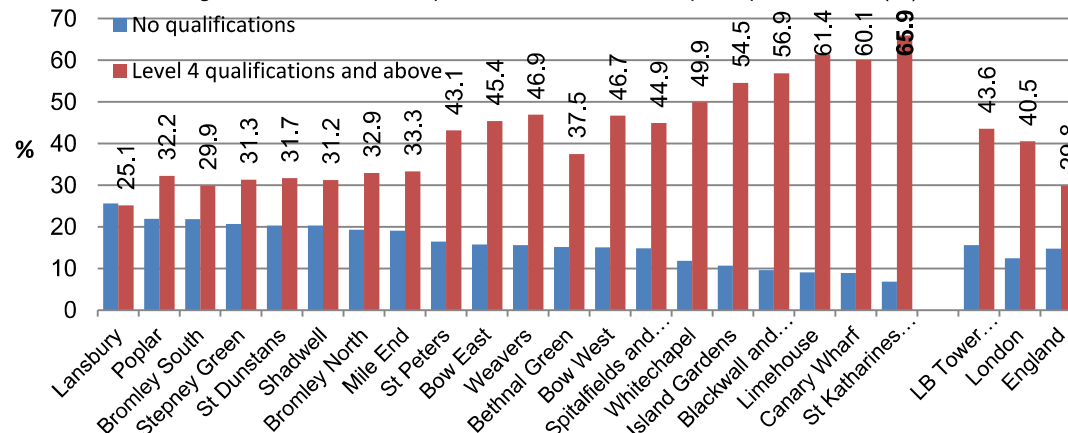
## Qualification levels

Table 7: Highest qualification of residents aged 16 to 64

Area	No qualification	Level 1	Level 2	Apprenticeship	Level 3	Level 4 and above	Other
St Katharine's and Wapping	601	501	536	42	669	5,809	651
St Katharine's and Wapping (%)	6.8	5.7	6.1	0.5	7.6	65.9	7.4
Tower Hamlets (%)	15.6	9.8	9.2	0.8	10.8	43.6	10.2
London (%)	12.4	11.5	12.6	1.4	11.5	40.5	10.0
England (%)	14.8	15.2	17.1	3.1	14.5	29.8	5.6

(Source: Census 2011 LC5102EW - Highest level of qualification by age)

Figure 10: Residents aged 16 to 64 with No qualification and Level 4 plus qualification (%)



(Source: Census 2011 LC5102EW - Highest level of qualification by age)

- The population aged 16 to 64 in St Katharine's and Wapping showed a different qualification structure to Tower Hamlets as a whole with a very large proportion of highly qualified residents.
- The proportion of those with a level 4 qualification in St Katharine's and Wapping (65.9 per cent) was the highest in the borough, outperforming London (40.5 per cent) and England (29.8 per cent).
- Around 601 residents or 6.8 per cent aged 16 to 64 did not hold a formal qualification. However, this rate was substantially below the Tower Hamlets average of 15.6 per cent and the London (12.4 per cent) and England rates (14.8 per cent).
- The proportion of St Katharine's and Wapping residents with no formal qualification was the lowest out of all 20 wards in Tower Hamlets.
- The proportion of St Katharine's and Wapping residents with a level 3 qualification was 7.6 per cent, a rate below the Tower Hamlets and London averages.

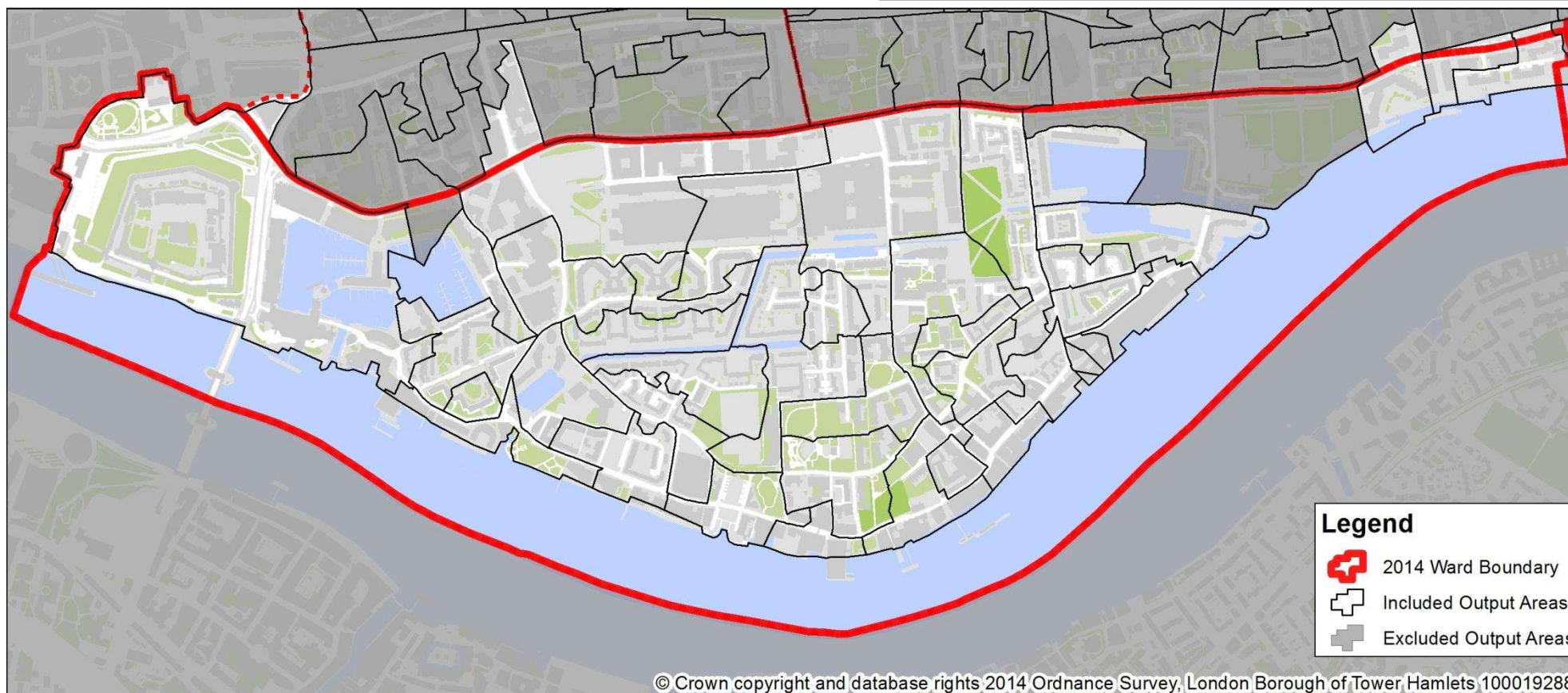
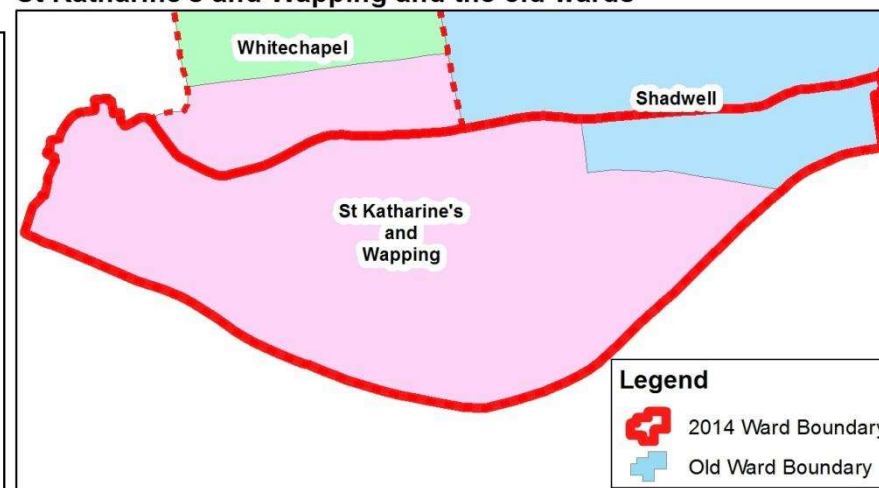
## St Katharine's and Wapping Statistical Area

### Statistical Areas

The map (right) shows which Census Output Areas have been included in the summary statistics for this ward, and which areas have been assigned to other wards.

Census Output Area (OA) data has been aggregated on a best fit basis to match the new Tower Hamlets ward boundaries as closely as possible. This has been done in accordance with methodology employed by the Office for National Statistics (ONS) in producing census statistics for non-standard geographies. Details of this methodology can be found on the ONS website at: <http://www.ons.gov.uk/ons/guide-method/geography/geographic-policy/best-fit-policy/index.html>.

### St Katharine's and Wapping and the old wards



### **Further information**

The data used in this document has been sourced from the Office for National Statistics Census 2011 and specific Census 2011 data tables are quoted in the document.

**Contact the Corporate Research Unit:** [cru@towerhamlets.gov.uk](mailto:cru@towerhamlets.gov.uk)

For more information, see the [Borough Statistics](#) page on the council's internet. Census 2011 data tables can be obtained from the [Office for National Statistics](#) official labour market statistics webpage.

# Appendix 9

## Appendix One

### **Tower Hamlets Council**

## **Sex Establishment Licensing Policy**

### **Introduction**

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

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

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

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

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

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

Sex shops

Sex cinemas

Sexual entertainment venues

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

### **Policy Rationale**

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.
- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the “One Tower Hamlets” principle by fostering community cohesion, reducing inequalities and empowering communities. The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

## Policy Considerations

### Existing Licensed Premises

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

NAME	ADDRESS
THE BEEHIVE	104-106 Empson Street, London, E3 3LT
EONE CLUB	168 Mile End Road, London, E1 4LJ
NAGS HEAD PUBLIC HOUSE	17-19 Whitechapel Road, London, E1 1DU
THE PLEASURE LOUNGE	234 Cambridge Heath Road, London, E2 9NN
WHITE SWAN	556 Commercial Road, London, E14 7JD
ASTON'S CHAMPAGNE AND WINE BAR BASEMENT & 1ST FLOOR	187 Marsh Wall, London, E14 9SH
CLUB PAISA	28 Hancock Road, London, E3 3DA
OOPS	30 Alie Street, London, E1 8DA
WHITE'S GENTLEMANS CLUB	32-38 Leman Street, London, E1 8EW
SECRETS	43-45 East Smithfield, London, E1W 1AP
IMAGES	483 Hackney Road, London, E2 9ED

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1<sup>st</sup> June 2014 so that it can:

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

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.



Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

### **Limits on the number of licensed premises**

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

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

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

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

### **Location of premises**

The Council's policy is that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero.

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

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

## **Impact**

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

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant

- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

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

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

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police

- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

## **Applicants**

Where appropriate the Council expects applicants to:

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

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

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

## **Premises appearance and layout**

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency

- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

## **Conditions**

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

## **The Application Process**

### **Making a new, renewal, transfer or variation application**

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

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website ([www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk))
- from the Licensing Team on 020 7364 5008
- by email to [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

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

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

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

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises( new applications only)
- Submit a location plan (1:1250) showing the location of the premises(NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

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

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

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

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

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

### **Representations**

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)
- Email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)
- Post to: Consumer and Business Regulations, Licensing Team, 6<sup>th</sup> Floor, Mulberry Place, 5 Clove Crescent, E14 2BG.

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

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

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the

decision to allow a late objection to be considered. In making such a decision the Council will take into account:

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

### **Determining an application**

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

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

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

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

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



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

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

### **Appeals**

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

### **Grounds for refusing an application**

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
2. That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself
3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
4. That the grant or renewal of the license would be inappropriate, having regard:-
  - a. to the character of the relevant locality
  - b. to the use to which any premises in the vicinity are put; or
  - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

## **Transitional Arrangements**

Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.

The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'.

### **Existing Operators**

To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

For the purposes of the Transition a "2003 Act Licence" means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

"Preparatory work" refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1<sup>st</sup> appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and

a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

## **Appointed Days**

### **1st Appointed Day**

The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1<sup>st</sup> June 2014)

### **2nd Appointed Day**

The day 6 months after the 1st appointed day (1st December 2014)

### **3rd Appointed Day**

The day 6 months after the 2nd appointed day and the end of the transitional period (1<sup>st</sup> June 2015)

## **New Applications**

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence

## **Determining Applications Received On or Before the 2nd Appointed Day**

Applicants will be able to submit their application for a sexual entertainment venue from the 1<sup>st</sup> appointed day onwards.

As the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1<sup>st</sup> appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

### **Determining Applications Received After the 2nd Appointed Day**

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

### **Outstanding Applications**

The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of

relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.

Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants

### **Additional information and advice**

Please contact:

Consumer and Business Regulations  
Licensing Team  
6<sup>th</sup> Floor,  
Mulberry Place,  
5 Clove Crescent,  
E14 2BG.  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)  
020 7364 5008