



Havering

L O N D O N B O R O U G H

LICENSING COMMITTEE AGENDA

7.30 pm	Wednesday 18 December 2013	Committee Room 1- Town Hall - Town Hall
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Members 11: Quorum 4

COUNCILLORS:

Conservative (6)	Residents' (2)	Labour (1)	Independent Residents' (1)	UKIP 1
Peter Gardner (Chairman) Linda Trew (Vice-Chair) Melvin Wallace (Vice-Chair) Keith Wells (Vice-Chair) Georgina Galpin Pam Light	Brian Eagling Linda Van den Hende	Denis Breading	Mark Logan	Fred Osborne

**For information about the meeting please contact:
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AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

3 DISCLOSURE OF PECUNIARY INTERESTS

Members are invited to disclose any pecuniary interest in any of the items on the agenda at this point of the meeting.

Members may still disclose any pecuniary interest in an item at any time prior to the consideration of the matter.

4 MINUTES (Pages 1 - 4)

To approve as a correct record the minutes of the meeting of the Committee held on 17 May 2012, and to authorise the Chairman to sign them.

5 CHANGES TO MEMBERSHIP OF THE COMMITTEE

The Committee is to note the revised membership of the committee.

6 SEX ESTABLISHMENT POLICY AND THE ADOPTION OF SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 FOR APPROVAL BY CABINET. (Pages 5 - 108)

Report attached

7 SCRAP METAL DEALERS ACT 2013 AND HOW IT AFFECT HAVERING

The Committee to receive a presentation on the Scrap Metal Dealers Act 2013.

8 LICENSING ACT STATISTICS AND LEGISLATION UPDATES

The Committee to receive a presentation on Licensing updates.

9 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Andrew Beesley
Committee Administration
Manager**

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**MINUTES OF A MEETING OF THE
LICENSING COMMITTEE
Committee Room 2 - Town Hall
17 May 2012 (7.30 - 8.15 pm)**

Present:

COUNCILLORS

Conservative Group Peter Gardner (Chairman), Lynden Thorpe (Vice-Chair), Georgina Galpin (Vice-Chair), Linda Trew (Vice-Chair) and Frederick Thompson

Residents' Group Brian Eagling

Labour Group

Independent Residents Group

Apologies were received for the absence of Councillors Robert Benham, Denis Breeding and Linda Van den Hende.

All decisions were taken with no votes against.

The Chairman reminded Members of the action to be taken in an emergency.

There was no interest declared at this meeting.

9 MINUTES

The minutes of the meeting held on 31 March 2011 were agreed as a correct record and signed by the Chairman

10 STREET TRADING LICENSING

Officers informed the Committee that this report was not available for the consideration at this meeting.

11 LICENSING ACT 2003 - POLICE AND SOCIAL RESPONSIBILITY ACT 2011

The Committee considered a report that detailed an amendment to the Licensing Act 2003 that was implemented on 25 April 2012 by the provisions of the Police and Social Responsibility Act 2011.

The report outlined one of the changes that related to the removal of section 13 (3) which defined who could be an “interested person” in relation to a licensing application. The effect of this was that any person may now object to a license and s/he does not need to live within the vicinity of the premises.

The report informed the Committee that on the introduction of the Licensing Act 2003, the council had a policy that the licensing officer would notify residents within 50 metres of a premises to let them know that an application had been made for every premises licence application or variation application received. This was over and above the legal requirement for the premises to display a blue notice and advertise in the local press.

The report also stated that since 25 April 2012 all current applications had been available for viewing on the council’s website under the licensing pages. This included details of the application, how to make an objection and the closing date for the consultation.

At the same time, the applicant was still required to advertise the application by placing a blue notice at the premises and advertising the application in the local press so that people who lived near the premises had the opportunity to be alerted that an application had been made.

The report recommended that the Committee consider the proposal that the licensing team no longer write to residents within 50 metres of a premises when an application for a new premises licence or variation of an existing premises licence was made.

The Committee was of the view that the notification letter provided local residents an opportunity to be aware of an application in progress and provided more people with the right to object to applications. The Committee felt that ceasing to write to residents in the vicinity of the premises would lead to less public awareness of those applications and this may result in a reduction in public engagement in the licensing application process.

RESOLVED:

The Committee decided to retain the policy requirement to write to residents within 50 metres of a premises following a premises licence or variation application.

12 UPDATE ON CHANGES TO THE LICENSING ACT 2003

The following Licensing changes were implemented on 25 April 2012 and were outlined to the Committee:

1. Temporary Events Notices (TENS)

The Police and Environmental Health Officers were now able to object to TENS where they considered that the proposed activities were likely to undermine a licensing objective.

2. Penalties for under age sales had increased and the voluntary closure period was also increased.

The fine for persistent underage sales had doubled from £10,000 to £20,000, and the new legislation made it easier to shut down businesses found to be persistently selling alcohol to those under 18.

The new legislation also increased the period of voluntary closure, as an alternative to a fine, from 48 to 336 hours.

3. Licence Fee - Suspension of Licence

Premises licences and club premises certificates would be suspended on failure to pay the annual licence fee.

4. Additional offences had been added for disclosure for personal licence applications.

5. The statement of licensing policy now needed to be updated every 5 years instead of 3 years.

Other changes planned for October 2012

- Early Morning Restriction Order

An Early Morning Alcohol Restriction Order (EMRO) – This was a currently uncommenced power in the Licensing Act 2003 that would enable Licensing Authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they considered this appropriate for the promotion of the licensing objectives.

- Late Night Levy

The late night levy would enable Licensing Authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It would be a local power that Licensing Authorities could choose whether or not to exercise. It must cover the whole of the licensing authority's area.

Changes planned for April 2013

- Local authority will be able to set fees on a cost recovery basis.

Subject to ministerial approval, the Licensing Authority would have the power to set fees on a cost-recovery basis. The costs may also include the costs of acting as other responsible authorities under the Act, e.g. as a

planning authority. A consultation on this matter would be undertaken. The new fee structure was unlikely to fully take effect until 2013.

Changes to the live music Act 2011

These changes would remove the licensing requirements for:

- amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
- unamplified live music between 8am and 11pm in all venues.

This was planned for commencement on 1 October 2012

13 **URGENT BUSINESS**

None

Chairman

LICENSING COMMITTEE

18 December 2013

Subject Heading:

Recommendation to adopt the Sex Establishment Licensing Policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009 for approval by Cabinet.

CMT Lead:

Cynthia Griffin

Report Author and contact details:

Trudi Penman
Divisional Manager, Licensing and Health and Safety,

Policy context:

Financial summary:

The proposed fees are based on cost recovery.

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input checked="" type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Valuing and enhancing the lives of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report seeks the recommendation of the Licensing Committee to (1) approve the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) and (2) the Council's Sex Establishment Licensing Policy following consultation in 2011 for approval by Cabinet.

RECOMMENDATIONS

The Licensing Committee notes the details of this report and recommends that Cabinet approve:

1. The adoption of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 and
2. The Sex Establishment Licensing Policy.

REPORT DETAIL

1.0 The Policing and Crime Act 2009 (PCA09) created a new category of sex establishment, i.e. the “sexual entertainment venue”. Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG (MPA) 82]] is amended by the PCA09 and provides for the adoption of the new provisions contained in schedule 3 of this Act. This allows the ‘appropriate authorities’ to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010.

2.0 ‘Sex establishments’ are:

- a sex cinema
- a sex shop
- a sex encounter establishment (but only where the London Borough has so resolved)
- a hostess bar (but only where the London Borough has so resolved)
- a sexual entertainment venue.

3.0 A sexual entertainment venue is defined as follows:

LG (MPA) 82 Schedule 3

“2A “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).”

LB Havering had resolved on 13th October 1982 to adopt the previous provisions of Schedule 3 which included regulation of sex encounter establishments and hostess bars. These will continue to apply.

A sex encounter establishment is a premise which provides performances wholly or mainly for the sexual stimulation of customers, services or entertainment involving the exposure of private parts and

premises displaying images stimulating sexual activity, e.g. lap dancing club.

4.0 There is no requirement on a Local Authority to adopt the amendments to Schedule 3, but if Havering decides not to do so then the existing policy under the unamended Schedule 3 will continue to apply. This means that adult entertainment including lap dancing may be licensed under the Licensing Act 2003 as a category of “music and dancing”. A premises licence under the Licensing Act 2003 has no expiry date compared to a licence under the LG (MP) A82 which is valid for one year. If a Local Authority considers that the legislation should be adopted then it should construct a policy to address such issues. Such a policy should:

- include the Local Authority’s approach to such matters
- guide and reassure the public and other public authorities
- ensure transparency
- ensure consistency
- guide and focus its committees
- relate grounds for a refusal of a licence
- define conditions
- define procedures

Please see attached Sex Establishment Licensing Policy. Appendix 1.

5.0 Once the new version of schedule 3 has been adopted the LG (MP) A82 will prohibit anyone from using any premises as a sex establishment unless they have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose.

6.0 Schedule 3 LG (MP) A 82 provides an exclusion to the operation of this Act for premises licensed under the Licensing Act 2003 [LA03] for regulated entertainment or late night refreshment; however, in London, this exemption is removed and replaced by an amendment to the LA03 to the effect that relevant entertainment for the purposes of schedule 3 of LG (MP) A82 is not regulated entertainment for the purposes of LA03 Premises

7.0 The London Borough of Havering needs to pass a fresh resolution to adopt the amended LG (MP) A82 and specify the day on which the provisions are to come into force (this day can be no earlier than one month after the date of resolution). The Local Authority must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice must appear no later than 28 days before the date the provisions are to come into force.

8.0 The Local Authority has a duty to consult 'local people' in relation to whether the Local Authority should make such a resolution under Para 4 Schedule 3 Policing and Crime Act 2009 'Local people' has a wide geographical meaning in this instance and relates to persons who live or work in the area of the Local Authority. This consultation took place in 2011 where the consultation and proposals were published on the website as well as sending letters to the responsible authorities and other interested parties. Only 2 responses were received. One was a query and one was in favour of the adoption of schedule 3 but not the nil policy for each ward. See Appendix 2 for the consultation responses. Because of the lack of responses it is assumed that the proposal was non contentious so people did not feel moved to respond. There was a single response against the policy so it is not proposed to make any changes to the draft document. It is considered that, despite the fact that consultation took place in 2011, there have been no significant changes in the community of Havering that would lead to any changes in responses.

It is therefore proposed that the Council proceeds to adopt the amendments to schedule 3 of the Local Government and agree the Sex Establishment Licensing Policy.

IMPLICATIONS AND RISKS

Financial implications and risks:

Currently, and without the adoption of schedule 3, should such an establishment be licensed, that license would be covered by the Licensing Act 2003, fees for which are set by government. At the moment, an average Licensing Act fee is c£250 application fee, plus an annual fee of c£180.

If Schedule 3 is adopted, then the Council can set sex establishment fees on a cost recovery basis. The licence would be valid for one year and the fee, which has been based on estimated costs, would be £2000 from April 2013 for a new licence.

Legal implications and risks:

The new version of Schedule 3 may be adopted by the Council following consultation. The guidance recommends that consultation should be undertaken with local people i.e. those who live and work in the area. Such consultation should be fair and meaningful. This means that it must be undertaken at a time before final decisions have been taken and any comments should be conscientiously taken into account before a final decision is made. Whilst the consultation took place some time ago it does appear to have been undertaken with local people as ward councillors were informed and are representative of those living locally and could have communicated specific details of the consultation to their

constituents. The passage of time may introduce an element of vulnerability however, the risk is considered to be small. The decision maker must be satisfied that there has been sufficient information provided to ensure that all relevant people have been given an opportunity to make any representations they think are appropriate.

The other element of vulnerability is the adoption of a nil establishment policy. The impact of this is that if an application is made it will almost inevitably be rejected even though each case will need to be considered on its own facts. There will be no right of appeal against a decision to reject an application on the basis of the nil policy. The only potential challenge to a specific decision on an application rejected because of the nil policy will be by way of judicial review. Therefore the decision maker must be satisfied that the nil policy has objective justification and is not based on moral objections. However the legislation specifically provides for a nil policy and therefore such a decision, if based on rational objective grounds, gives rise to a low risk. (Paragraph 12(4) LGMPA 1982)”

Human Resources implications and risks:

There are no direct human resources implications to this report. The Licensing regime will be implemented from existing resources.

Equalities implications and risks:

While it is recognised that the policy may deter a small number of businesses opening up, the benefits of having it in place far outweighs the potential loss of such new businesses. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls, and will significantly minimise the risk of exploitation of those groups. For further information, please refer to the Equality Analysis (Appendix 3).

BACKGROUND PAPERS

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Haverling
LONDON BOROUGH

Sex Establishment Licensing Policy

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1. Introduction

- 1.1 This document sets out the London Borough of Havering's Policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.
- 1.2 This document relates to applications for sex establishment licences covering:
- Sex entertainment venues
 - Sex cinemas
 - Sex shops
 - Hostess bars
 - Sex encounter establishment
- 1.3 In determining this policy, the Council has been mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities. Please refer to Section 5 for more details.
- 1.4 The procedure sets out:
- The process for making an application, and
 - The process the Council will follow in considering and determining an application for a sex establishment.

2. Consultation

- 2.1 In developing the policy for the three kinds of sex establishment (sex shop, sex cinema, and sex entertainment venue); the Council has had regard to Schedule 3 of the local Government (Miscellaneous Provision) Act 1982, as provided under the Policing and Crime Act 2009. This Sex Establishments Licensing Policy was subject to widespread consultation.

3. Definitions

The Act

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

The Policy

This refers to the Sex Establishment Licensing Policy.

Relevant locality

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

Character of the relevant locality

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

The Council

This means the London Borough of Havering

Display of nudity

This means:

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

Hostess Bar

This means

- (a) any premises used for a business which consists, whether in whole or in part, of the offering, expressly or by implication, whether on payment of a fee or not, of the provision of companions for customers on the premises; or
- (b) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that a performance, entertainment, service, exhibition or other experience of a sexual nature is available on the said premises; or
- (c) any premises in respect of which any impression, by whatever means, is given to customers, or potential customers, that alcoholic refreshments are available on the said premises despite the premises not being the subject of a premises licence or a club certificate under the 2003 Act.

The Licensed Premises

This is a premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions required for operating.

Note that licences are not required for the sale, supply or demonstration of birth control items.

The Organiser

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

Permitted hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

Sex articles

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

Sex Cinema

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

Sex Encounter Establishment

- (a) premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- (b) premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity

Sexual Entertainment Venue

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

Sex Shop

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

4. Policy Consideration

- 1 The London Borough of Havering is a borough with an ancient history and an exciting future. Havering is one of the largest boroughs in Greater London, with a population of around 237900 (from the last census) and an area approaching 40 square miles, half of which is in the Green Belt. It is located on the periphery of North East London. The area has good road and rail links. To the north and east the borough is bordered by the Essex countryside, to the south by a three mile River Thames frontage, and to the west by the neighbouring boroughs of Redbridge and Barking & Dagenham.
- 2 The name 'Havering' devolves from the Royal Liberty of Havering, to which Edward IV granted a charter in 1465. Edward the Confessor was the first notable person to have a connection with the area. He occupied the royal house in the village of Havering atte Bower.
- 3 Havering has a lively cultural scene, centred on the Queen's Theatre and the Fairkytes Arts Centre. There is a Museum in Romford town centre. Leisure facilities are second to none, with three leisure centres with state-of-the-art equipment and facilities. The borough is also a great place to shop. There are 250,000 regular shoppers in Romford town centre alone. In addition to Romford there are small local shopping centres in Harold Hill, Collier Row, Hornchurch, Cranham, Upminster, Elm Park and Rainham. See map appendix 2

The Councils Vision

The Corporate Plan 2011-14 sets out the Council's Agenda. The Council's ambition for Havering is simply to provide our residents with the highest quality of life in London.

This "Living Ambition" is underpinned by five goals:

- Goal for environment: Ensuring a clean, safe and green borough.
- Goal for learning: Achieving excellence in education and learning.
- Goal for towns and communities: To provide opportunities for all from economic, social and cultural activity.
- Goal for value: To deliver high customer satisfaction and a stable Council tax and value for money from all sector service providers.
- Goal for individuals: To value and enhance the lives of every individual.

- 4.5 Licensing relates to a number of different aspects of the community strategy. Licensing in Havering will, as far as possible, embrace the vision and act to support its achievement.

- 4.6 The Community Safety strategy vision for Havering is to create a safe, welcoming, healthier and more prosperous place where people choose to live, work and visit.
- 4.7 The mission of the Havering Community strategy is to:
- Create a thriving successful and healthy community for all
 - Make Havering an inclusive place in which to live, work and visit
 - Create a dynamic, prosperous economy driven by a well educated and trained workforce
 - Create a good quality of life in Havering for now and the future, through actions that contribute locally, nationally and internationally to sustainable development.
- 4.8 The Council aims to integrate this policy with the objectives of the Havering community strategy so that it contributes to achieving the vision of the borough. As such and with reference to appendix 1 , the provision of sex establishments is considered by this Council to contradict and undermine its stated aims. The Council's 'nil per ward policy' responds to this concern and in addition to the above is based on the following borough factors which justify this safeguarding regulatory step:

Ward profiles

Borough profile

Locations of:

Premises attracting vulnerable people such as GP surgeries and addiction centres

Areas and premises attracting families such as leisure and sport facilities and play spaces, parks and open spaces

Premises attracting young people such as schools, nurseries and other education establishments

Places of worship

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

- 4.10 Working with our partners in Health, Education, the Police and the business and voluntary sectors, the Council will continue to ensure that it reasonably and proportionately reflects the needs of its local communities through:

Continued consultation will take place by responding to complaints and by reviewing the policy in 5 years.

The promotion of a consistent and fair approach to regulation

Consultation with the police and other agencies as appropriate, to establish protocols for effective enforcement.

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

- 4.12 This policy has therefore had regard to:

Havering Community Strategy

Havering's Enforcement Policy

Section 17 of the Crime and Disorder Act 1998

The Human Rights Act 1998

The Disability Discrimination Act 1995

Havering's Statement of Licensing Policy (Licensing Act 2003)

Havering's Statement of Principles (Gambling Act 2005)

5. General Policy

Principles to be applied

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

A licence cannot be granted:

- i. to anyone under 18 years of age
- ii. to someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- iii. to someone who has been refused a new or renewal of a licence within the last 12months (from the date of making the application)
- iv. to an individual who is not resident in an EEA (European Economic Area) state or has not been resident for 6 months prior to the making of an application
- v. to a company not incorporated in an EEA state.

5.2 The Council has determined that the following principles will apply

5.2.1 The Council has set a limit on the number of sex establishments that it thinks is appropriate for its relevant localities. The Council treats each ward in the borough as a relevant locality. Having regard to its analysis, the Council has determined that the appropriate numbers of sex establishments for each ward is as follows:

Wards	Appropriate number
Brooklands	0
Cranham	0
Elm Park	0
Emerson park	0
Gooshays	0
Hacton	0
Harold Wood	0
Havering Park	0
Heaton	0
Hylands	0
Mawneys	0
Petitts	0
Rainham and Wennington	0
Romford Town	0
St Andrews	0
South Hornchurch	0
Squirrels Heath	0
Upminster	0

- 5.3 There is no right of appeal against a decision based on this element of the Policy

Other Considerations

General

- 5.54 Every application will be considered on its merits on a case by case basis in determining applications to grant, refuse, renew, transfer or vary a licence.
- 5.5 The applicant must effectively address the policies on the appropriate number and the character of the relevant locality/ward in order for any grant of an application to be considered.
- 5.6 Sex establishments are not to be functionally visible to passers by on retail thoroughfares or pedestrian routes.
- 5.7 The Council shall have regard to all relevant considerations, including any representations received and comments made by:

Ward Councillors
Members of Parliament
Police
Fire Brigade
Planning
Environmental Health
Community Safety
Licensing Authority
Children Services
Interested parties (local residents/businesses)
Any representations made by the applicant.

New Applications

5.8 The Council may also refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves
- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality (please refer to paragraph 5.2)
- d) (i) the grant or renewal of a licence would be inappropriate having regard to: the character or the relevant locality
(ii) The use to which any premises in the vicinity are put or
(iii) The layout, character or condition of the premises, vehicle, vessel - all in respect of which the application is made.

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

5.10 The Council shall not normally grant a licence to operate as a sex establishment where there are residentially occupied premises, schools (including nursery groups) and other places/access routes used to a significant degree by children or young persons, or places of worship within 100 metres of the premises seeking a licence.

5.11 The Council may also have regard to the following factors:

- The proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons.
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises
- The proximity to shopping centres
- The proximity to community facilities/ halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The potential impact of the licensed activity on crime and disorder and public nuisance

- The potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated
- The nature and concerns of any objections received from residents/establishments objecting to the licence application
- Any evidence of complaints about noise and/or disturbance caused by the premises
- Current planning permission/planning requirements on the premises
- Any current planning policy considerations
- Proximity of other sex establishments
- Whether there is planned regeneration of the area
- Any current licensing permissions related to the premises in relation to activities, uses and hours
- Comments /observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- The suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:
 - a) Previous knowledge and experience of the applicant
 - b) Any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other borough
 - c) Any report about the applicant and management of the premises received from objectors or the police and any criminal convictions or cautions of the applicant
 - d) Any other relevant reason.

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

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

Renewal Applications

5.14 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.

- 5.15 When considering a renewal application the Council may take into account the criteria set out at paragraph 5.10, and:
- The type of activity to which the application relates
 - The duration of the proposed licence
 - The days and hours of the operation of the activity
 - The layout and condition of the premises
 - The use to which other premises in the vicinity are put
 - The character of the locality in which the proposed premises are situated
 - The levels of crime and disorder in the area
 - Past demonstrable adverse impact from the activity
 - Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts
- 5.16 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 5.17 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the Licensing Sub-committee for decision.

Variation Applications

- 5.18 Where an application is made to vary any of the terms and conditions on an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 5.10 and 5.14.

Licensing Act 2003

- 5.19 Sex establishment premises will need a separate licence to sell alcohol but may not need a licence for any other form of regulated entertainment dependant on the operation of the premises. Contact the licensing team for more information Licensing@haverling.gov.uk.

6. The Application Process

Making an Application

- 6.1 Any application must be made in writing to the Licensing team using the prescribed application forms which can be downloaded from the Havering Council website. Both forms need to be completed. Please note that applications may take 8-12 weeks to determine.

- 6.2 Applicants for a licence must complete and return the application form together with:
- Five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - Five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - Five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - Five sets of plans (scale 1:50) showing the layout of the sex establishment;
 - The correct fee as set by the Council
- 6.3 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. Notices are available on the website. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by. The notice should contain as a minimum the following information:
- The applicants name and address
 - The date of application
 - The category of licence being applied for, e.g. sex shop, sexual entertainment venue
 - The proposed hours during which the premises will be used as a sex establishment
 - The application type ,e.g. grant, renewal, transfer, variation
 - The date of the application
 - The last date for receipt of objections and the address to send objections to.
- 6.4 Applicants are also required to place a public notice in a local paper with a wide distribution in Havering at their expense. Suggested papers are the Romford Recorder and the Yellow Advertiser. The notice must as a minimum include:
- The applicants name and address
 - The date of application
 - The category of licence being applied for, e.g. sex shop, sexual entertainment venue
 - The proposed hours during which the premises will be used as a sex establishment
 - The application type ,e.g. grant, renewal, transfer, variation
 - The date of the application

The last date for receipt of objections and the address to send objections to
A specimen advertisement is available on the Havering Council website. The newspaper notice should appear in the publication within 7 days of the application being lodged and should inform people that they have up to 28 days from the date of the application in which to object to the application..

- 6.5 Officers from Building Control and the Fire Authority will inspect the premises to ensure that the required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 6.6 As part of the established procedure for dealing with applications, noise officers are consulted, for example if there is the possibility of noise nuisance from amplified music. These officers may also carry out an inspection and recommend noise insulation work. Any conditions imposed by the Licensing Authority must be complied with at all times while the licence is in force.
- 6.7 Comments on applications are also sought from Councillors, the Police, the Head of Regulatory Services and any other relevant person as deemed appropriate by the Council.
- 6.8 Applicants are warned that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (e.g. Town and country Planning Act 1990) or byelaws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer of the Council a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with these.

Renewal of Licences

- 6.11 To continue operating as a sex establishment, licence holders must submit a renewal application in writing to the Licensing team on the prescribed form prior to the expiry date so that the licence can run consecutively. The lodging of an application automatically extends the duration of the licence until the application is dealt with.
- 6.12 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the sex establishment to make such examination

and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Variation of Licence

6.13 The application form, with relevant plans and fee must be submitted to the Licensing team. Please note that applications for variation of the licence are also subject to the site and newspaper notice requirements set out in the above paragraphs 6.3 and 6.4.

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

6.15 All opposed Variation applications for sex establishment licences must be referred to the Council's Licensing Sub-committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of licence

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

Representations on any Application

6.17 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the licensing team setting out the ground of objection.

6.18 The Council will consider the interests of the applicant and those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account

6.19 The legislation dictates that, unless a person making representations. consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Licensing Sub Committee. There is no obligation for an objector to attend the hearing, written representations will be considered although the committee will give each appropriate weight.

6.20 However, the ground of any objection made on the application must be provided to the applicant prior to the determination of the application. The

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

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

7. Duration of Licence

- 7.1 Sex establishment licences may be granted for any period up to one year.

8. Appeals

8.1 There are no rights of appeal for persons who have objected to the grant of a sex establishment licence nor for other statutory authorities.

8.2. There is a right of appeal for applicants/licence holders in the following circumstances:

- refusal to grant a new sex establishment licence
- refusal to renew an existing sex establishment licence
- refusal to transfer an existing sex establishment licence
- refusal to vary an existing sex establishment licence
- imposition of conditions on a sex establishment licence
- revocation of a sex establishment licence

8.3. However, an appeal may not be lodged where the Council's decision has been made on the basis that:

I. the number of sex establishments, or sex establishments of a particular kind, 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

II. the grant is inappropriate, having regard:

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

8.4. Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition. Where the Licensing Panel have given an oral decision with reasons at the end of a hearing, the time limit for lodging an appeal will start on that date.

8.5. Where an appeal is lodged, the sex establishment licence remains in force until such time that the appeal is determined or abandoned. Where an appeal is lodged against conditions applied to a sex establishment licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

8.6. There is a further and final right of appeal from the Magistrates Court to the Crown Court. This may be brought by the applicant/licence holder or the Council. The Council are not obliged to give effect to any order of the Magistrates Court until the time limit for the bringing of an appeal to the Crown Court has expired and, if such an appeal is brought, until the abandonment or determination of the appeal.

Regulations prescribing Standard conditions for Sex Establishment Licences.

In these regulations, the expressions "sex cinema", "sex shop", "sex article", "sex encounter establishment", "hostess bar" and "sexual entertainment venue" have the meaning ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009. "The Council" means the Council of the London Borough of Havering. "Licence holder" means the person or organisation named as the holder of the sex establishment licence for the premises granted by the London Borough of Havering for the time being in force. "Licensed premises" means the premises licensed by the London Borough of Havering to be used as a sex establishment. In the event of any conflict between these regulations and any special conditions contained in a licence relating to a sex establishment, the special conditions shall prevail.

General Conditions

1. The licence holder shall retain control over all portions of the premises as defined on the approved premises plan, and shall not let, license or part with possession of any part of the licensed premises.
2. The public shall not be permitted to have access to any part or parts of the licensed premises other than those which have been approved by the London Borough of Havering as per the plan submitted to the Council at the time the licence was granted.
3. No person under the age of eighteen shall be admitted to the licensed premises whilst the sex establishment licence is being used and prominent notices shall be displayed at each entrance to the premises to that effect.
4. No person aged under eighteen shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
5. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their trade.
6. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of any written request by the Council.
7. The premises layout shall allow all public parts of the premises to be easily supervised by premises management, staff and door supervisors at all times, save for public toilet areas which shall be checked at least at hourly intervals to ensure such areas are not being used for any improper purposes and are in a clean and useable condition.

8. No change of use of any portion of the licensed premises from that approved by the Council shall be made until the Council's consent in writing has been obtained.
9. No access shall be permitted through the licensed premises to any other premises adjoining or adjacent except in the case of emergency.
10. No alterations or additions, either internal or external, and whether permanent or temporary, shall be made to the structure, lighting or layout of the licensed premises except with the prior written approval of the Council.
11. The windows and openings of the licensed premises shall be of material or covered with material which will render the interior of the premises invisible to passers by.
12. The external doors to the licensed premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
13. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently exhibited at the premises in a position where it can be clearly seen by patrons of the premises. For the purposes of this section, a certified copy of the licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.

Touting for Business

14. There shall be no touting for business for the premises by way of flyer, persons holding advertising boards, branded vehicles or personal solicitation.

Premises Appearance

15. There shall be no display of any form of imagery or photographs that are offensive to public decency. The Council's opinion shall be final.
16. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:-
- any notice required to be displayed by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
- unless the Council has given its prior consent in writing that such display or advertisement may be used.

CCTV Conditions

17. A CCTV system shall be installed and working to the satisfaction of the Police and the Council. The system shall cover the whole of the parts of the premises to which the public have access, with the exception of individual toilet cubicles. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.

18. CCTV monitors covering the premises shall be available in the foyer or reception area of the premises where they can immediately be viewed by Police and Council officers during an inspection of the premises. This condition does not preclude further monitors being located in other parts of the premises.

19. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the licensed premises, advising that CCTV is in operation.

20. The CCTV shall record continuously the entire time that any member of the public is present on the licensed sex establishment.

21. Recordings shall be of a sufficient quality to clearly identify persons on the Recordings

22. Recordings shall be retained for a minimum period of 31 days.

23. Copies of the recordings shall be made available to the Police and the Council on request.

24. Any defect in the operation of the CCTV system shall be notified immediately to the Police Licensing Team and the Council in writing and by telephone, and the licence holder shall ensure that repairs to the CCTV system are effected as soon as reasonably practicable.

25. Where any part of the CCTV system is non operational, the licence holder shall comply with any direction from the Metropolitan Police or the Council not to use certain parts of the licensed premises for the purposes of the sex establishment licence

Additional Conditions for Sex Shops

26. No sex articles shall be displayed in such a manner that they can be seen by persons outside the sex establishment.

27. The licensee shall ensure that no employee or any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.

28. Any change of staff employed at the licensed premises shall be notified in writing to the Council within 14 days of the change.

29. All sex articles and other things displayed within the licensed premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged (inclusive of VAT).

30. All goods offered for sale, hire, exchange or loan shall be available for inspection prior to supply and a notice to this effect is to be prominently displayed within the premises.

Additional Conditions for Sexual Entertainment Venues

31. The layout of the premises shall be such that performers cannot be seen from outside the premises.

32. Performers/dancers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

33. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.

34. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.

35. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.

36. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.

37. Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:

- each entrance and exit at the premises used by the public are manned by at least two door supervisors
- all public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with
- persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises.

Requirements for a Code of Conduct for Dancers

38. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.

39. The Code of Conduct shall, as a minimum, contain the conditions set out

in the section below entitled “Sexual Entertainment Venues - Code of Conduct for Dancers”.

40. No change shall be made to the Dancer’s Code of Conduct without the prior written consent of the Council and the Metropolitan Police.

41. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary contractual sanctions proceedings.

42. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer’s Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.

43. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer’s Code of Conduct and Disciplinary Procedure as described above.

44. A copy of the sections of the Dancer’s Code of Conduct relevant to customers shall be prominently displayed in each area of the premises to which the public have access, including toilet areas, and in any area used as a changing/dressing room for dancers.

45. The premises management and staff (including security staff) shall be aware of the content of the Dancer’s Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

46. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.

47. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled “Sexual Entertainment Venues - Code of Conduct for Customers”.

48. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.

49. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council and the Metropolitan Police.

50. The Customer’s Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.

51. The premises management and staff (including security staff) shall be aware of the content of the Customer’s Code of Conduct and shall ensure it is complied with.

52. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident log.

53. If management are made aware of a customer repeatedly breaching the rules of the Customers Code of Conduct, they shall eject that customer from the premises.

Disciplinary Procedure

54. A disciplinary procedure shall be in place to deal with dancers who breach the Dancer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each dancer who works at the premises.

55. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the house Disciplinary Procedure and have read and understood its contents.

56. The Disciplinary Procedure shall not include provision to "fine" dancers or otherwise impose pecuniary penalties. Action taken may include verbal or written warnings, suspension of the dancer's right to perform at the premises, or revocation of the dancer's right to perform at the premises.

Sexual Entertainment Venues - Code of Conduct for Dancers

57. The Dancer's Code of Conduct shall include the following conditions as a minimum:

- a. Dancers may not intentionally touch a customer during a performance.
- b. Dancers may not permit a customer to touch them during a performance.
- c. Dancers may not straddle the customer.
- d. If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the dancer shall stop the performance and inform premises management immediately.
- e. Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts.
- f. Dancers shall not solicit for gratuities or payment for sexual favours.
- g. Dancers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.
- h. Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
- i. Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
- j. Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public.
- k. Dancers shall not perform if under the influence of alcohol or drugs.
- l. If a customer engages in acts of masturbation or other sexual

behaviour, the dancer shall cease the performance immediately and inform the premises management.

m. Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.

n. Dancers shall only use the smoking area provided specifically for their use.

o. Dancers shall only use the sanitary facilities specifically provided for their use.

p. Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible.

q. All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which has been provided to each dancer.

Sexual Entertainment Venues - Code of Conduct for Customers

58. The Customers Code of Conduct shall include the following conditions as a minimum:

a. Customers may not touch dancers during a performance.

b. Customers may not make lewd or offensive remarks to dancers.

c. Customers may not harass or intimidate dancers.

d. Customers may not ask dancers to perform any sexual favour.

e. Customers may not perform acts of masturbation or indulge in other sexual behaviour.

f. Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

Private Booths

59. Private booths shall not be provided at the licensed premises.
Dancers Private Work Areas

60. A designated dressing room area shall be provided for dancer's exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be sufficient to enable dancers to change privately.

61. Dancers shall be provided with their own sanitary facilities separate from those used by customers.

62. A secure external area shall be provided for dancers to smoke without coming into contact with customers.

Dancers Welfare Policy

63. The licence holder shall have a Dancers Welfare Policy in place at the premises.

64. The Policy shall, as a minimum, state that

- any dancer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter
- staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a dancer
- any customer behaving inappropriately will be ejected from the venue
- dancers shall be provided with free drinking water on request

General Provisions

65. The licence holder shall obtain a photocopy of the passport of each dancer that works at the premises and shall certify the copy as being a true copy by signing and dating the photocopy together with their name and job title.

66. The licence holder shall undertake reasonable checks to ensure each dancer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises.

67. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the dancer's full name, home address, date of birth and a certified photocopy of their passport and the date the dancer was provided with the Dancers Code of Conduct and Disciplinary Procedure. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. Any instances of the dancer breaching the Dancers Code of Conduct shall be recorded on the dancer's record showing the date and time of the incident and details of the breach that occurred.

68. Dancers under the age of eighteen shall not be permitted to work at the premises.

69. Dancers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.

70. The licence holder shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, give details of:

- any ejections from the premises
- any refused admissions
- any refused sales
- any inappropriate behaviour by guests
- any failure in the CCTV system
- any incidents of crime or disorder
- any complaints made by the public, guests or dancers

71. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved/name of dancer where appropriate and brief details of the incident and any action taken by the staff.

72. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.

73. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

74. The licence holder shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.

75. The incident log shall be made available for inspection to Police or authorised Council officers on request.

Additional Rules for Premises Used as Sex Cinemas

76. No film shall be exhibited unless:

- (i) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
- (ii) the film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18) with the London Borough of Havering being the name of the Council.

77. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.

78. Not less than 28 days notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.

79. When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.

80. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.

81. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.

82. Immediately before each exhibition at the premises of a film (other than a

current newsreel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.

83. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

LONDON BOROUGH OF HAVERING

(Here insert title of film)

has been passed by the London Borough of Havering as

(here insert the definition of the category and the category assigned)

84. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

LONDON BOROUGH OF HAVERING

*.....trailer advertising +.....film

(*Here insert the category of the trailer)

(+Here insert the category of the film)

85. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

86. The licence holder shall ensure that an incident log is maintained at the premises. The log shall, as a minimum, give details of:

- a. any ejections from the premises
- b. any refused admissions
- c. any refused sales
- d. any inappropriate behaviour by guests
- f. any failure in the CCTV system
- g. any incidents of crime or disorder
- h. any complaints made by the public or guests

87. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved where appropriate and brief details of the incident and any action taken by the staff.

88. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.

89. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

90. The licence holder shall ensure the incident log is checked periodically and at least on intervals of one month apart to ensure that staff are completing

the incident log.

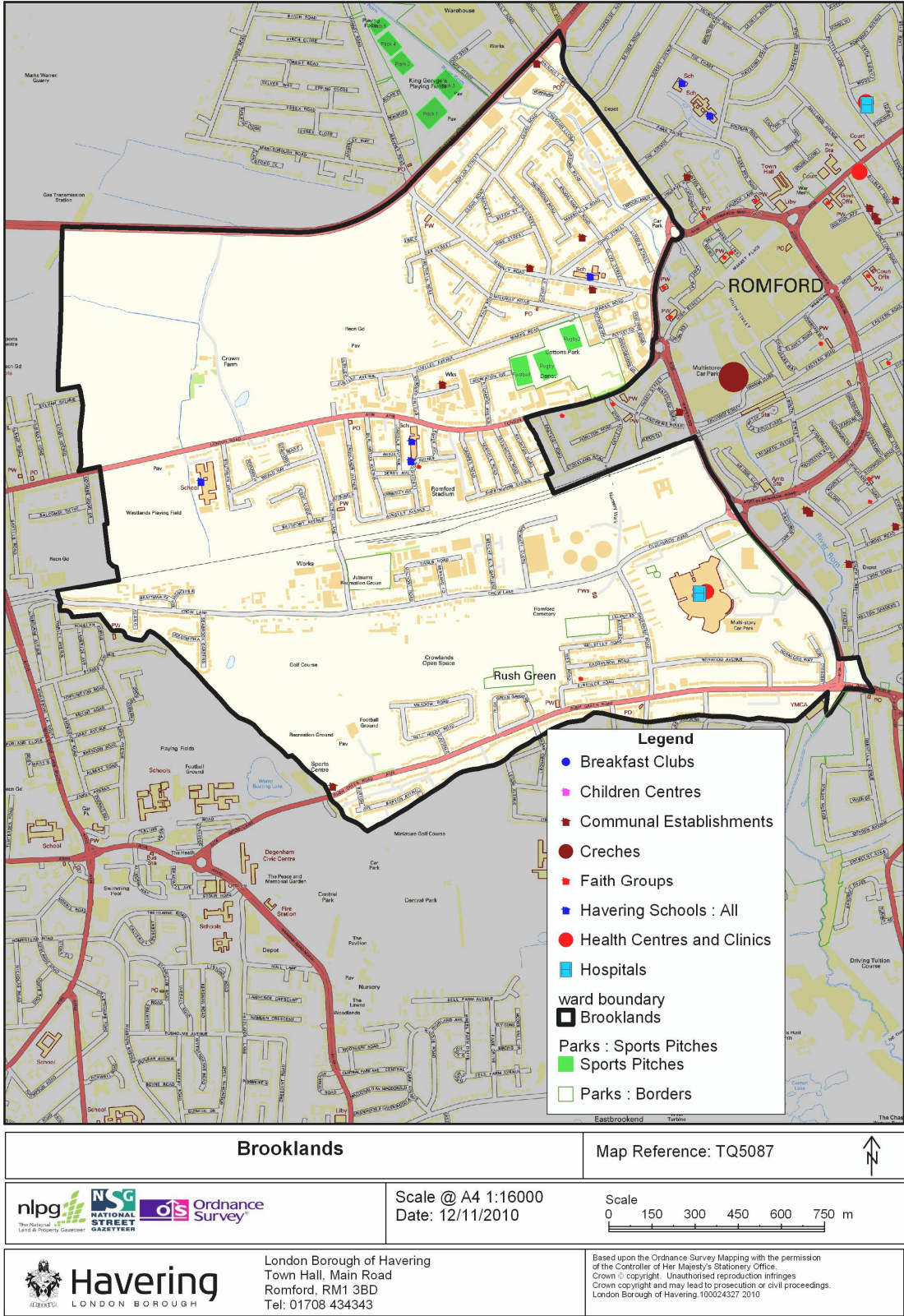
91. The incident log shall be made available for inspection to Police or authorised Council officers on request.

Appendix 1

Character and Locality Maps by Ward

Sex Establishment Licensing Policy Ward Report

Brooklands



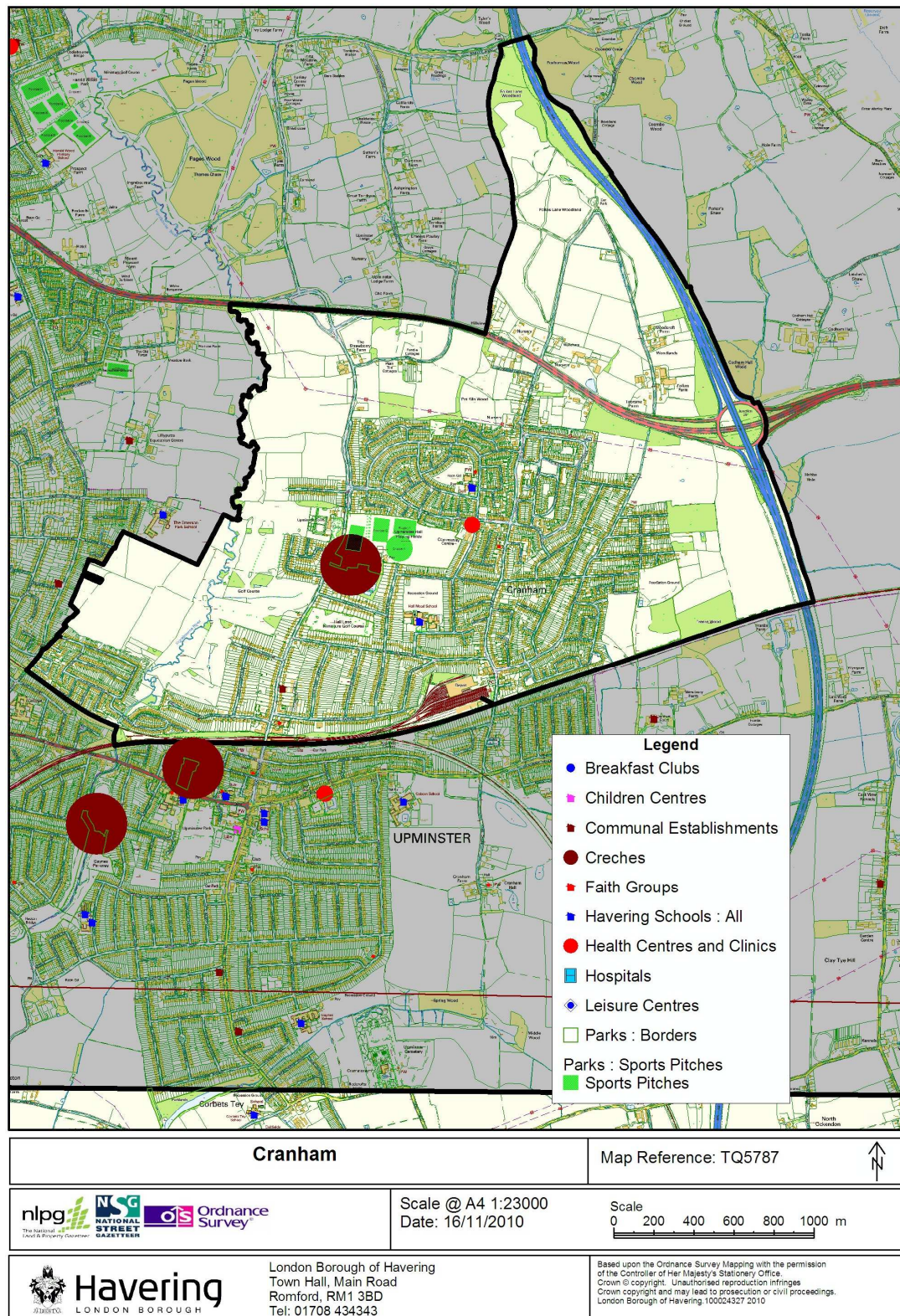
Brooklands ward contains a population of 14,626 which equates to approximately 6% of Havering's residents. 21% of Brooklands' population is young people while 13% is older people. 30% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy **6,234** households.

The ward contains:

- two primary schools and one secondary school
- twenty-two communal establishments
- two faith group premises
- one health centre/clinic
- one hospital
- one leisure centre
- three parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Cranham



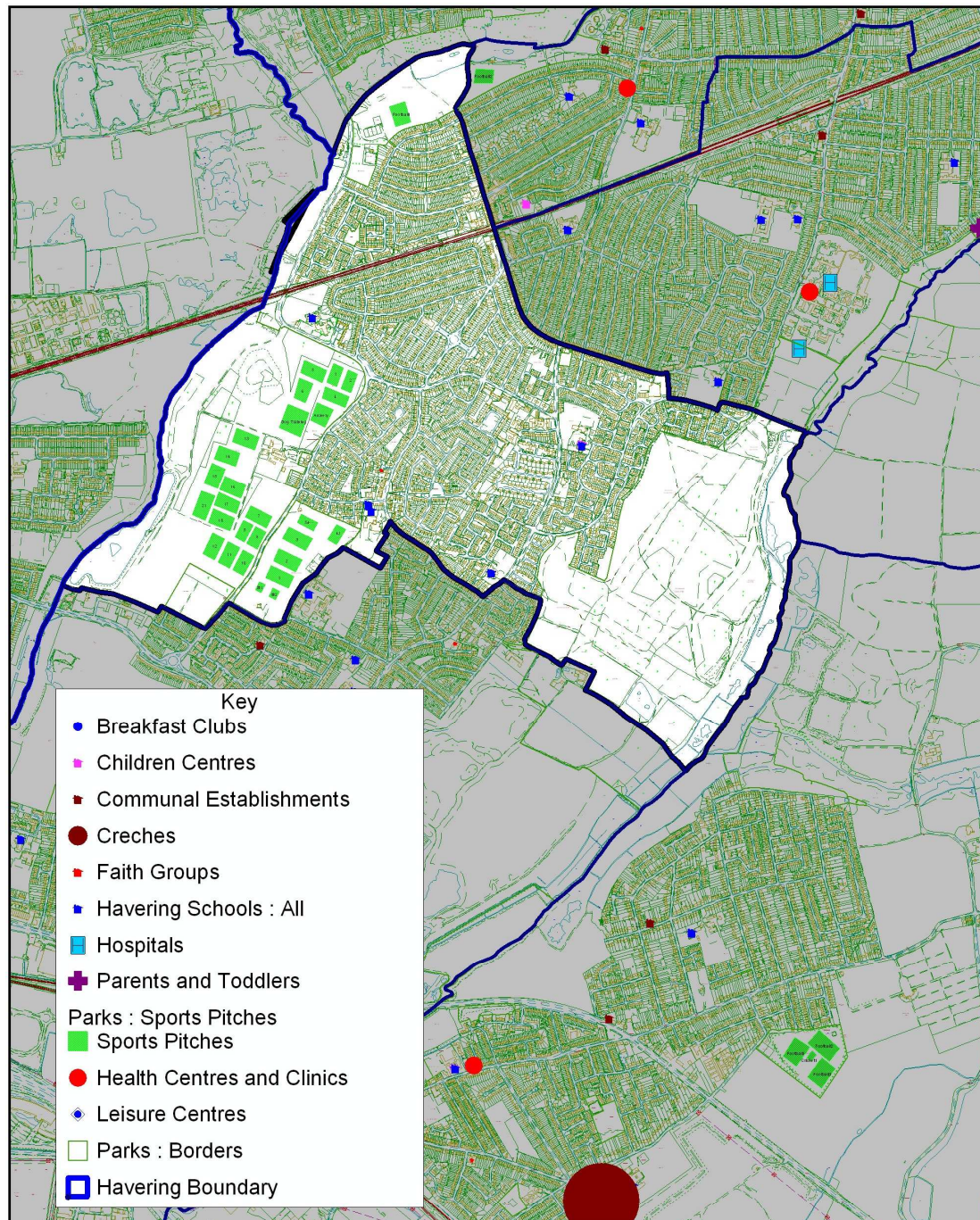
Cranham ward contains a population of 12,732 which equates to approximately 5% of Havering's residents. 17% of Cranham's population is young people while 23% is older people. 39% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy **5,275** households.

The ward contains:

- one communal establishment
- three faith group premises
- one primary school and one secondary school
- one health centre/clinic
- one parent/toddler group
- two leisure centres
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Elm Park



Elm Park

Map Reference: TQ5284



Scale @ A4 1:20000
Date: 06/01/2011

Scale
0 200 400 600 800 1000 m



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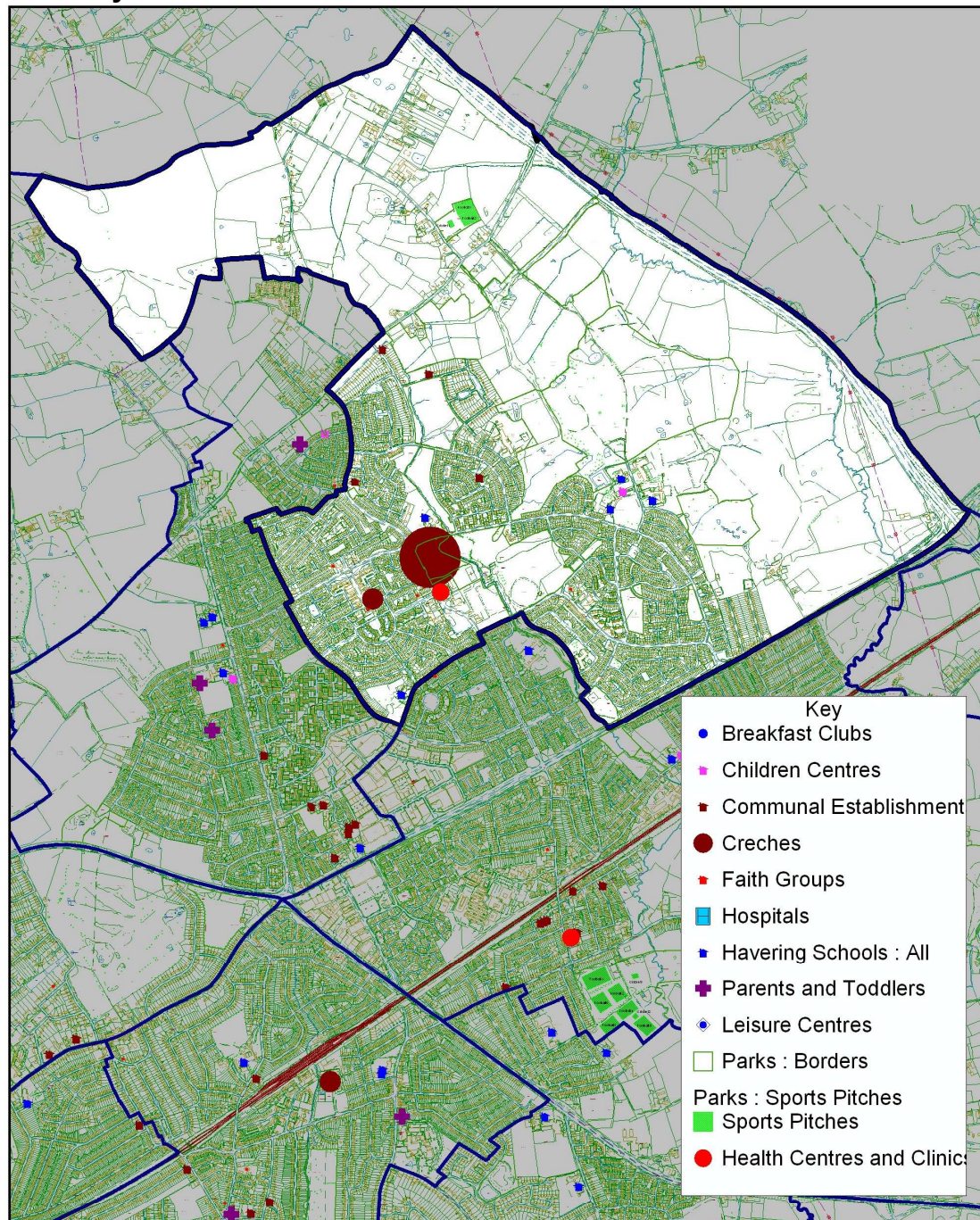
Elm Park ward contains a population of 12,567 which equates to approximately 5% of Havering's residents. 18% of Elm Park's population is young people while 20% is older people. 35% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,205 households.

The ward contains:

- one children's centre
- one faith group premises
- seven parks containing sports pitches
- three primary schools, one junior school and one infant school.

Sex Establishment Licensing Policy Ward Report

Gooshays



Gooshays		Map Reference: TQ5491	↑
		Scale @ A4 1:25000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
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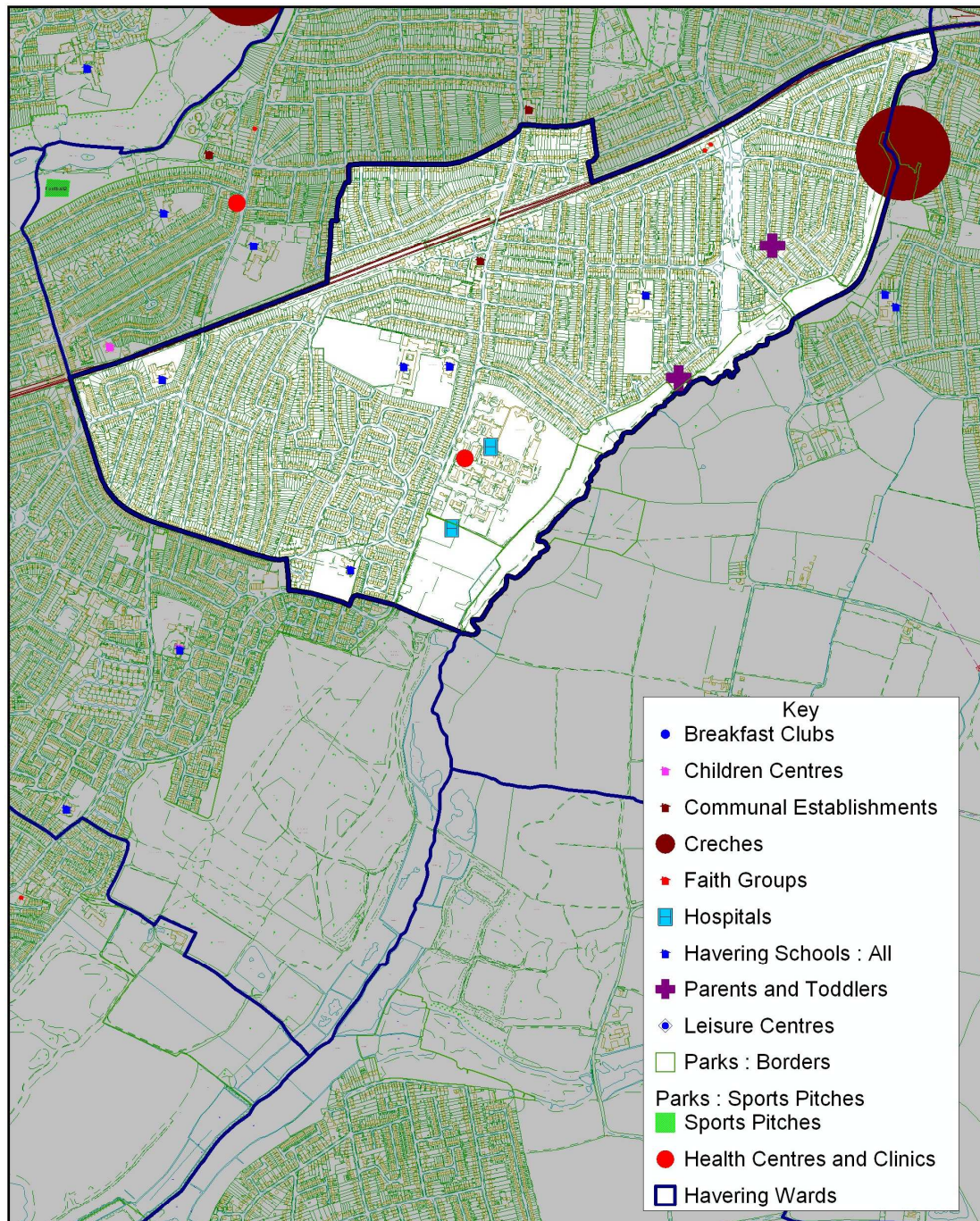
Gooshays ward contains a population of 14,843 which equates to approximately 6% of Havering's residents. 19% of Gooshays' population is young people while 18% is older people. 27% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 6,100 households.

The ward contains:

- two children's centres
- seven communal establishments
- one crèche
- one infant school, one junior school, two primary schools, one secondary school, one special school and one independent school
- One college campus
- nine faith group premises
- one health centre/clinic
- one leisure centre
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Hacton



Hacton		Map Reference: TQ5384	↑
	Scale @ A4 1:16000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m	
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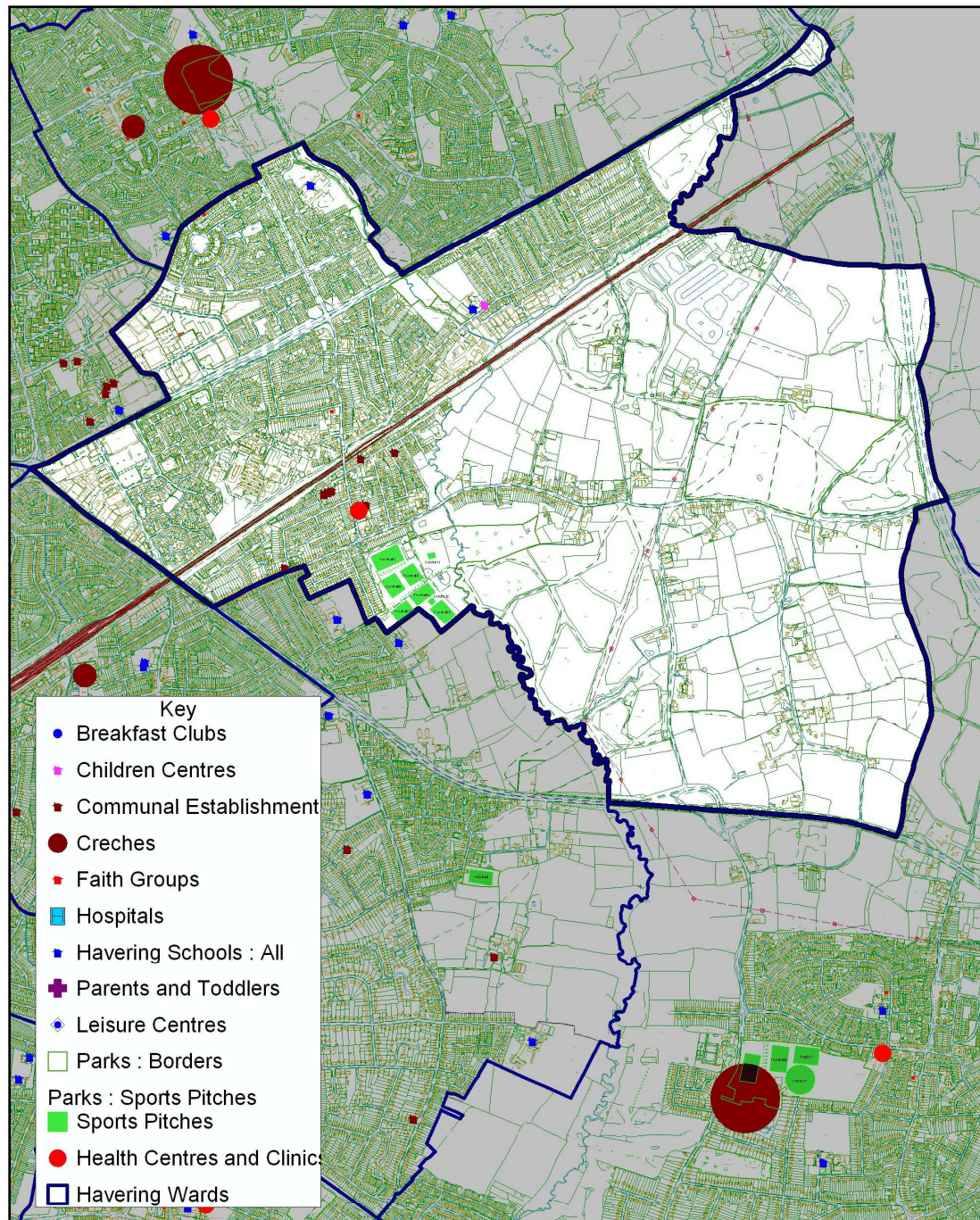
Hacton ward contains a population of 12,501 which equates to approximately 5% of Havering's residents. 17% of Hacton's population is young people while 20% is older people. 41% of the ward's residents are married, of which 18% have dependent children. The population of the ward occupy 5,052 households.

The ward contains:

- two children's centres
- eight communal establishments
- one crèche
- two primary schools and one secondary school
- thirteen faith group premises
- two health centres/clinics
- two hospitals
- two parent/toddler groups
- two leisure centres
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Harold Wood



Harold Wood

Map Reference: TQ5589



Scale @ A4 1:22000
Date: 06/01/2011

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0 200 400 600 800 1000 m



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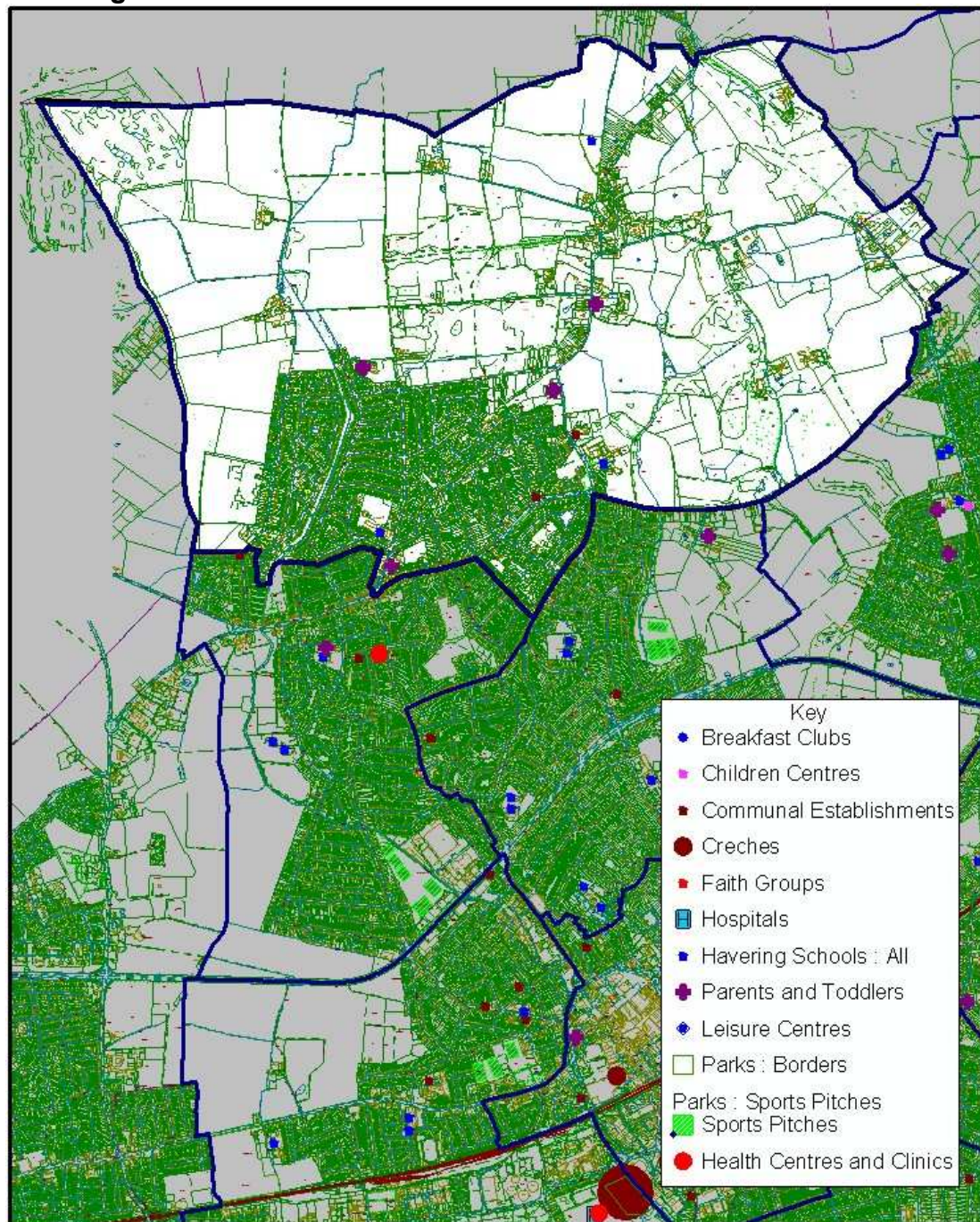
Harold Wood ward contains a population of 12,749 which equates to approximately 5% of Havering's residents. 18% of Harold Wood's population is young people while 17% is older people. 33% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,628 households.

The ward contains:

- one children's centre
- three primary schools and one secondary school
- seven communal establishments
- two faith group premises
- one health centre/clinic
- eight parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Havering Park



Havering Park		Map Reference: TQ5091
	Scale @ A4 1:27000 Date: 06/01/2011	Scale 0 250 500 750 1000 1250 m
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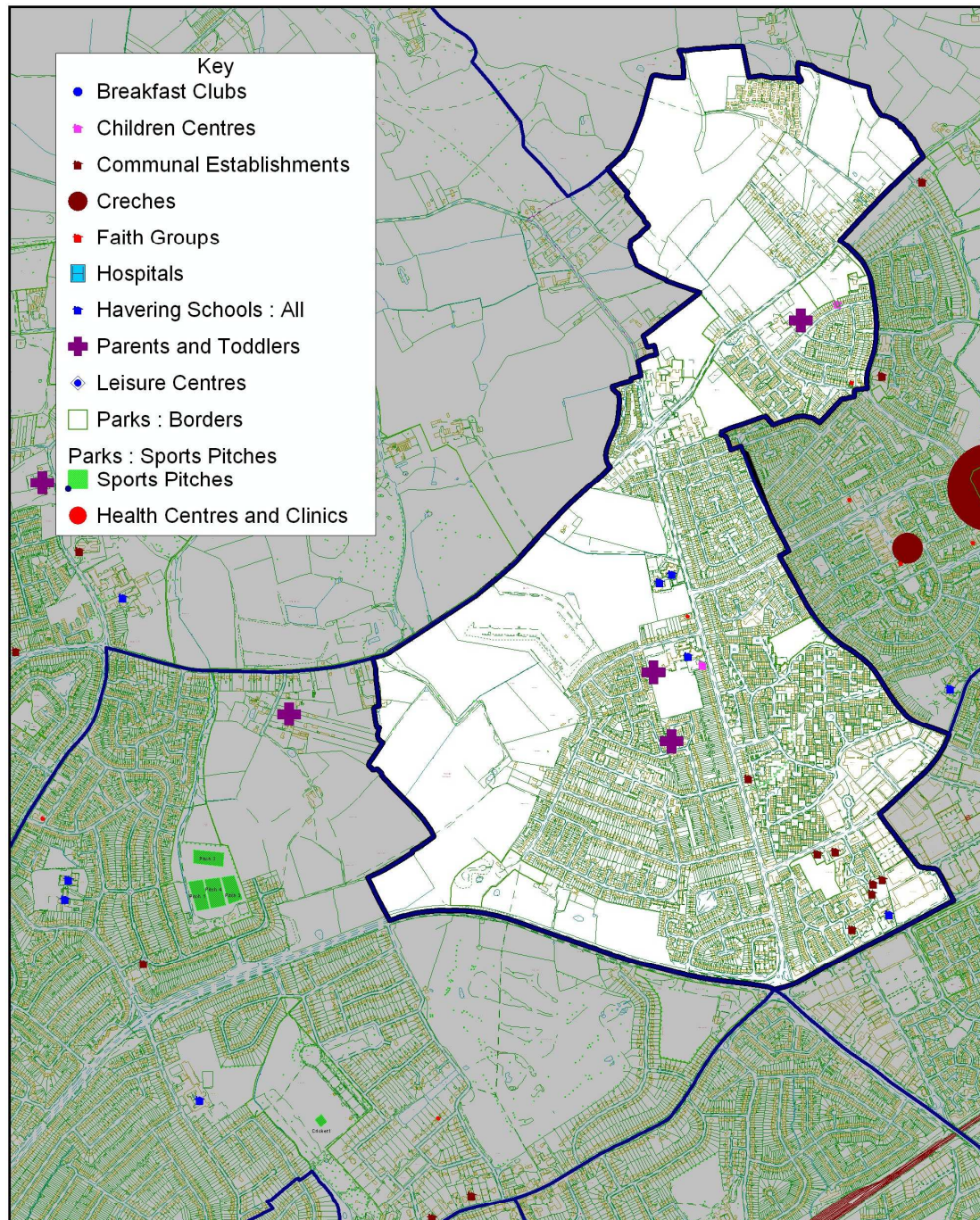
Havering Park ward contains a population of 12,719 which equates to approximately 5% of Havering's residents. 21% of Havering Park's population is young people while 16% is older people. 34% of the ward's residents are married, of which 15% have dependent children. The population of the ward occupy 5,181 households.

The ward contains:

- two children's centres
- three primary schools, one secondary school and one independent school
- two communal establishments
- three faith group premises
- five parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Heaton



Heaton		Map Reference: TQ5291	↑
	Scale @ A4 1:17000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m	
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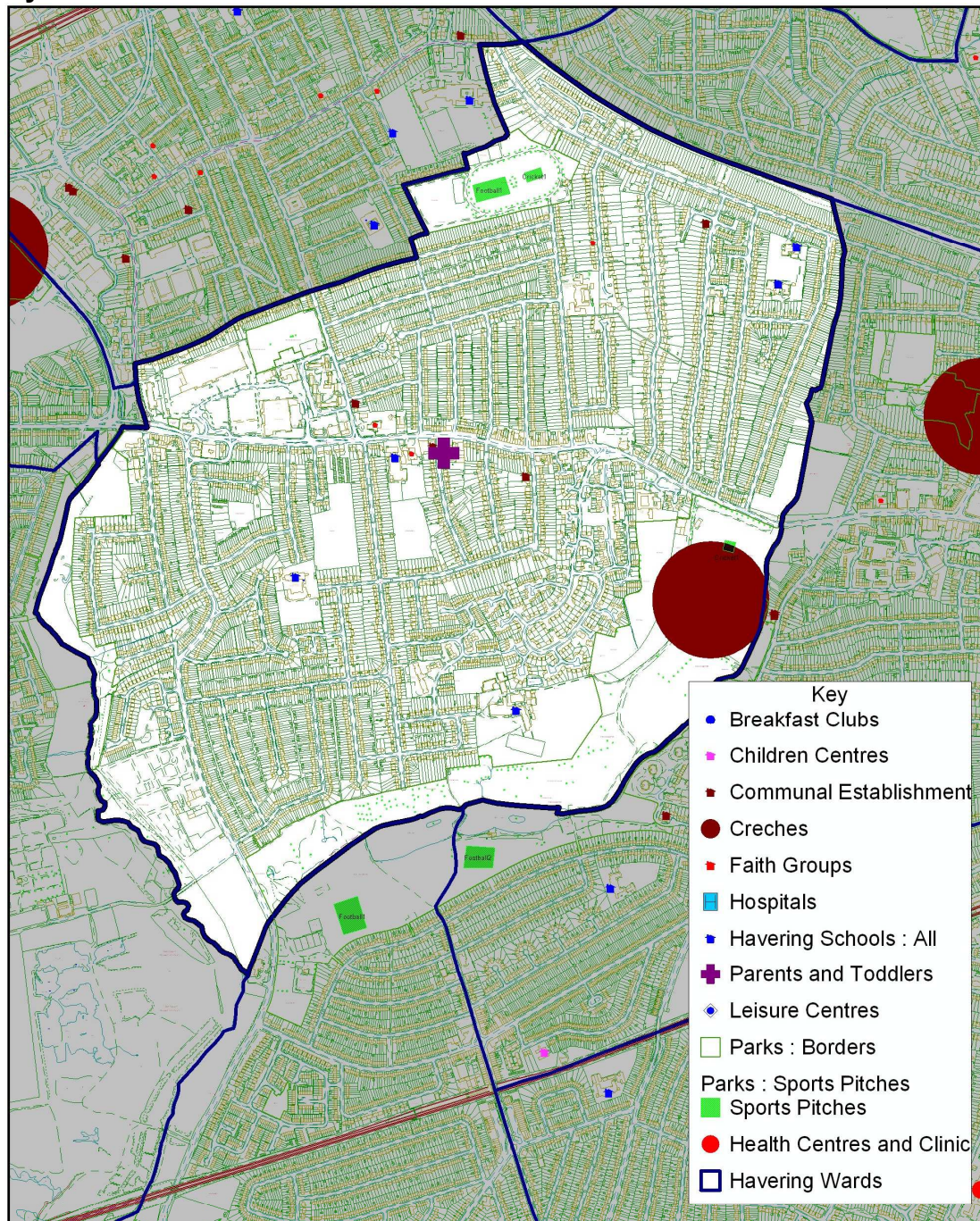
Heaton ward contains a population of 12,464 which equates to approximately 5% of Havering's residents. 22% of Heaton's population is young people while 17% is older people. 40% of the ward's residents are married, of which 13% have dependent children. The population of the ward occupy 5,395 households.

The ward contains:

- one breakfast club
- one primary school, one junior school, one infant school and one special school
- eight communal establishments
- three faith group premises
- three parent/toddler groups

Sex Establishment Licensing Policy Ward Report

Hylands



Hylands		Map Reference: TQ5286	↑
		Scale @ A4 1:13000 Date: 06/01/2011	Scale 0 125 250 375 500 625 m
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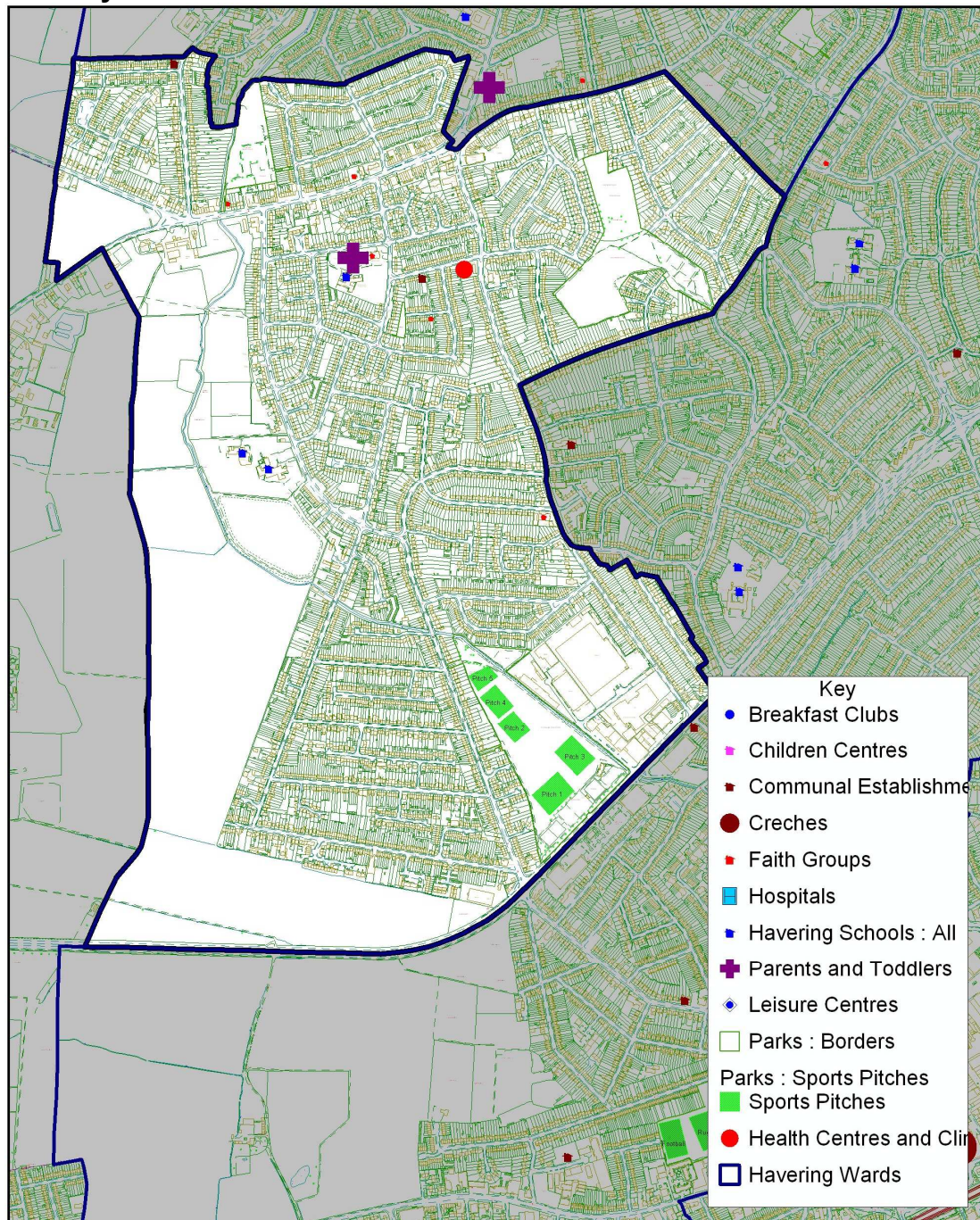
Hylands ward contains a population of 12,981 which equates to approximately 5% of Havering's residents. 18% of Hylands' population is young people while 16% is older people. 42% of the ward's residents are married, of which 10% have dependent children. The population of the ward occupy 5,075 households.

The ward contains:

- two breakfast clubs
- two primary schools, one junior school, one infant school and one secondary school
- twelve communal establishments
- three faith group premises
- one parent/toddler group
- one leisure centre
- two parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Mawneys



Mawneys		Map Reference: TQ5089	↑
		Scale @ A4 1:13000 Date: 06/01/2011	Scale 0 125 250 375 500 625 m
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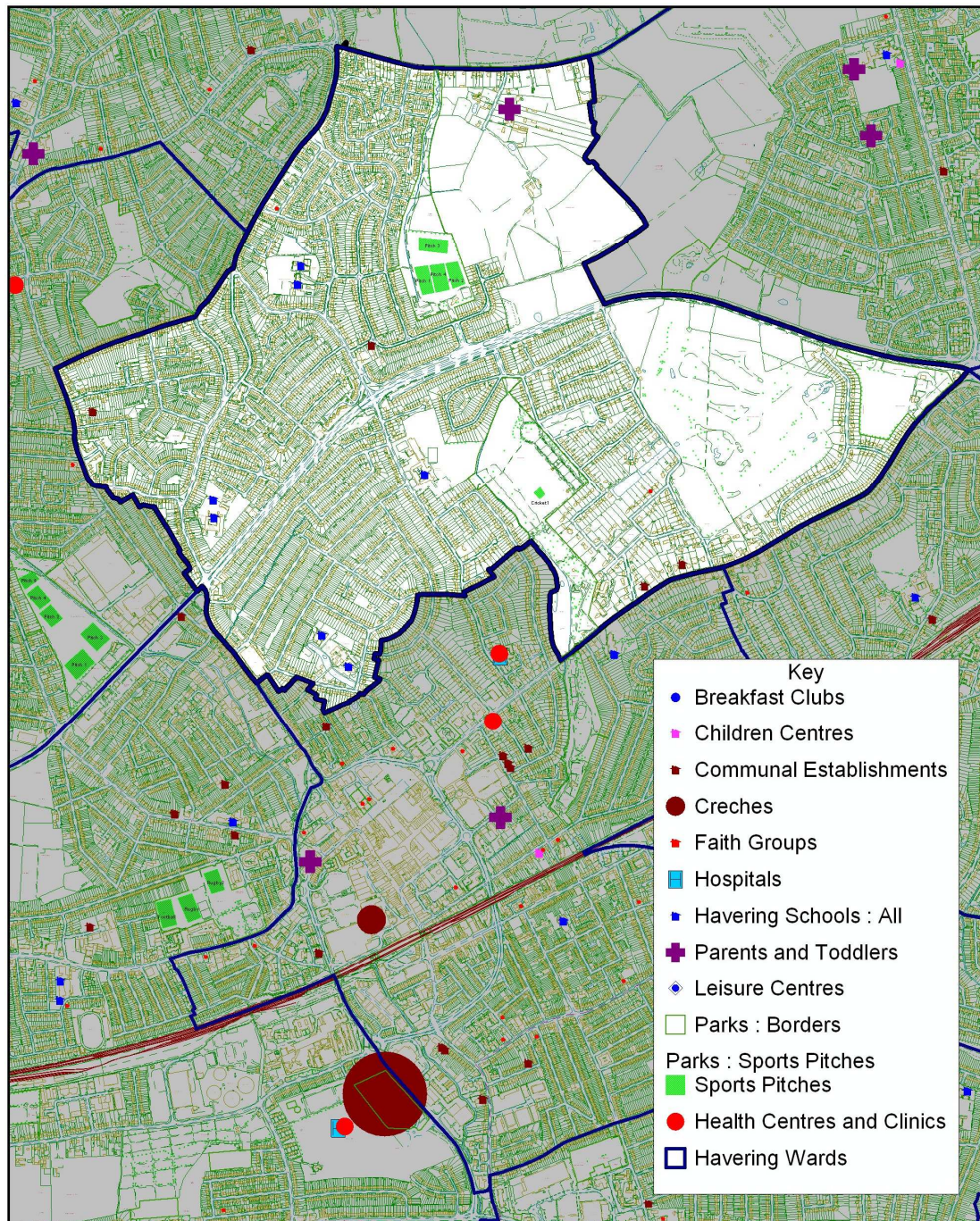
Mawneys ward contains a population of 12,718 which equates to approximately 5% of Havering's residents. 20% of Mawneys' population is young people while 18% is older people. 36% of the ward's residents are married, of which 17% have dependent children. The population of the ward occupy 5,381 households.

The ward contains:

- two primary schools, one infant school and one junior school
- two communal establishments
- five faith group premises
- one health centre/clinic
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Pettits



Pettits		Map Reference: TQ5189	↑
	Scale @ A4 1:18000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m	
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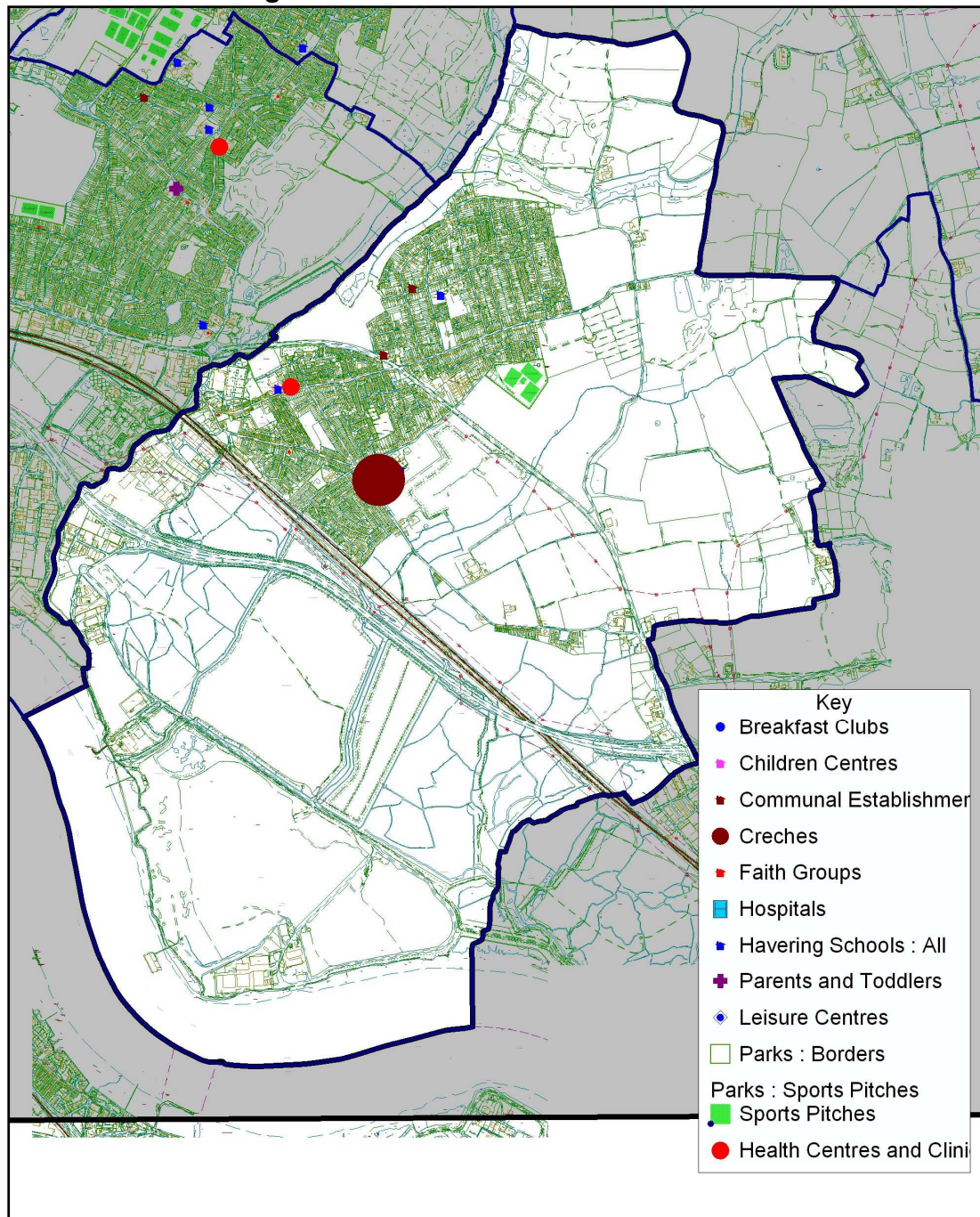
Pettits ward contains a population of 12,907 which equates to approximately 5% of Havering's residents. 18% of Pettits' population is young people while 20% is older people. 44% of the ward's residents are married, of which 19% have dependent children. The population of the ward occupy 5,239 households.

The ward contains:

- two primary schools, two junior schools, two infant schools and one secondary school
- four communal establishments
- two faith group premises
- one parent/toddler group
- five parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Rainham & Wennington



Rainham & Wennington

Map Reference: TQ5381



Scale @ A4 1:29000
Date: 06/01/2011

Scale
0 250 500 750 1000 1250 m



Havering
LONDON BOROUGH

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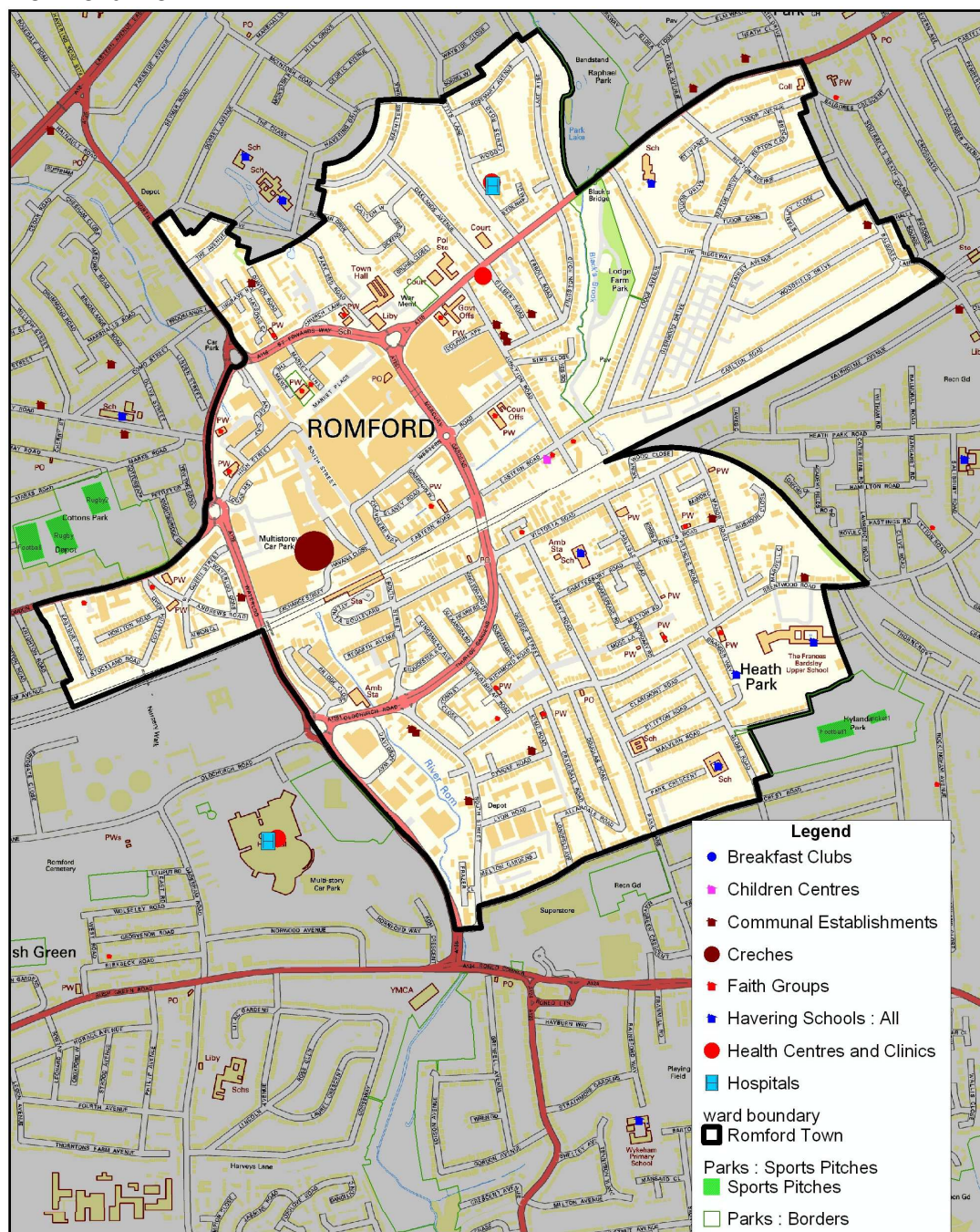
Rainham & Wennington ward contains a population of 12,659 which equates to approximately 5% of Havering's residents. 19% of Rainham & Wennington's population is young people while 17% is older people. 35% of the ward's residents are married, of which 15% have dependent children. The population of the ward occupy 5,092 households.

The ward contains:

- three primary schools and one secondary school
- one children's centre
- two communal establishments
- two faith group premises
- one health centre/clinic
- one leisure centre
- four parks containing sports pitches

Sex Establishment Licensing Policy Ward Report

Romford Town



Romford Town	Map Reference: TQ5188
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	Scale @ A4 1:13000 Date: 12/11/2010	Scale 0 125 250 375 500 625 m
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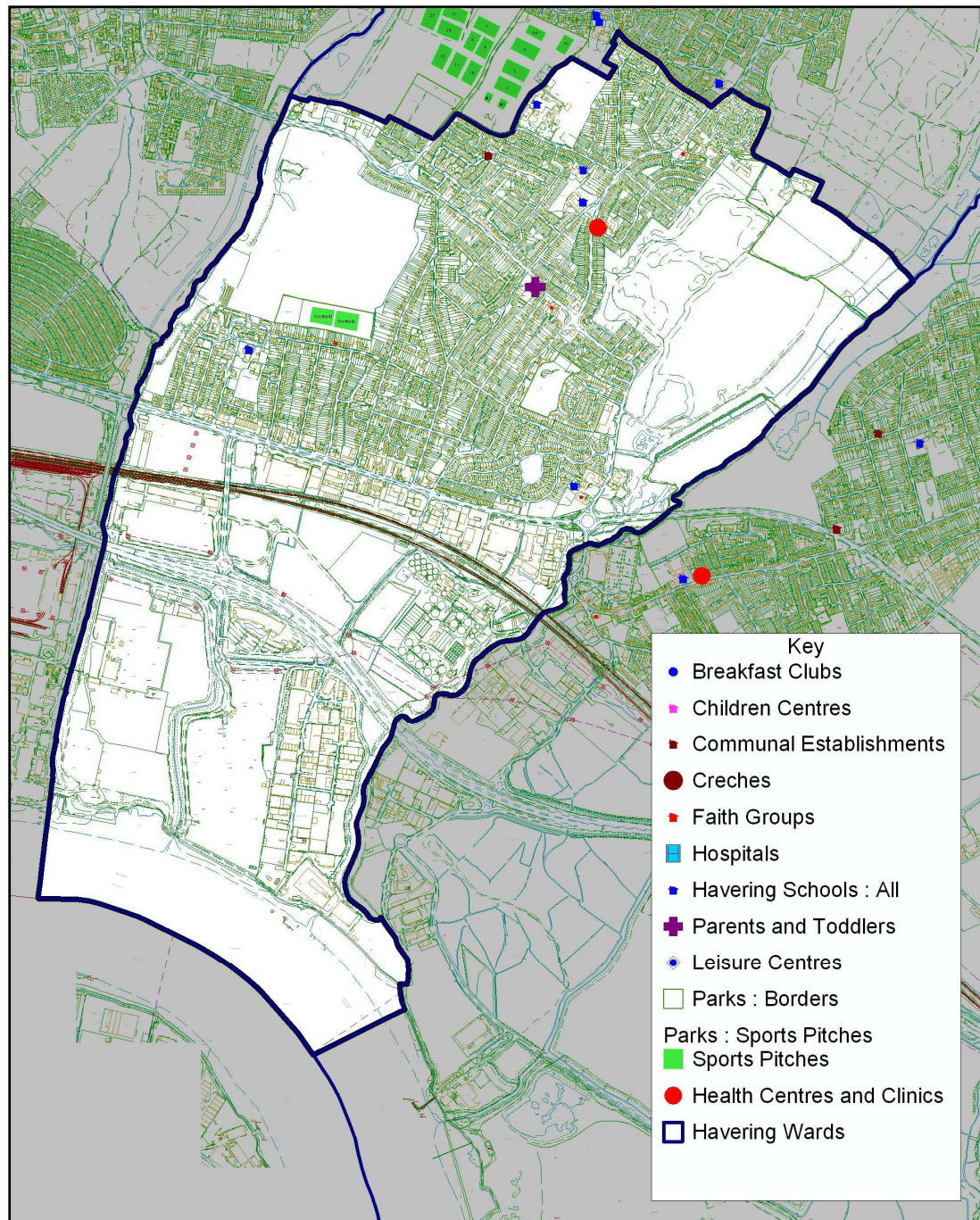
Romford Town ward contains a population of 15,528 which equates to just 7% of Havering's residents. 19% of Romford Towns' population is young people while 13% is older people. 28% of the ward's residents are married, of which 13% have dependent children. The population of the ward occupy 7,398 households.

The ward contains:

- two primary schools, one secondary school and two independent schools
- two breakfast clubs
- one children's centre
- thirteen communal establishments
- two crèches
- twenty faith group premises
- two health centres/clinics
- one hospital
- two parent/toddler groups
- one leisure centre

Sex Establishment Licensing Policy Ward Report

South Hornchurch



South Hornchurch		Map Reference: TQ5182	↑
	Scale @ A4 1:20000 Date: 06/01/2011	Scale 0 200 400 600 800 1000 m	
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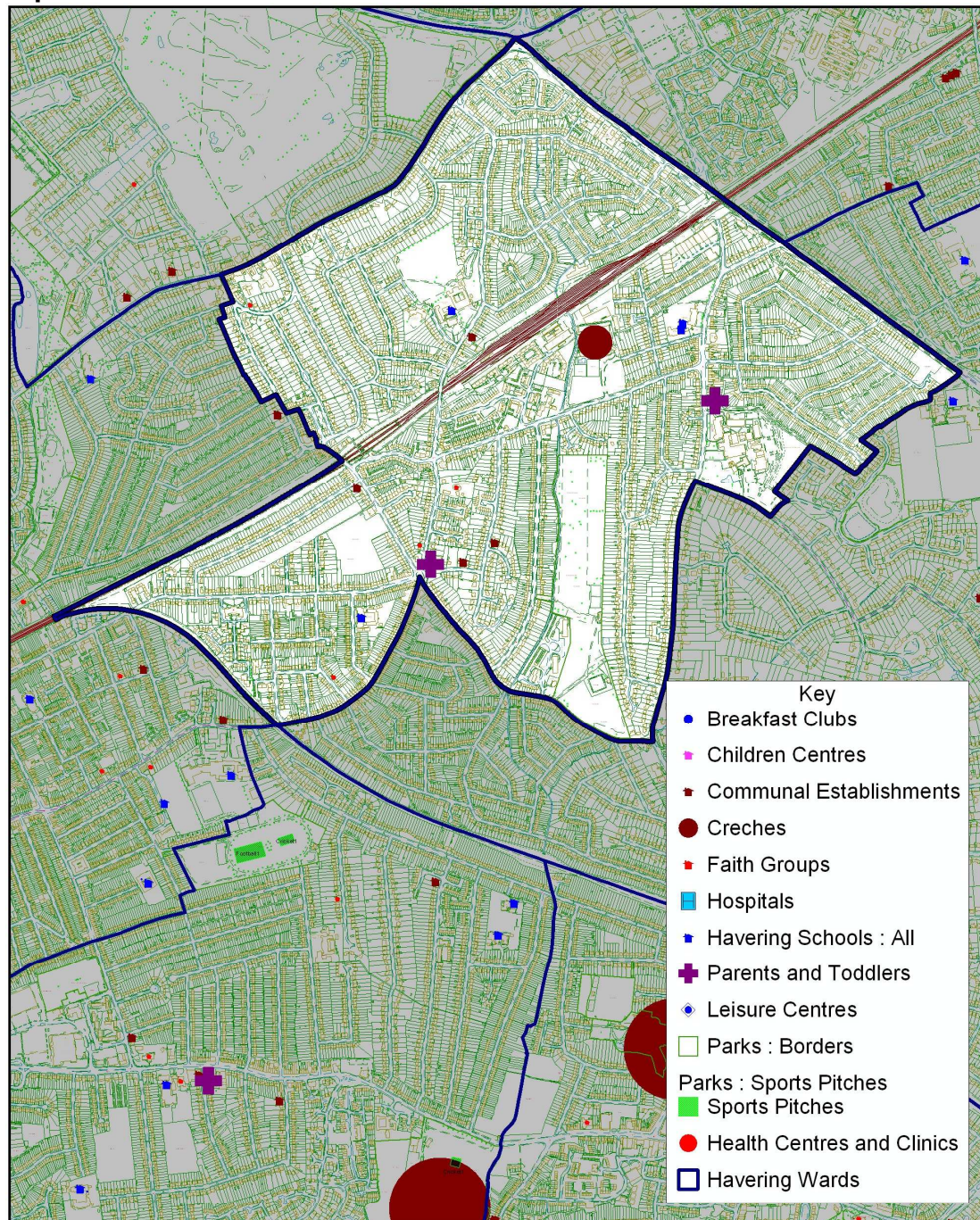
South Hornchurch ward contains a population of 13,139 which equates to just over 5% of Havering's residents. 20% of South Hornchurch's population is young people while 17% is older people. 32% of the ward's residents are married, of which 14% have dependent children. The population of the ward occupy 5,594 households.

The ward contains:

- one infant school, one junior school, two primary schools and one secondary school
- one children's centre
- one communal establishment
- four faith group premises
- one health centre/clinic
- one parent/toddler group
- two parks with sports pitches

Sex Establishment Licensing Policy Ward Report

Squirrels Heath



Squirrels Heath

Map Reference: TQ5388



Scale @ A4 1:15000
Date: 06/01/2011

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0 150 300 450 600 750 m



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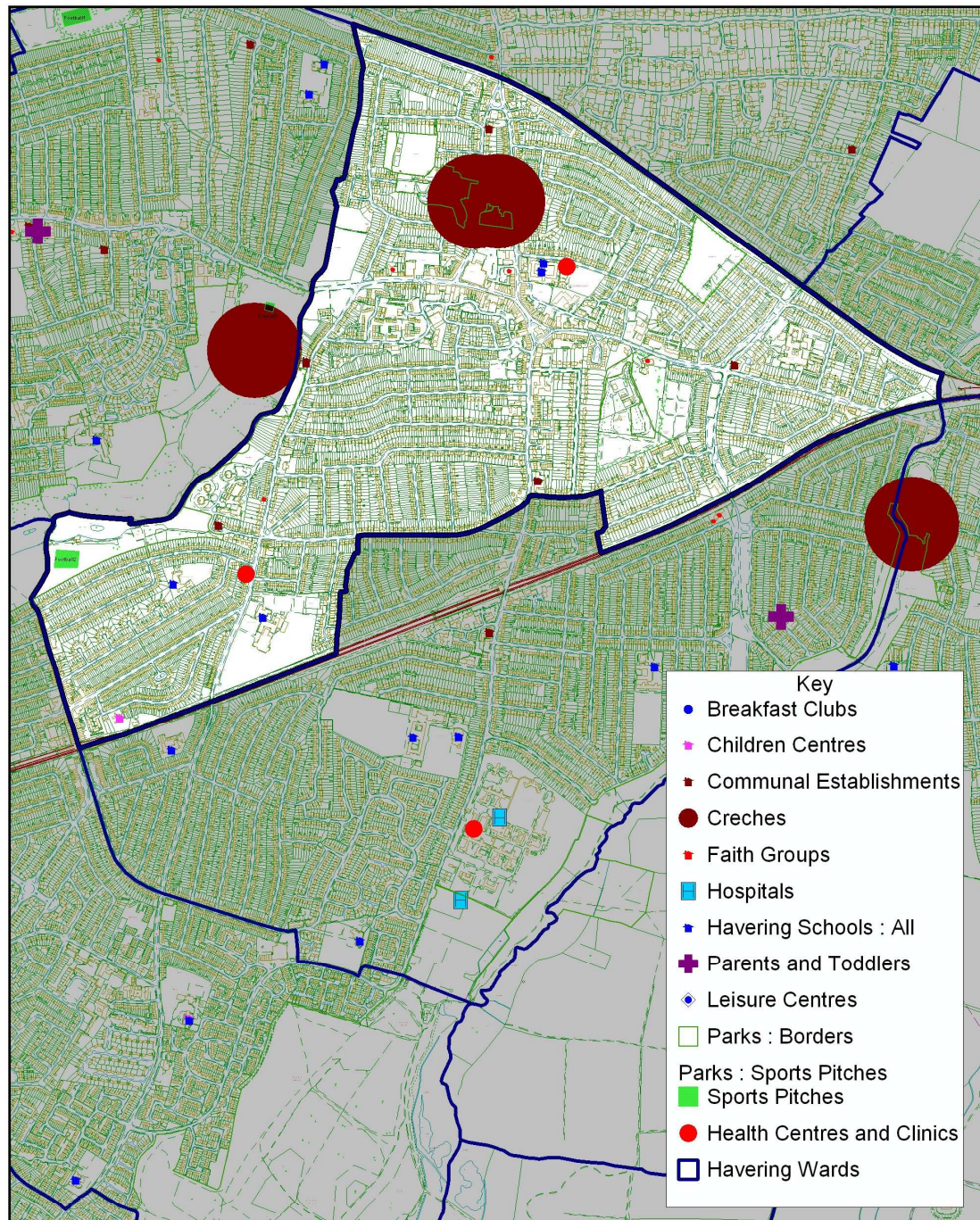
Squirrels Heath ward contains a population of 12,770 which equates to just over 5% of Havering's residents. 18% of Squirrels Heath's population is young people while 17% is older people. 34% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy 5,601 households.

The ward contains:

- two junior schools, two infant schools, one secondary school and one independent school
- four communal establishments
- one crèche
- five faith group premises
- two parent/toddler groups
- one park with a sports pitch

Sex Establishment Licensing Policy Ward Report

St Andrew's



St Andrews		Map Reference: TQ5386	↑
		Scale @ A4 1:16000 Date: 06/01/2011	Scale 0 150 300 450 600 750 m
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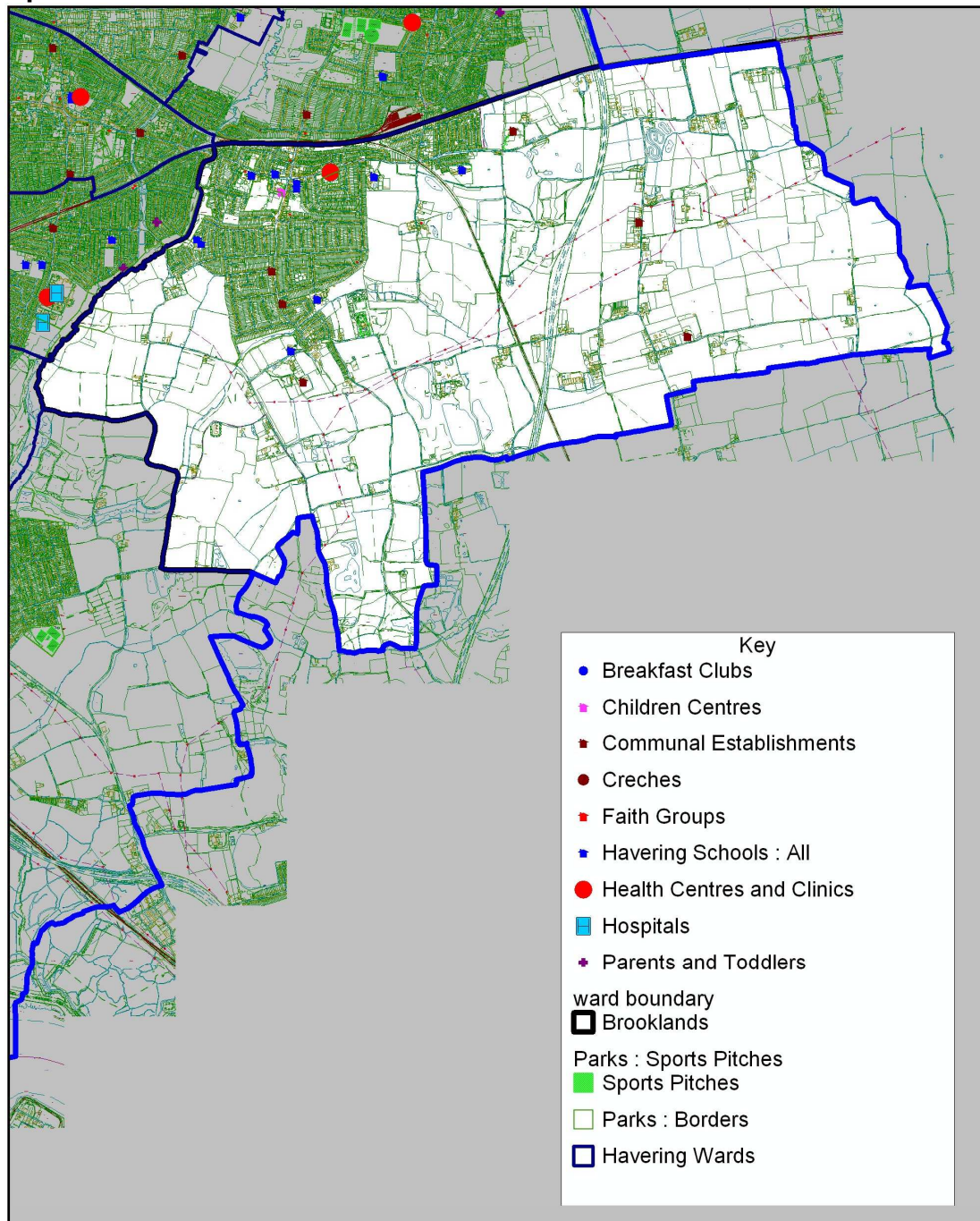
St Andrews ward contains a population of 13,287 which equates to approximately 6% of Havering's residents. 17% of St Andrews' population is young people while 20% is older people. 36% of the ward's residents are married, of which 16% have dependent children. The population of the ward occupy 5,833 households.

The ward contains:

- one primary school, one infant school, one junior school and one secondary school
- one children's centre
- six communal establishments
- four faith group premises
- two health centres/clinics
- three leisure centres
- one park with sports pitches

Sex Establishment Licensing Policy Ward Report

Upminster



Upminster		Map Reference: TQ5782	↑
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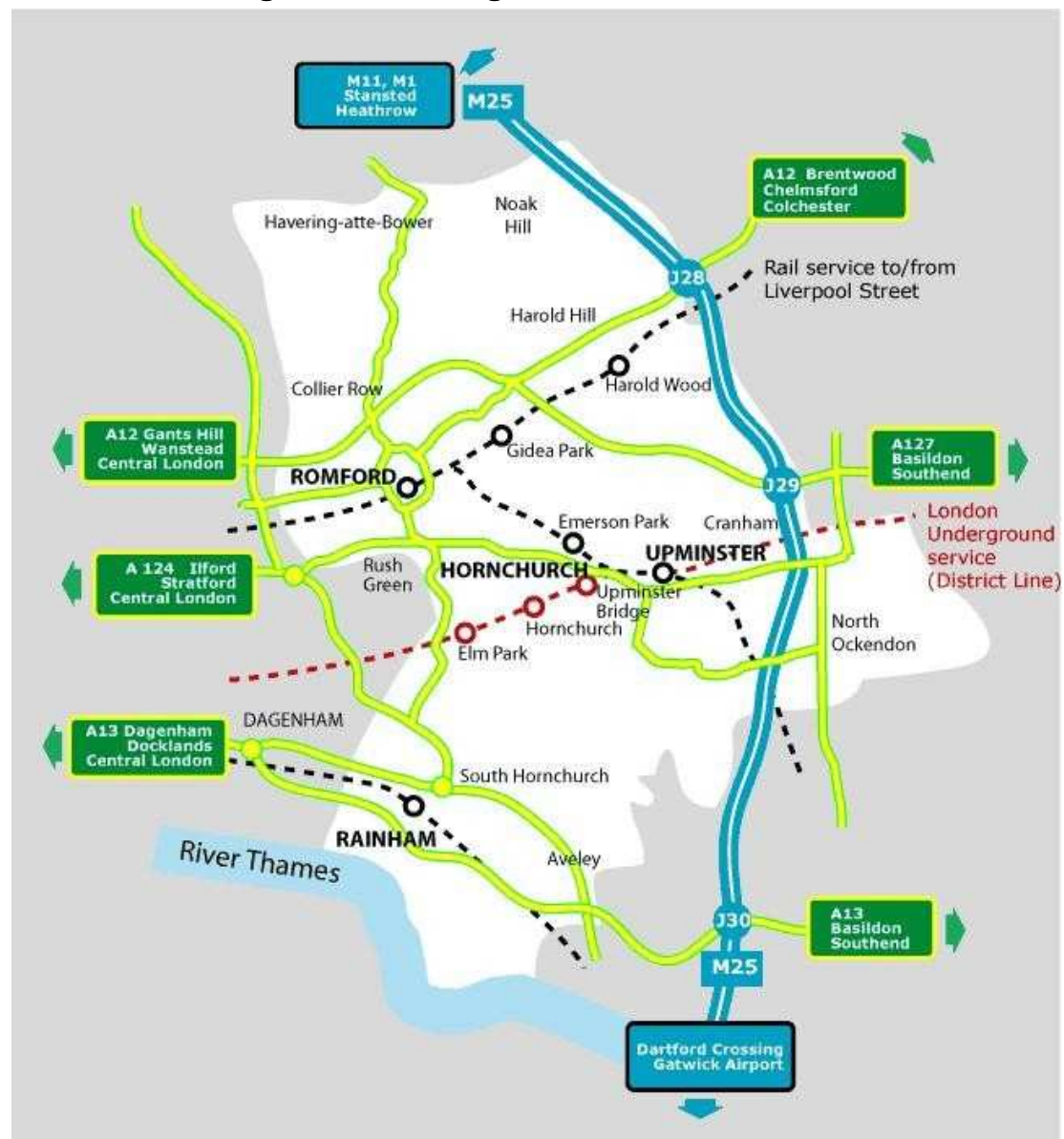
Upminster ward contains a population of 13,304 which equates to approximately 6% of Havering's residents. 17% of Upminster's population is young people while 21% is older people. 44% of the ward's residents are married, of which 21% have dependent children. The population of the ward occupy 5,217 households.

The ward contains:

- three primary schools, one junior school, one infant school, three secondary schools, one special school and one independent school
- one children's centre
- seven communal establishments
- six faith group premises
- one health centre/clinic
- one parent/toddler group
- two leisure centres

Appendix 2

London Borough of Havering



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London Borough of Havering 100024327

Consultation

‘Who we wrote to’

Representatives of the Safeguarding Children Board

All Ward Councillors

All Responsible Authorities under the Licensing Act which include: planning, health and safety, police, fire brigade, environmental health, childrens services, trading standards.

Town Centre Manager

Representatives from Regeneration

Representatives from Community Safety

Representatives from Public Health

The consultation was brought to the licensing trade’s attention via the safe and sound network at meetings and via the chairs of the local groups.

‘What we put on the website’

The draft sex establishment policy and the proposal to adopt schedule 3 to include lap dancing premises into the sex establishment licensing regime is being consulted on. Please see the downloads for further information. The Consultation will run from the 28th April 2011 until the 10th June 2011. Response can be sent to licensing@haverling.gov.uk or by mail to Licensing Team, Public Protection, London Borough of Havering, Mercury House, Mercury Gardens, Romford, Essex, RM1 3SL

Questions for Sex Establishment Policy consultation.

1. Should the London Borough of Havering (LBH) adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 to control sex establishments?
2. Should Havering allow any sex establishments in the borough? If so what type of sex establishments and whereabouts should they be located in the borough.
3. If LBH adopt schedule 3 do you approve of the draft policy? If not please provide details of any comments.
4. Do you agree with a nil policy for each ward in the borough? If not, are there any wards where a nil policy is appropriate and if so which ones?

Responses received

Hi Trudi

My only comment is really a question. Could we be open for challenge as we are saying no premises anywhere in Borough?

Suzanne Cawthorne | Acting Romford Programme Manager
London Borough of Havering | Regeneration, Policy and Planning
Mercury House, Mercury Gardens, Romford, RM1 3SL
t: 01708 432931 f: 01708 432931

28th June 2011 For Councillor Burton

Re Proposed adoption of Schedule 3 and the draft sex establishment policy.

I support the adoption of Schedule 3 to allow lap dancing venues to be included in the sex establishment legislation. I do have concerns regarding the draft policy and the nil sex establishments in each ward as any proposed venue would be subject to the sex establishment legislation . This would allow each application to be advertised and if there were any objections then licensing committee would hear from the applicant and objectors and make a decision at the hearing having heard from both sides. If the premises were granted a licence they would be controlled by the rest of the policy and would have to renew their licence after one year.

A nil policy per say continues and promotes the perception that certain business models are inherently undesirable. If the activities of any business are lawful then both public and proprietors should have benefit of all rights, privileges and judgements availability to the rest of society.

Response to the responses received.

Each application will be viewed on it's merit and a licence could be granted if it is exceptional even if there is nil policy.

LONDON BOROUGH OF HAVERING EQUALITY ANALYSIS

Sex Establishment licensing policy and the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009)

SCOPE OF PROPOSAL

1. What is the scope and intended outcomes of the activity being assessed; in terms of both the Council's organisation and staffing, and services to the community?

1 (a) Organisation and Staffing

The aim of the Policy is to control the number of sex establishments in the Borough. The policy will be implemented by using existing officers within the service.

1 (b) Services to the Community

The Policing and Crime Act 2009 (PCA09) created a new category of sex establishment, i.e. the "sexual entertainment venue". Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 [LG(MPA)82]] is amended by the PCA09 and provides for the adoption of the new provisions contained in schedule 3 of this Act. This allows the 'appropriate authorities' to control, by way of a licensing regime, sex establishments. PCA09 came into effect on 6th April 2010. Once schedule 3 has been adopted the LG(MP)A82 will prohibit anyone from using any premises as a sex establishment unless they have been granted a licence under that Act. It will no longer be possible to use a premises license under the Licensing Act 2003 for that purpose. The policy proposes to adopt Part 3. The community will know the Policy and understand what the Council can do. There will be clarity for business

PEOPLE AFFECTED

2. Which individuals and groups are likely to be affected by the activity?

2 (a) Staff Individuals and Groups

Over 70% of Council employees are local residents and could therefore be affected by the proposals as part of the community. Please refer to section 4 (b) for further information.

2 (b) Community

The whole community, including local businesses, could be affected. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls, and will significantly minimise the risk of exploitation of those groups. It may deter a small number of businesses but may enhance attractiveness of the Borough.

3. What data/information do you have about the people with 'protected characteristics' (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation) or other socio-economic disadvantage (e.g. disabled and part-time workers, low income and/or lone parents (mothers and fathers), looked-after children, other vulnerable children, families and adults) among these individuals and groups? What information do you have about how they will be affected by the activity? Will you be seeking further information in order to assess the equalities impact of the activity? How is this information being used to influence decisions on the activity?

Information has been obtained using that held on the Havering Data intelligence hub. There is no information about the effect of sex establishments in Havering as we do not currently have any.

4. If no data and information is available about the groups likely to be affected by the activity, how would you inform your EA? Will you be considering carrying out some consultation to inform your EA?

Havering residents don't like sex establishment premises and complain vociferously if there are any indications that one may open in the borough. The policy has been consulted on but there was little response however when there was a proposal to locate a sex type shop in the town centre there was petitions and concerted local action against the plans as reported in the Romford Recorder.

LIKELY IMPACT

5. Based on the collected data and information, what will be the likely impact of the activity on individuals and groups with protected characteristics or other socio-economic disadvantage?

5 (a) Staff

None – Please refer to section 5 (b) for the impact on staff members who are local residents

5 (b) Community

The policy has a recommendation that there are no sex establishment premises in Havering. It is envisaged that this policy will protect vulnerable children and adults and other protected groups such as women and girls, young people and residents with specific types of disabilities and will control any advertising for the premises.

6. What is the likely impact on arrangements for safeguarding children and/or safeguarding vulnerable adults?

6 (a) Vulnerable children

The policy has a recommendation that there are no sex establishment premises in Havering. This will protect vulnerable children from access to this type of premises and will control any advertising for the premises.

6 (b) Vulnerable adults

The policy has a recommendation that there are no sex establishment premises in Havering. This will protect vulnerable adults from access to this type of premises and will control any advertising for the premises.

PREVENTING DISCRIMINATION

7. If any negative impact is identified, is there a way of eliminating or minimising it to reasonable level? If not, how can the negative impact be justified?

7 (a) Staff

None

7 (b) Community

While we recognise that the policy may deter a small number of businesses opening up, we believe that the benefits of having it in place far outweighs the potential loss of such new businesses. It is envisaged that the policy will protect vulnerable adults and children, young people, women and girls and will significantly minimise the risk of exploitation of those groups.

PROMOTING EQUALITY

8. How will the activity help the Council fulfil its legal duty to advance equality of opportunity in the way services are provided?

8 (a) Staff

Not applicable

8 (b) Community

Please refer to sections 5 (b) and 7 (b).

SPECIFIC NEEDS

9. What actions will you be taking in order to maximise positive impact and minimise negative impact from the activity?

9 (a) Staff

If the policy is implemented, staff will be required to familiarise themselves with its content and comply with the policy. Relevant training will be provided, where required.

9 (b) Community

Please refer to section 5 (b) and 7 (b). The policy will be available to view on the Council website information will be provided on the licensing webpages. If there were any applicable businesses they would be written to, to explain the new policy.

MONITORING AND REVIEW

10. Once implemented, how often do you intend to monitor the actual impact of the activity?

10 (a) Staff

The policy will be reviewed every 3 years. Complaints will be monitored on a regular basis.

10 (b) Community

The policy will be reviewed every 3 years. Complaints will be monitored on a regular basis.

SIGN OFF AND PUBLICATION

11. When completed, the Equality Analysis needs to be signed off by the Head of Service. Once signed off, it should be forwarded to the Directorate Equality Analysis Web administrator to publish it on the council's website.

HEAD OF SERVICE

Name:

Date:

Signature:



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 Two: Personal Details Form

A separate form must be completed by every person named in the application, including any individual who will be responsible for management of the premises in the absence of the licence holder. Where the applicant is not an individual, then a form should be completed for each director or partner etc.

This part of the application will not be made publicly available, but will be made available to officers of the Council, a sub-committee or committee determining the application and to other relevant public bodies such as the Police.

Forename(s) Date of Birth

Surname Place of Birth

Previous Name(s) Date of becoming
a UK resident

Gender

Permanent Address:

.....

Any previous address within the last 3 years

.....

Position in relation to the applicant
(eg Director, Partner, Manager etc)

1. Have you ever been convicted of a criminal offence, Yes ☐ No ☐
whether in the UK or elsewhere?

If yes, please complete the details below:

Name at time of conviction	Date of conviction	Place of conviction	Nature of offence	Sentence

Please continue on a separate sheet if necessary.

2. To your knowledge, are you currently the subject of any criminal investigation? Yes ☐ No ☐

If yes please provide full details:

3. Have you ever had any County Court Judgements against you? Yes ☐ No ☐

If yes please provide full details:

4. Have you ever been disqualified from holding a sex Establishment licence? Yes ☐ No ☐

If yes please provide full details:

5. Have you ever been involved in the management of a business, whether as a proprietor, director, company secretary, partner, manager, supervisor or otherwise which has had any of the following types of licence refused, reviewed or revoked?

Sex Establishment licence Yes ☐ No ☐

Licence for the sale or supply of alcohol Yes ☐ No ☐

Licence of the provision of entertainment, whether sexual or otherwise. Yes ☐ No ☐

Personal licence under the Licensing Act 2003 Yes ☐ No ☐

If yes to any of the above, please provide full details:

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6. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement? Yes ☐ No ☐

If yes please provide full details:

7. Have you ever been disqualified from acting as a company director? Yes ☐ No ☐

If yes please provide full details:

8. Please state any further information that you wish to be taken into account when the application is considered.

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I declare that the information on this form is true and complete.

Name Date

Position

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**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:

Address:

.....

Post Town	Postcode
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Premises Email address

.....

Premises contact telephone number(s)

.....

.....

.....

Section C: Application Details

Please state whether you are applying for a premises licence as

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

(1) First Individual Applicant Details	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other	
First Names	Surname
Address	<i>Please do not complete if this is a private residential address – This information is provided in Part 2</i>
Age of applicant	Over 18: Yes <input type="checkbox"/> No <input type="checkbox"/>

(2) 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	<i>Please do not complete if this is a private residential address – This information is provided in Part 2</i>
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 <input type="checkbox"/>
b)	Leasehold <input type="checkbox"/>
2.	If the applicant's interest in the premises is a leasehold once, please state whether it is a:
a)	Head lease <input type="checkbox"/>
b)	Sub lease <input type="checkbox"/>
3.	The name and full address of the landlord (if applicable)

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 ☐

2. If “no” please state which part of the premises is to be used for the purposes of the licence:

.....

a) the use to which the remainder of the premises is put

.....

b) the names(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.

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8. 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) when the premises, vehicle, vessel or stall was first used as such.

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If the answer is “no” please state the purpose(s) it is currently being used for

.....

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

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Section E: Current Licences

1. Is the premises licensed under any other Act (eg 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.

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

Name

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Use additional sheets to continue if necessary.

3. 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 names of other owners and 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
Name	Percentage Share
Name	Percentage Share
Name	Percentage Share
Name	Percentage Share

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?

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

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

Section H: Operation of Premises

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

Day	Opening	Closing
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

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?

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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:

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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 the compliance with licence conditions and requirements.
 - g) Procedures for notifying customers of the Dancers code of conduct
 - h) System of monitoring compliance with the venues policy for welfare of dancers.

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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

Role

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.

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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: Name:

Role: Role:

Name: Name:

Role: Role:

Name: Name:

Role: Role:

Name: Name:

Role: 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 applicant is considered (This space may also be used to amplify answers to any previous questions).

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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, in the form of a cheque made payable to the London Borough of Havering.	Yes <input 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 criminal records 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.	<p>A premises plan (scale 1:100) of the premises, vehicle, vessel or stall in respect of which the licence is sought, showing:</p> <ul style="list-style-type: none"> a) The internal layout of the premises including stage, bars, cloak room, WCs, performance areas, dressing rooms, kitchen, and any external areas to be used (eg smoking areas). b) Public areas and staff/private areas to be clearly defined. c) Uses for different areas in the premises (eg performance areas, reception etc). d) Any fixed structures or objects. e) All means of ingress and egress from the premises. f) Position of CCTV cameras. g) The location and type of any fire safety and any other safety equipment. h) The location of emergency exits. 	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section K: Additional documentary requirements

	Documents included with this application	Included
10.	<p>i) The position of ramps, lifts or other facilities for the benefit of disabled people.</p> <p>j) Any parts of the premises that may be inaccessible to disabled people.</p> <p><i>Other standard metric scales may be acceptable if more practical for the Size of the premises.</i></p>	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"/>
	Evidence of public notice and service	
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
Organisation
Postal Address
Telephone Number
Email

Position / Role
(eg Solicitor / 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.

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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 Havering, 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	.....	Signature	.....
Position	.....	Date	.....
Name	.....	Signature	.....
Position	.....	Date	.....

**SUGGESTED WORDING FOR THE NOTICE ON THE PREMISES AND THE
NEWSPAPER ADVERTISEMENT**

**NOTICE OF APPLICATION FOR A SEX
ESTABLISHMENT LICENCE UNDER THE LOCAL
GOVERNMENT MISCELLANEOUS PROVISIONS ACT
1982**

APPLICANT name and address: *Insert name of
applicant and address of applicant*

PREMISES: *Insert address or location of premises*

Date of application: *insert date of applications*

The category of licence being applied for: *insert details
of the licensable activities sought by the applicant ie sex
shop, sexual entertainment venue.*

**The proposed hours during which the premises will be
used as a sex establishment.:** *insert opening hours*

**The application type eg grant, renewal, transfer ,
variation.**

: Full details of the application can be inspected at the
address noted below during normal business hours.

Any representations regarding this application can be
made to:

Licensing Team
Public Protection
London Borough of Havering
Mercury House
Mercury Gardens
Romford RM1 3RX

Website: www.havering.gov.uk

Such representation must be received in writing by: *insert
day/month/year,*

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