

Licensing Committee

Thursday 6 January 2011

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor Catherine Bowman (Vice-Chair)
Councillor Sunil Chopra
Councillor Robin Crookshank Hilton
Councillor Dan Garfield
Councillor Norma Gibbes
Councillor Jeff Hook
Councillor David Hubber

Councillor Eliza Mann
Councillor Darren Merrill
Councillor Michael Mitchell
Councillor Wilma Nelson
Councillor the Right Revd Emmanuel Oyewole
Councillor Althea Smith
Councillor Ian Wingfield

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Contact

Sean Usher on 020 7525 7222 or email: sean.usher@southwark.gov.uk
Webpage: <http://www.southwark.gov.uk>

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: 20 December 2010



Licensing Committee

Thursday 6 January 2011
7.00 pm
Town Hall, Peckham Road, London SE5 8UB

Order of Business

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	PART A - OPEN BUSINESS	
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	MINUTES FROM THE LICENSING COMMITTEE	1 - 3
	To approve as a correct record the Minutes of the open section of the meeting held on 28 September 2010.	
6.	MINUTES FROM THE LICENSING SUB-COMMITTEES	4 - 22
	To agree as a correct record the Minutes of the open sections of the meetings held on 27 September 2010, 4 October 2010, 18 October 2010, 3 November 2010, 15 November, and 15 December 2010.	

Item No.	Title	Page No.
7.	LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - DRAFT SOUTHWARK SEX ESTABLISHMENTS POLICY FOR PURPOSES OF PUBLIC CONSULTATION	23 - 61
8.	THE EXTENSION OF PITCHES AND SUNDAY DESIGNATION OF NORTH CROSS ROAD	62 - 68

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE
MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

PART B - CLOSED BUSINESS

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF
THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 20 December 2010



Licensing Committee

MINUTES of the Licensing Committee held on Tuesday 28 September 2010 at 7.00 pm at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Catherine Bowman
Councillor Robin Crookshank Hilton
Councillor Jeff Hook
Councillor David Hubber
Councillor Michael Mitchell
Councillor the Right Revd Emmanuel Oyewole
Councillor Ian Wingfield

OFFICER SUPPORT: Richard Parkins, Licensing Department
John McHenry, Street Trading Department
David Perry, legal officer
Sean Usher, constitutional officer

1. APOLOGIES

Apologies were received from Councillors Althea Smith, Dan Garfield, Sunil Chopra and Norma Gibbes

2. CONFIRMATION OF VOTING MEMBERS

The members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. MINUTES FROM THE LICENSING COMMITTEE

RESOLVED:

That the minutes of the Licensing Committee held on 27 July 2010 were approved and signed by the chair.

6. MINUTES FROM THE LICENSING SUB-COMMITTEES

RESOLVED:

That the minutes of the licensing sub-committees meetings held on 21 July 2010, 26 July 2010, 4 August 2010, 23 August 2010, and 1 September 2010 be approved and signed by the chair.

7. DESIGNATION OF BANKSIDE REPORT - UPDATE

The officer presented his report. There were no questions.

RESOLVED:

That the committee agreed and fixed an implementation date of 1 November 2010 being not less than 31 days after this Committee meeting, being a minimum of 28 days from date of first publication of the notice of order, the designations and prohibitions agreed at the Licensing Committee meeting held on 27 July 2010.

8. ADOPTION OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009 - LICENSING OF SEXUAL ENTERTAINMENT VENUES

The officer presented his report and members had questions for the officer. The members voted for the recommendation. Councillor Emmanuel Oyewole voted against the recommendation as he felt it should go to consultation.

RESOLVED:

That the committee recommended that council assembly agree 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, so as to provide a local licensing regime for the licensing of 'sexual entertainment venues.

9. SOUTHWARK'S STATEMENT OF GAMBLING POLICY

The officer presented his report. Members had questions for the officer.

RESOLVED:

The committee recommended that the Southwark statement of gambling licensing policy for 2010 – 2013 be adopted at council assembly.

The meeting closed at 7:45pm

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 27 September 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
 Councillor the Right Revd Emmanuel Oyewole
 Councillor Jeff Hook

OTHERS PRESENT: Mr Davies, representative for the applicant
 Mr Stuart, local resident

OFFICER SUPPORT: Dorcas Mills, licensing officer
 David Perry, legal officer
 Kate Heap, legal officer, observing
 Sean Usher, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE CHICKEN COOP, CAMBERWELL CHURCH ROAD, LONDON SE5 8TR

The licensing officer presented the application and confirmed it was for a late night refreshment licence only. Members had questions for the licensing officer.

The applicant and their representative addressed the sub-committee. Members had questions. The local resident had questions.

The local resident then addressed the sub-committee with his objections to the application.

Members had questions for the resident. The applicant had questions for the resident.

All parties were given 5 minutes to sum up. At 10.35am the sub-committee went into closed session.

At 11.01am the sub-committee resumed and the chair read out the decision as follows:

RESOLVED:

That the application by Mian Brothers Ltd for a grant of a premises licence issued under the Licensing Act 2003 in respect of Chicken Coop, 5 Camberwell Church Street, London SE5 8TR be granted as follows:

Licensable Activity	Sunday to Thursday	Friday	Saturday
Late Night Refreshment	23:00 to 01:30	23:00 to 02:30	23:00 to 02:30
Opening hours	11:00 to 02:00	11:00 to 03:00	11:00 to 03:00

Conditions

There were no additional conditions applied

Reasons

The reasons for this decision are as follows:

The sub-committee heard from the applicant's representative, the local resident present and considered the written representations of another local resident and has resolved to grant the application for the premises licence subject the following conditions.

The sub-committee were satisfied that it is necessary and proportionate to prevent crime and disorder and public nuisance that the premises be permitted to provide late night refreshment until 1.30am Sundays to Thursdays with an additional 30 minutes to close and until 2.30am Fridays and Saturdays with an additional 30 minutes to close.

The sub-committee were satisfied that the later opening hours will attract additional people into the area late at night which would cause additional noise, litter and anti-social behaviour and that reducing the hours applied for is necessary and proportionate to promote the licensing objectives.

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to

contend that

- a) That grant ought not to have been made; or
- b) That, when granting the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way.

May appeal against the decision

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 11.15am.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 4 October 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Ian Wingfield
Councillor Lorraine Lauder MBE (Chair)
Councillor Wilma Nelson

OTHERS PRESENT: Charles Hunt, British School of Osteopathy (Applicant)
Michael Cox, British School of Osteopathy (Applicant)
Elizabeth Carter, British School of Osteopathy (Applicant)

Patrick Crockford, local resident
Kathryn Crockford, local resident
Mart Stojanova, local resident
Kevin O'Neill, local resident
Fiona Clouder Richards, local resident

OFFICER SUPPORT: Kristie Ashenden, licensing officer
David Perry, legal officer
Sean Usher, constitutional team

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The licensing officer circulated a copy of the conciliation document produced by the applicant.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - BRITISH SCHOOL OF OSTEOPATHY STUDENTS CLUB, 275 - 287 BOROUGH HIGH STREET, LONDON, SE1 1JE

It was agreed by all parties to open the meeting at 10am and adjourn until 10.30am to allow members, the applicant and the public to attend.

At 10.30am the chair resumed the meeting.

The licensing officer presented her report. Members had questions for the officer.

The applicant, including the representative of the College and the Student Union, addressed the sub-committee. Members had questions. The local residents had questions.

The five local residents present then addressed the sub-committee. Members had questions. The applicant had questions.

All parties were then give five minutes to sum up in reverse order.

The meeting went into closed session at 12:00pm.

The meeting resumed at 12.25pm and the chair then read out the decision as set out below.

RESOLVED:

That the application by British School of Osteopathy Students Club for the variation of the club premises certificate issued under the Licensing Act 2003 in respect of British School of Osteopathy Students Club, 275 - 287 Borough High Street, London, SE1 1JE is refused.

Reasons

The reasons for this decision are as follows:

The sub-committee heard evidence from the applicant and five local residents and considered the written representations of a further eight residents.

The premises are within the Borough & Bankside saturation zone. The sub-committee was satisfied after considering the representations of residents, that the variation would add to the impact of licensed premises in the area, in particular, noise nuisance. Having heard from the applicant the sub-committee were not satisfied that the operating schedule would prevent this increase in the cumulative impact on nuisance in the area.

Having taken into consideration the four licensing objectives and the increased impact on nuisance in the Borough & Bankside saturation zone, which will not be prevented by the applicant's operating schedule, the sub-committee was resolved to refuse the application.

Appeal rights

The applicant may appeal against any decision to modify the conditions of the licence; and Any person who made relevant representations in relation to the application who desire to contend that

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a

different way;

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrate's court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12.30pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 18 October 2010 at 1.30 pm at Room G02c - 160 Tooley Street, Ground Floor

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor David Hubber
Councillor Michael Mitchell

OTHERS PRESENT: Jilly Frisch, secretary Shad Thames RA
Julian Greene, local resident
Allyson Greene, local resident
Alan Blissett, environmental health officer

OFFICER SUPPORT: David Perry, legal officer
Wesley McArthur, licensing officer
Kenny Uzodike, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as the voting members of the committee.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

The chair informed the sub-committee of the photographs of the local area which had been circulated before the meeting.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE DEAN SWIFT - 32 LAFONE STREET, LONDON SE1 2LX

The licensing officer presented his report during which the following were noted:

- Amendment to paragraph 16 of the report that 3 June 2010 be inserted as the date of the application was successfully made to transfer the licence into the names of Pubs of Distinction not 1 May 2010 as stated in the report and 19 August 2010 as the date the application under consideration was made.
- An omission of a paragraph in the report detailing the operating history of the premises and the induction interview on 29 June 2010 at which the remit of the operating licence of the premises were discussed and explained to the applicant

Members had questions for the licensing officer.

The applicant, then addressed the sub-committee. Members had questions. The local residents had questions.

The environmental health officer addressed the sub-committee. Members had questions.

The three local residents present then addressed the sub-committee. A written representation by one of the local residents was circulated to the sub-committee.

Members had questions for the local residents.

All parties were then given five minutes to sum up in reverse order.

The meeting went into closed session at 14.24pm.

The meeting resumed at 15.06pm and the chair then read out the decision as set out below.

RESOLVED:

That the application by Pubs of Distinction Limited for the grant of a premises license under the Licensing Act 2003 in respect of the ground floor and first floor of the premises known as: The Dean Swift, 32 Lafone Street, London SE1 2LX is granted as follows:

For the Ground Floor as follows:

ACTIVITY	MON	TUE	WED	THUR	FRI	SAT	SUN
Supply of Alcohol	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 01.00	10.00 to 01.00	10.00 to 00.00
Late Night Refreshment	23.00 to 00.00	23.00 to 00.00	23.00 to 00.00	23.00 to 00.00	23.00 to 01.00	23.00 to 01.00	23.00 to 00.00
Films	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 01.00	10.00 to 01.00	10.00 to 00.00

Live Music	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 01.00	10.00 to 01.00	10.00 to 00.00
Recorded Music	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 00.00	10.00 to 01.00	10.00 to 01.00	10.00 to 00.00
Opening Hours	10.00 to 00.30	10.00 to 00.30	10.00 to 00.30	10.00 to 00.30	10.00 to 01.30	10.00 to 01.30	10.00 to 00.30

And for the first floor as follows:

ACTIVITY	MON	TUE	WED	THUR	FRI	SAT	SUN
Supply of Alcohol	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00
Films	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00
Live Music (Acoustic only)	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00	10.00 to 23.00

Reasons

The reasons for this decision are as follows:

The licensing sub-committee considered all the written representations and heard oral representations from the applicant and the environmental health officer and three local residents. The sub committee noted that the environmental health representation had been conciliated to incorporate the conditions on page 53 of the report submitted in respect of the hearing.

The sub-committee heard from the local residents that there had been problems with noise from the premises from customers drinking outside the premises, leaving the premises after 11.00pm and from windows at the premises being left open. Two of the local residents also described anti- social behaviour related to customers drinking outside the premises.

Having heard from the applicant and in reaching its decision, the sub-committee had regard to all the relevant considerations and the four licensing objectives. The committee was satisfied that the applicant had taken steps to address the concerns relating to noise nuisance and disorder. However, the sub-committee considered it necessary and proportionate to include the conditions attached in order to promote the licensing

objectives in particular the prevention of public nuisance and crime and disorder.

The committee therefore resolved to grant the application subject to the additional conditions outlined below.

With the following conditions attached (In addition to all mandatory conditions:

- 1) That all doors and windows excepting any that may be required to be locked open for the purposes of means of escape, shall be kept closed whilst licensable activities take place at the premises.
- 2) No open containers of alcohol shall be taken outside the premises at any time.
- 3) The first floor rear terrace is not to be used by patrons or staff except in case of emergency.

Appeal Rights

That the licensee and any person who made relevant representations in relation to the application may appeal against the decision. Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting ended at 15.06pm.

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the Licensing Sub-Committee held on Wednesday 3 November 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Sunil Chopra
Councillor Norma Gibbes

OTHERS PRESENT: Councillor Dan Garfield (observing)
Mr. Nick McCormack, Dulwich Hamlet Football Club
Ms Lorraine Corma Dulwich Hamlet Football Club
Alan Blisset, Environmental Protection Officer

OFFICER SUPPORT: Gafar Gbadamos, Legal Adviser
Dorcas Mills, Licensing Officer
Virginia Wyn-Jones Constitutional Officer
Bola Roberts Constitutional Officer (observing)

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members present were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - DULWICH HAMLET FOOTBALL CLUB, EDGAR KAIL WAY, LONDON SE22 8BD

The licensing officer informed the sub-committee that an error in relation to the opening times of the premises on page 30 and 31 of the report needed to be corrected. Members had questions for the licensing officer.

The environmental health officer addressed the sub-committee. Members had questions.

All parties were then given five minutes to sum up in reverse order.

The meeting went into closed session at 11.06am

The meeting resumed at 11.50am and the chair then read out the decision as set out below.

RESOLVED:

That the application by Dulwich Hamlet Football Club Limited for a variation of the Premises Licence issued under the Licensing Act 2003 in respect of Dulwich Hamlet Football Club, London SE22 8BD is approved.

Licensable Activity	Monday-Wednesday	Thursday	Friday	Saturday	Sunday
New Activity					
Recorded Music		00.00	15.00 – 00.00	15.00 – 00.00	15.00 – 22.30
Extended Activity					
Supply of alcohol			23.00 – 00.00		
Existing Opening hours of premises	07.00 23.00	07.00 00.00	07.00 01.30	09.00 01.30	09.00 23.00

Conditions

There were no additional conditions added to the licence.

Reasons

The reasons for this decision are as follows:

- 1) The licensing sub committee heard evidence from the applicant and officers.
- 2) In reaching this decision the sub committee had regard to all the relevant considerations and the four licensing objectives particularly the prevention of

nuisance

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that:

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

The meeting closed at 12.20pm

CHAIR:

DATED:



Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Monday 15 November 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Eliza Mann
Councillor Althea Smith

OTHERS PRESENT: Mr Omo Ayoade, applicant
Mr Stewart, local resident
Mr Bowling, local resident
Ms Peel, local resident
Mr Roskill, local resident
Councillor Ian Wingfield (Ward Councillor)

OFFICER SUPPORT: Dave Franklin, licensing officer
Dorcas Mills, licensing officer
Felix Rechtman, legal officer
Bola Roberts, constitutional officer
Sean Usher, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed above were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - CLUB COUTURE, (FORMERLY CUBE BAR) 58A CAMBERWELL CHURCH STREET, LONDON SE5 8QZ

The licensing officer presented her report and informed the sub-committee that there were a few minor amendments to be made to the report.

There were a number of local residents in attendance and some of them nominated spokesperson to address the sub-committee.

The applicant addressed the sub-committee and members had questions. Local residents had questions for the applicant.

Councillor Wingfield addressed the sub-committee. There were no questions.

The local residents then addressed the sub-committee. Members had questions for the local residents. The applicant had questions for the local residents.

Each party was given 5 minutes to sum up in reverse order.

At 11.17 the sub-committee went into closed session. The meeting resumed at 12.15pm.

The legal officer read the decision to the meeting as follows:

RESOLVED:

That the application by Esp 360 Ltd for a variation of a Premises Licence issued under the Licensing Act 2003 in respect of Club Couture, 58A Camberwell Church Street, London SE5 is granted in part, as follows:

Licensable Activity	Sunday to Thursday	Friday	Saturday
Extended Activities			
m) Supply of alcohol On Sales only	Not granted	23.00 01.30	23.00 01.30

Conditions

The following additional conditions were added to the licence by the sub-committee:

1. The premises install a clubscan/computer based identification entry system and that details of all persons, including staff are passed through the system prior to being permitted entry to the premises.
2. The number of people allowed outside the premises after 11pm to smoke is limited to a maximum of 7 persons.

Reasons

The reasons for this decision are as follows:

Upon hearing submissions from the applicant, the local ward councillor and the local residents and upon reading the submissions from the police and environmental protection team, the sub-committee decided to grant the application only in part as above, with the

additional conditions stated above.

The sub-committee considered this application in light of the fact that the premises are located in a saturation zone and decided that the limited extension that they had granted will have no adverse impact on the licensing objectives as the premises are already licensed for live music until 3am on Fridays and Saturdays and therefore the limited extension will not add to the existing cumulative impact on the area.

The sub-committee considered it necessary to add the **clubscan** condition as proposed by the police in their letter included in the agenda pack and they further considered it necessary to add a further condition relating to the number of people allowed outside to smoke at any time after 11pm on Friday and Saturdays (see above).

The sub-committee also reminded the applicant of existing condition **7101** which prohibits admission and re-admission after 1am on Fridays and Saturdays. As always it is open to residents to ask for a review of the license if they consider it necessary.

Appeal Rights

The applicant may appeal against any decision to modify the conditions of the licence; and

Any person who made relevant representations in relation to the application who desire to contend that

- a) That variation ought not to have been made; or
- b) That, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified them in a different way,

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12.20pm.

CHAIR:

DATED:

Licensing Sub-Committee

MINUTES of the OPEN section of the Licensing Sub-Committee held on Wednesday 15 December 2010 at 10.00 am at Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Catherine Bowman
Councillor Darren Merrill
Councillor Dan Garfield

OTHERS PRESENT: Mr Paul Sankah, applicant
Ms P Beazley, local resident
Mrs J Mabey, local resident
Mr Patel, local resident
Ms S Beazley, local resident

OFFICER SUPPORT: Dave Swaby, licensing officer
David Perry, legal officer
Sean Usher, constitutional officer

1. APOLOGIES

There were none.

2. CONFIRMATION OF VOTING MEMBERS

The three members listed were confirmed as the voting members.

3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

5. LICENSING ACT 2003 - THE TWINZ CAFE, 30-32 PECKHAM RYE, LONDON SE15

The licensing officer presented his report and informed the sub-committee that the police and trading standards had withdrawn their objections following conciliation and that Mr Sankah had offered reduced hours from those on his application.

The applicant, Mr Sankah, presented to the sub-committee. Members had questions for the applicant. Local residents had questions for the applicant.

The 4 local residents present each presented to the sub-committee then the members

asked them questions. The applicant had questions for the residents.

At 10.55am all parties were given 5 minutes to sum up. At 11am the sub-committee went into closed session to deliberate. At 11:55am the meeting resumed and the chair informed all present of the decision as follows.

RESOLVED:

That the application by Paul Sankah grant of a premises licence issued under the Licensing Act 2003 in respect of the premises known as The Twins Cafe 30-32 Peckham Rye, SE15 be granted as follows:

Licensable Activity	Sunday to Thursday	Friday and Saturday
Sale of Alcohol (On and Off the premises)	06:00 – 00:00	06:00 – 01:00
Late Night Refreshment	23:00 – 00:30	23:00-01:30
Opening Hours	06:00 – 00:30	06:00 – 01:30

Conditions

The following additional conditions were added to the licence:

1. The premises are to operate as a Restaurant and Cafe.
2. There will be no promoted events or DJ's in the premises.
3. A "Challenge 25" policy will be in operation on the premises.
4. Signage shall be displayed to inform customers of the "Challenge 25" policy.
5. All staff shall be trained in the sale of alcohol and training records shall kept and produced at the request of Council and other authorised officers.
6. No open containers of alcohol to be taken from the premises.
7. Doors and windows at the premises are to be kept closed whilst licensable activities take place after 20:00.
8. The place of refuse into receptacles outside the premises shall not take place between 00:00 and 08:00 on any night.
9. A contact telephone for the Designated Premises Supervisor shall be displayed at the premises at all times.

Reasons

The reasons for this decision are as follows:

The sub-committee heard representations from the applicant and 4 local residents. The sub-committee also considered the written representations of 1 local resident who could not attend the hearing. The sub-committee noted that the representations from Trading Standards and the Police had been conciliated and the application amended accordingly.

The sub-committee heard that the local residents had concerns over noise which might be

generated by customers using the premises and congregating outside. They also had concerns about people arriving and leaving late at night the associated noise from cars and people waiting for buses. Residents also had concerns over the premises attracting late night drinkers and the associated disorder this may bring. Having taken into consideration the licensing objectives and all representations the sub-committee was resolved to grant the application with the hours above. The sub-committee also resolved that was necessary and proportionate to impose the additional conditions (6, 7, 8 and 9) above in order to promote the licensing objectives of crime and disorder and the prevention of public nuisance.

Appeal Rights

The applicant may appeal against any decision –

- a) to impose conditions on the licence
- b) to exclude a licensable activity or refuse to specify a person as premises supervisor

Any person who made relevant representations in relation to the application who desire to contend that

- a) That the licence ought not to be granted; or
- b) That on granting the licence, the Licensing Authority ought to have imposed different or additional conditions the conditions of the licence, or ought to have modified them in a different way,

may appeal against the decision.

Any appeal must be made to the magistrate court for the petty sessions area in which the premises are situated. Any appeal must be commenced by notice of appeal given by the appellant to the justices' chief executive for the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

The meeting closed at 12.00pm

CHAIR:

DATED:

Agenda Item 7

Item No. 7.	Classification: Open	Date: 6 January 2011	Meeting Name: Licensing Committee
Report title:		Local Government (Miscellaneous Provisions) Act 1982 – Draft Southwark Sex Establishments Policy for Purposes of Public Consultation	
Ward(s) or groups affected:		All	
From:		Strategic Director of Environment and Housing	

RECOMMENDATION

1. That the licensing committee approves the draft Southwark sex establishments policy at appendix A to this report, for the purpose of public consultation.

BACKGROUND INFORMATION

2. Section 27 of the Policing and Crime Act 2009, came into effect on 6th April 2010. It has had the effect of reclassifying lap dancing clubs and similar as 'sexual entertainment venues'. This offers local licensing authorities in England and Wales adoptive provisions to regulate such venues as sex establishments under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
3. These provisions were reported, in full, to the licensing committee meeting of 28 September 2010. Having considered the report the committee decided to recommend council assembly to adopt the new provisions.
4. On 20 October 2010, council assembly duly adopted the provisions with effect from 1 April 2011.
5. At the meeting of 28 September 2011, members noted the intention to return to the committee with a draft sex establishment policy for the basis of formal public consultation to take place early in 2011.
6. This report presents a draft policy document for consideration. A copy is provided at appendix A.
7. The policy, once formally approved, will establish how this authority intends to approach it's new licensing responsibilities under the Act. It will include the council's views on important issues such as 'appropriate locality'. Public consultation is intended to ensure that the local community is able to contribute toward the debate.

MATTERS FOR CONSIDERATION

The new licensing provisions

8. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended, provides a licensing regime for the following categories of sex establishment:
 - Sex shops;
 - Sex cinemas;

- Sex encounter establishments; and
 - Sexual entertainment venues;
9. Definitions for each of the categories of sex establishment are provided in part C of the draft policy document at appendix A (pages 7 to 9).
10. The provisions contained within Schedule 3 of the 1982 Act provide for:-
- Written applications to be made for a sex establishment licence providing details as set out in the Act and as the local authority may reasonably require;
 - Payment of a reasonable fee;
 - Public advertisement of applications by way of a notice exhibited at the premises for a period of 21 days and a notice published in a local newspaper;
 - Written objections to be lodged relevant to the grounds for refusal of a licence (see sections 71 to 73 of the draft policy at appendix A); and
 - Public hearing of the application and any objection.
11. In determining a licence application, paragraph 12 of Schedule 3 sets out the grounds for refusing an application. Importantly, the grounds for refusal include;
- That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers appropriate for that locality; and
 - That the grant or renewal of the licence would be inappropriate having regard to:
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put; or
 - The layout, character or condition of the premises, vehicle, vessel, or stall in respect of which the application is made.
12. Under the Act, licensing authorities may publish a licensing policy relating to sex establishments so long as it does not prevent any individual application from being considered on its merits at the time that the application is made.
13. Guidance on the new 'sexual entertainment venues' licensing scheme has been produced by the Home Office. Copies may be viewed or downloaded at <http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=23464>

The draft policy

14. The draft Southwark sex establishments policy at appendix A has four main objectives:
- To reinforce to elected members on the licensing committee, the boundaries and powers of the local authority and provide the parameters under which those licensing decisions are made;
 - To inform licence applications of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area;
 - To inform residents and businesses of the parameters under which licence decisions will be made and how their needs will be addressed; and
 - To support licensing decisions that may be challenged in a court of law.
15. While the draft policy acknowledges all relevant provisions, of the Act and Home Office guidance, the basis for some of the most important sections of the draft policy (relating to locality and conditioning of licences) derive from relevant provisions currently set out

within the council's current statement of (alcohol, entertainment and late night refreshment) licensing policy made under the Licensing Act 2003. Members will be aware that up until the advent of the Policing and Crime Act 2009, lap dancing and similar venues in Southwark have been licensed as music and dancing venues under the 2003 provisions. These policy provisions, previously agreed by council assembly, have already established the council's initial views on matters of locality and conditioning.

Locality

16. The section on relevant locality appears across pages 18 and 19 of the draft policy document at appendix A.
17. The Home Office guidance establishes that it is for the local licensing authority to decide what constitutes 'relevant locality' on the facts of the individual application. It also sets out that it is reasonable and potentially useful to future applicants for a local authority to decide in advance of receiving applications that certain areas are, or are not, appropriate locations for sex establishments or a particular number of sex establishments. Case law has defined, however, that a 'relevant locality' cannot be an entire local authority area or entire city or town.
18. In order to try and balance these two positions it is proposed that the consultation approaches this matter on a ward by ward basis and that local views are sought on whether, having had regard to the criteria set out in the draft policy, any ward can be deemed as being appropriate for the grant of any category of sex establishment licence.
19. The draft policy proposes that applications will not normally be granted where the premises are located:
 - Near residential accommodation;
 - Near places of worship, community facilities or public buildings;
 - Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families;
Or
 - Within sight of pedestrian routes or transport nodes (such as stations or bus stops) serving categories (a), (b) or (c).

Conditions

20. Where a local authority may decide to grant a licence, the authority is able to impose terms, conditions and restrictions on that licence. Subject to the provision in section 21 of this report, these can be in the form of either standard conditions applicable to all sex establishments or specific categories of sex establishment or conditions specific to the particular operation under consideration at the time.
21. In the case of the new category of sex entertainment venues, legislation specifies that conditions may address, but are not restricted to:
 - The hours of opening and closing;
 - Displays and advertisements on or in sex establishments;
 - The visibility of the interior of a sex establishment to passers-by;
 - Any change of use from one kind of sex establishment to another;
 - The exclusion of persons under 18 at all times from the premises;
 - The prohibition of exterior advertising of the sex-related entertainment at the premises;

- The prohibition of leafleting or touting for business.;
 - That the provision of services will be to seated customers only;
 - The prohibition of the participation of customers in the performance;
 - The maintenance of a minimum distance of 1 metre between performer and customers during the performance;
 - The provision of CCTV and the maintenance of a library of recordings;
 - A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code;
 - Rules of conduct for customers, including appropriate procedures for breach of these rules;
 - Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work; and
 - The provision of supervisors and security staff.
22. The policy duly contains proposed standard conditions for each category of premises plus common conditions to apply to all categories of premises. These proposed conditions are compiled using existing best practice.

Enforcement

23. In addition to the processing of applications for licences, the licensing authority also has an enforcement role which includes the investigation and prosecution of unlicensed premises; the inspection of licensed premises for compliance with licence terms, conditions and restrictions; and enforcement of breach of conditions.
24. The policy looks to set the criteria for proportionate enforcement in line with government recommendations and guidance.

Community Impact Statement

25. The adoption of these new provisions and establishment of this policy is anticipated to enable better decision making around the adult entertainment market sector. It will ensure that the authority is able to give full and proper consideration to appropriate locations for adult entertainments. It will ensure that such entertainments are properly controlled.
26. Also, importantly, the local community will be empowered to take full part in the licensing process; have it's concerns raised and considered; and be afforded necessary protections.
27. While operators will find that a more rigorous licensing process will be applied in future, the establishment of a policy helps establish a clear framework for licensed operations under a licence.
28. In these ways this draft policy looks to support broader council objectives.

Consultation arrangements

29. It is proposed to consult on the draft policy from 10 January 2011 through to 4 March 2011.
30. Our intention is that the consultation will be

- Advertised in local Southwark press and on the council's website;
- Brought to each of Community Councils through the January – March 2011 meeting round; and
- Notified directly to known interested parties (including responsible authorities, representatives of licensees and local residents, and local ward councillors).

31. A draft proforma compiled to help interested parties in submitting their views, is attached at appendix B. The responses of the consultation will be brought back for consideration and discussion to the next suitable meeting of the committee after the closing date.

Resource implications

32. Schedule 3 to the 1982 Act provides that the applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authority. The term 'reasonable' is not defined.

33. In other circumstances where this authority has some discretion over fees set, those fees have been set with regard to existing guidance issued by the former Local Authority Co-Ordinator for Regulatory Services (LACORs) now Local Government Regulation, on a cost-recovery basis.

34. The same approach will be taken in setting fees under this Act when the matter of 2010-2011 licensing fees is considered by council assembly early next year.

35. Currently the fee for a new sex establishment licence is £7,604.

36. The costs of the public consultation can be covered within the licensing unit budget for 2010-11.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities Law & Governance

37. The director of legal & democratic services (acting through the licensing and prosecutions section) notes the content of the report.

38. Section 27 of the Policing and Crime Act 2009 came into force on 6th April 2010, expanding the provisions of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 to include "sex entertainment venues". If the council wishes to adopt the amended legislation it must conduct a public consultation by 6th April 2011. The relevant procedures are clearly and comprehensively set out in the body of this report.

39. As a public authority, the London borough of Southwark has general and specific equality duties imposed on it under section 49(a) and section 49(d) of the Disability Discrimination Act 1995, section 71 of the Race Relations Act 1976 and under section 76(a) and (b) of the Sex Discrimination Act 1975. The local authority must have due regard to these duties when carrying out these functions, which includes making decisions in the current context. An equality impact statement should address all six strands to the council's equality agenda: age, disability, belief and non belief, gender, race, sexual orientation and human rights.

40. The report author refers to a community impact statement; consequently a continuing need has been identified during the assessment. Equality impact assessments are an essential tool to assist councils to comply with our equalities duties and to make decisions fairly. The council's equalities impact assessment process goes beyond our current equalities duties to incorporate religion/belief, sexual orientation and age. The

Equalities Act 2010 which introduces additional protected characteristics does not come into effect until April 2011.

41. I understand that there are no existing contracts which would be affected by this policy, although some venues, where occasional licences are required, can apply under the exemptions provided in paragraph 32 of the policy document.
42. So far as the impact on major regeneration projects is concerned, the proposed measures would have to tie in with the contracts to be entered into with contractors in the future.
43. No significant risks have been identified.

Finance Director (Env/ET/101210)

44. The head of service has confirmed that any costs of implementing the proposed consultation can be contained within the existing revenue budgets of the division. The cost of issuing licenses will be met from the licence fee.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Local Government (Miscellaneous Provisions) Act 1982 and related subsequent legislation	Health Safety Licensing & Environmental Protection Unit, C/O The Chaplin Centre, Thurlow Street, London, SE17 2DG	Mrs Kirty Read Phone number: 020 7525 5748
Policing & Crime Act 2009		
Licensing Act 2003		
LACORS Guidance on fee setting		
Various 2003 Act case files		
Home Office Guidance on Sex Entertainment Venues		

APPENDICES

No.	Title
Appendix A	Draft Southwark Policy for Sex Establishments
Appendix B	Draft questionnaire

AUDIT TRAIL

Lead Officer	Strategic Director of Environment & Housing	
Report Author	Richard Parkins, Health Safety Licensing and Environmental Protection Unit Manager	
Version	Final	
Dated	15 December 2010	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team	15 December 2010	



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**THE SOUTHWARK
SEX ESTABLISHMENT POLICY**

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Part A – Introduction

1. Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 established a licensing scheme for ‘sex shops’ and ‘sex cinemas’. In the mid 1980’s a London amendment extended the definition to include ‘sex encounter establishments’ but exempted performances of striptease where public entertainments licences enabling music and dancing entertainment had been granted to the premises concerned by the local authority.
2. This situation continued until 6 April 2010 when the Policing and Crime Act 2009 came into effect in England. This had the effect of removing the exemption and enabling lap dancing and similar to be licensed under a new category of ‘sexual entertainment venue’ under the 1982 Act.
3. This authority has adopted the provisions of the 1982 Act and each amendment since the responsibility for the licensing regime was devolved to it following the demise of the Greater London Council in 1986. On 20 October 2010 this authority resolved to adopt the provisions of the 1982 Act as amended by the 2009 Act with effect from 1 April 2011.
4. The Act provides for the local authority to agree and publish a licensing policy under the Act as it does not prevent any individual application from being considered on its merits at the time the application is made.
5. This document represents the policy of Southwark council. It is prepared in full acknowledgement of the Act and guidance produced by the home office.

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Part B – All about Southwark



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6. Alongside the City of London, Southwark is one of the oldest areas of London, with a history stretching back to Roman times. Southwark's population reached 274,000 in 2007 and is believed to be growing by as much as 4,000 per year, with a projected population of over 310,000 by 2016. The population has a young demographic profile and demonstrates rich ethnic and cultural diversity, with around one-third (90,600) of the population from black or ethnic minority communities. With this figure set to rise to 38% by 2011. Southwark is arguably one of the most diverse areas in the capital.
7. Southwark is made up of eight very distinctive urban neighbourhoods that extend along the river Thames and down into south east London. The borough also encompasses some of London's top attractions, creative hotspots, scenic villages and acclaimed green spaces.
8. Southwark has a wide-range of leisure and cultural opportunities; and makes a significant economic and employment contribution to the local community. The north of the borough is recognized as one of London's fastest growing tourist quarters and a thriving business location.
9. Alongside the borough's rich vibrancy, Southwark has its fair share of challenges. The Index of Multiple Deprivation (IMD) 2007 shows Southwark as the 27th most deprived local authority nationally and 60% of the borough's wards are among the 10% most deprived in the country. Consequently, the borough faces many challenges associated with meeting the complex health and social needs of an inner-city population. Unemployment in Southwark (8.9%) is higher than the London average (6.7%) and the percentage of the working population claiming benefits in Southwark is 15.6% compared to 13.9% across London. Gross weekly earning for both men and women in Southwark is lower than the London average.
10. In terms of violent crime, Southwark records a significantly higher number of violence against the person and robbery incidents compared to the London average.
11. Whilst there have been improvements, the attainment rates for Southwark pupils at Key Stages 1 and 2, GCSE and A levels are below the national average. Teenage conception rates for Southwark are still one of the highest in England.
12. To meet our challenges, Southwark has a large number of physical regeneration programmes across the borough, alongside a wide range of initiatives aimed at improving educational standards, reducing crime and improving health, housing, social care and the environment.

Leading Southwark

13. Southwark is made up of 21 wards, with 63 councillors; three from each ward. These councillors sit on the council assembly, which is the "sovereign" body of the council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy

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framework. Currently Labour holds 35 seats, the Liberal Democrats 25 and the Conservatives 3 seats.

14. The council operates a strong leader / cabinet model. The cabinet is headed by the leader and deputy leader, with a further nine members holding portfolios of:
 - Housing management
 - Children's services
 - Equalities and community engagement
 - Community safety
 - Culture, leisure, sport and the Olympics
 - Transport, environment and recycling
 - Health and adult social care
 - Regeneration and corporate strategy
 - Finance and resources
15. The cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
16. Scrutiny committees take a close look at council decisions and activities and call for the council to be open and accountable. They examine services provided by the council and review the council's budget and policies. Scrutiny can look at, or 'call-in' decisions made by the cabinet and recommend decisions are changed or reconsidered.
17. A licensing committee is established to consider licensing policy with contested licence applications being considered by sub-committees of the main committee. Licensing matters fall under the responsibility of the cabinet member for community safety.
18. Eight ward based community councils were established in April 2003 to take local decisions in key areas that have a direct impact on the local neighbourhoods.

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Part C – Purpose and scope of the policy

Purpose of the policy

19. This policy has four main objectives:

- To reinforce to elected members on the licensing committee, the boundaries and power of the local authority and provide the parameters under which these licence decisions are made;
- To inform licence applicants of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area;
- To inform residents and businesses of the parameters under which licence decisions will be made and how their needs will be addressed; and
- To support licensing decisions that may be challenged in a court of law

Scope of the policy

20. The scope of this policy covers new applications, renewal applications, transfers and variations for all categories of sex establishment.

Definitions

21. This policy applies to sex shops, sex cinemas, sex encounter establishments and sexual entertainment venues. Relevant definitions provided in the Act are repeated below.

22. **“Sex shops”** are 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 the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

23. **“Sex cinemas”** are any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity; or
- b) Are concerned primarily with the portrayal of, or primarily deal with or relate to genital organs or urinary or excretory functions, but does not include a dwelling house to which the public is not admitted.

24. **“Sex encounter establishments”** are defined as:

- 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

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- 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.
25. **“Sexual entertainment venue”** is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organizer or the entertainer. The category now incorporates ‘sex encounter establishments’.
26. **“Relevant entertainment”** is any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths). “Relevant entertainment” will generally apply to the following types of activity:
- Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Strip shows;
 - Peep shows; and
 - Live sex shows.
27. However this list is not exhaustive and, taking into account that the exact nature of these descriptions may vary, each case will have to be dealt with on its own merits.
28. **“Audience”** includes an audience of one.
29. **“Display of nudity”** means:
- a) In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- b) In the case of a man, exposure of his pubic area, genitals or anus;

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30. **“The organiser”**, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of:
- a) The relevant entertainment; or
 - b) The premises;
31. **“Sex article”** includes
- a) Anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity; and
 - b) Anything containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and to any recording of sound or vision, which:
 - Is concerned primarily with the portrayal or, primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Exemptions

32. Premises may provide sexual entertainment on eleven occasions within a period of 12 months without a sexual entertainment licence as long as;
- The sexual entertainment does not last for more than 24 hours; and
 - Sexual entertainment has not been provided at that premises for a period of one month.
33. Premises that provide infrequent relevant entertainment under this exemption will continue to be regulated under the 2003 Licensing Act and must have obtained the appropriate authorisations under that Act.
34. This exemption does not apply to sex shops or sex cinemas.

General information

35. The licensing authority may depart from this policy, if the individual circumstances of any case merit such a decision. Where such a decision is taken, full reasons for the departure from the policy will be given.
36. While this statement sets out the council’s general approach to the making of licensing decisions, nothing in this statement overrides the right of any person to make an application or make objections to an application, as each will be considered on its own merits and according to the statutory requirements of the Local Government (Miscellaneous Provisions) Act 1982.

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Part D – Administration, exercise and delegation of function

Applications

37. There are four types of application available to an applicant. These are applications for grant of a new licence; the variation of an existing licence; the renewal of an existing licence; and the transfer of a licence.
38. The following sections of this policy provide information on the application requirements set by this council for each type of licence application.
39. Applications for each type of licence shall only be accepted if made on the appropriate forms provided by Southwark council and accompanied by the appropriate fee. Forms must be completed in full or may be deemed invalid. Forms and details of current fees are available from the Southwark council web site or from the licensing section.

Application requirements for the grant of a new licence

40. An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state:
 - The full name of the applicant;
 - His permanent address; and
 - His age.
41. An application made by a body corporate or by an unincorporated body shall state:
 - The full name of the body;
 - The address of its registered office or principal office; and
 - The full names and private addresses of the directors or other persons responsible for its management.
42. An application relating to premises shall state the full address of the premises.
43. An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
44. Additionally, the following information must also be submitted with each application, This information is sought in order that the council and other responsible authorities, for example the police, may determine whether the applicant and staff members involved with the application are fit and proper to hold a licence; that the premises meets health and safety requirements; and that there are no crime and disorder issues relating to the business.
 - If the applicant is an individual, a birth certificate;
 - If the applicant is an individual, a passport size photograph which must be dated and have the name of the person identified in the photograph printed on the back;

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- If the applicant is a company, a passport size photograph of each of the directors, the company secretary, or any other person responsible for the management of the company which must be dated and have the name of the person identified in the photograph printed on the back;
- A passport size photograph of each person responsible for the management of the premises which must be dated and have the name of the person identified in the photograph printed on the back;
- A site plan at a scale of 1:1250;
- Scale plans of the premises at a scale of 1:100 showing all means of ingress and egress to and from the premises; any parts used in common with other buildings and details of how the premises lie in relation to the street;
- Drawings showing the front elevation as existing and as proposed at a scale of 1:50;
- Duly certified documents of title;
- If the applicant is a company; a certified copy of the resolution authorising the application;
- Where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- If the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- If the applicant is a partnership, a certified copy of the Partnership Deed; and
- A set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.

45. The applicant is also required to publish notice of the application. See section 57.

Application requirements for a renewal application

46. Applicants must provide a set of audited accounts of the business for the two complete trading years immediately prior to the date of the application.

47. The applicant is also required to publish notice of the application. See section 57.

Application requirements for a transfer application

48. Applicants must provide

- If the applicant is a limited company, a form provided by the council which provides the details of the company;
- If the applicant is an individual, a birth certificate;
- If the applicant is an individual, a passport size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- Duly certified documents of title;

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- If the applicant is a company, a certified copy of the resolution authorising the application;
- Where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants; If the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company; and
- If the applicant is a partnership, a certified copy of the Partnership Deed.

49. The applicant is also required to publish notice of the application. See section 57.

Application requirements for a variation application

50. The applicant must provide scale plans of the premises at a scale of 1:100 showing all means of ingress and egress to and from the premises, any parts used in common with other buildings and details of how the premises lie in relation to the street.

51. The applicant is also required to publish notice of the application. See section 57.

Fees

52. The current fees schedule for applications made under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 are available online from the Southwark council web site or from the council's licensing section.

53. In setting the levels of fee chargeable upon application this council will have regard to requirements of the EU Services Directive which establishes that fees must be non-discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible.

54. Our fee calculations will be made having had particular regard to the work involved in administering the application process based on the likelihood of a large number of objections being received. The fee levels will also take into account the costs of necessary premises surveys and visits; third party costs; management costs; and local democracy costs.

55. A compliance cost is payable on initial application. However, as this relates to inspection of the premises and enforcement once the licence is granted this fee is refundable in the event that a licence is refused.

56. The additional compliance cost is not refundable if the licence is revoked.

Consultation arrangements

57. Applicants must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.

58. Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by

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members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.

59. It should be noted that the police are a statutory consultee for all applications. The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application.
60. Failure by the applicant to comply with any of the consultation arrangements set out above will invalidate the application.
61. The council will also consult directly with residents known to be living within 100m radius for the application premises, however, there will be no restriction on objections made from residents beyond this area.
62. The council will also consult directly with a range of relevant professional bodies, comprising:
 - The metropolitan police service;
 - The London fire and emergency planning authority;
 - Trading standards;
 - Planning;
 - Occupational health and safety team;
 - Safeguarding children board; and
 - Environmental protection team.

Objections

63. Any person is entitled to object. Objectors may include residents, resident associations, trade associations businesses and ward councillors (providing they are not part of the licensing sub-committee dealing with the licence application) or MP's.
64. Objections can be made, in writing, within 28 days from the date of the application. The objection should be relevant to the grounds set out in paragraph 73 below for refusing a licence. Moral grounds or values will not be considered relevant. The licensing authority shall have regard to any observations submitted by police.
65. Where an objection is made by a representative body this authority will require evidence that the objection has been formally authorised by the body concerned. Such evidence may comprise the minutes of the meeting at which the objection was agreed.
66. Where petitions are submitted, the full personal and contact details of the person organising that petition must be provided. Each page of the petition must be headed with the purpose and grounds of the petition and the date the petition was collected. Each signatory should provide their name and full address.

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67. Objections made by an electronic objections, for instance by email, are acceptable as long as the objection includes the name and address of the person making that objection.
68. Personal details of objectors will not be revealed to the applicant without their prior consent.
69. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing sub-committee dealing with the licence application. If there are any doubts then please contact the licensing department.

Determination of Applications

70. In each case that relevant objections are received to an application, that application will be determined by way of a public hearing by the council's licensing sub-committee. The procedure to be followed at a public hearing is available upon request from the licensing section.
71. It should be noted, however, that authority must refuse to grant or transfer a licence to:
 - A person under the age of 18;
 - A person who is for the time being disqualified from holding a licence;
 - A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - A body corporate which is not incorporated in the United Kingdom;
 - A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
72. This authority may also refuse to grant:
 - An application for the grant or renewal of a licence on one or more of the following grounds for refusal; or
 - An application for transfer of a licence on either or both of the first two grounds shown below.
73. The grounds for refusal are:
 - a) That the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;
 - b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

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- c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality (an appropriate number can be nil); and
- d) That the grant or renewal of the licence would be inappropriate having regard to: -
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put; or
 - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

74. Should the authority decide to grant a licence, standard conditions relevant to the category of licence sought will be imposed upon the licence together with any additional conditions that are shown to be necessary having regard to the specific application under consideration.

75. Each set of standard conditions is included within this policy.

Duration of Licences

76. Licences for sex establishments can be granted for up to one year.

77. A licence may be revoked at any time during the licence period.

Appeals

78. In the event that the licensing authority refuses an application for the grant, renewal or transfer of a sex establishment licence, the Applicant may appeal the decision to the magistrate's court, unless the application was refused under either of the reasons provided in parts c) and d) of section 73 above, in which case the Applicant can only challenge the refusal by way of judicial review. An Appeal can also be made against the imposition of conditions.

79. Appeals must be made within 21 days from the date of written notification of the decision.

Waiver

80. Southwark council can issue a waiver notice for the requirement for a licence under the Act where this authority considers it to unreasonable or inappropriate to require such a licence.

81. The type of premises that may be granted a waiver will depend on the individual circumstances of each premises applying for the waiver.

82. Generally waivers will be considered where for educational purposes, for instance the sale of medical sex books.

83. Waivers will not be given to accommodate late applicants where an application for a licence could have been made in advance.

84. Applications for a waiver will be determined by the head of environmental health & trading standards

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Part E – Transitional Arrangements

Dates

85. There are three dates applicable to the transitional period.
86. The first appointed date is 1 April 2011.
87. The second appointed date is six months after the first date.
88. The third appointed date is a further six months after the second date.

Sunset provisions

89. Applications for licences may be made from the first appointed day.
90. Applications for licences in respect of existing licensed sex establishment premises may be made up until the third appointed day. However, prior to the first appointed date there are no licensed sex establishments in the borough. Thereby no sex shops, sex cinema or sex encounter establishment will be able to use the transitional arrangements in this borough.
91. However, any premises licensed under the Licensing Act 2003, are exempt under the Act for the need to hold a licence under the Local Government (Miscellaneous Provisions) Act 1982 for sexual entertainment, including lap or table dancing.
92. Premises that hold exempt sexual entertainment activities within their premises, or who have undertaken propriety work to so use the premises as a sexual entertainment premises, and have the relevant authorised activities under the Licensing Act 2003, may continue to operate as such until the third appointed date.
93. Operators of such premises that wish to continue to use their premises as a sexual entertainment venue need to apply for a licence under the Local Government (Miscellaneous Provisions) Act 1982 on and following the first appointed date and on or before the second appointed date.
94. The Authority is not allowed to determine any applications until after the second appointed day by which time all transitional applications will be received.
95. Applications made after the second appointed date but before the third appointed date should not be determined until all the applications made within the first periods are determined.
96. Applications received after the third appointed day should not be determined until applications made within the first and second periods are determined.

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Conditions from the transitional provisions

97. The conditions on the Licensing Act 2003 premises licence/club premises certificate that relate specifically to sexual entertainment will be treated as deleted where a premises providing sexual entertainment applies under the sunset provisions and that licence is granted.
98. This only applies where conditions on the sexual entertainment venue licence are applied and relate to a similar condition on the premises licence or where the condition on the premises licence is less onerous.
99. It is possible therefore that conditions that are provide to promote the licensing objectives cease to have power at the premises even when it is only operating under the premises licence For instance the premises licence may have a condition for a “challenge 21” policy for the sale of alcohol and a condition for a “challenge 25” policy may be imposed on the sexual entertainment licence, the condition on the premises licence will be treated as deleted and when the premises is serving alcohol but not providing sexual entertainment there may be no condition in place.

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Part F – Relevant Locality

100. While each application will be considered on its own merits consideration will be had to the cumulative effect of premises offering adult entertainment in a particular area; and, in future, to any special policy which the licensing authority may adopt should a particular location become saturated with such premises;

101. Applications will not normally be granted where the premises are located:

- Near residential accommodation;
- Near places of worship, community facilities or public buildings;
- Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families; Or
- Within sight of pedestrian routes or transport nodes (such as stations or bus stops) serving categories (a), (b) or (c).

102. It is proposed that the final approved version of this policy will set out the numbers of sex entertainment venues, sex cinemas and sex shops that the council considers to be appropriate for the locality by ward. This matter will be further considered as part of the planned public consultation on this draft policy.

Community Council Area	Ward	Type of premises	Location	Number of premises
Bermondsey	Riverside	sex establishments sex cinemas sex shops		
	Grange	sex establishments sex cinemas sex shops		
	South Bermondsey	sex establishments sex cinemas sex shops		
Borough and Bankside	Cathedrals	sex establishments sex cinemas sex shops		
	Chaucer	sex establishments sex cinemas sex shops		
Camberwell	Camberwell Green	sex establishments sex cinemas sex shops		
	Brunswick Park	sex establishments sex cinemas sex shops		
	South Camberwell	sex establishments sex cinemas sex shops		
	College	sex establishments sex cinemas		

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		sex shops		
Dulwich	East Dulwich	sex establishments sex cinemas sex shops		
	Village	sex establishments sex cinemas sex shops		
Nunhead and Peckham Rye	Nunhead	sex establishments sex cinemas sex shops		
	Peckham Rye	sex establishments sex cinemas sex shops		
	The Lane	sex establishments sex cinemas sex shops		
Peckham	Peckham	sex establishments sex cinemas sex shops		
	Livesey S	sex establishments sex cinemas sex shops		
Rotherhithe	Livesey N	sex establishments sex cinemas sex shops		
	Rotherhithe	sex establishments sex cinemas sex shops		
	Surrey Docks	sex establishments sex cinemas sex shops		
Walworth	East Walworth	sex establishments sex cinemas sex shops		
	Faraday	sex establishments sex cinemas sex shops		
	Newington	sex establishments sex cinemas sex shops		

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Part G – Conditions

103. The licensing authority will impose standard conditions for categories of sex licences.
104. The licensing authority will also consider each application on it's own merits and additional conditions may be placed on the licence where relevant and appropriate.

Standard opening hours

105. Standard opening hours shall apply to each category of premises as follows;
106. Sexual entertainment venue, from 09:00 to 23:00hrs on Monday to Saturday.
107. Sex shop, from 09:00 to 18:00hrs on Monday to Saturday.
108. Sex cinema, from 09:00 to 23:00hrs on Monday to Saturday.
109. Premises shall not open on Sundays, Christmas Day or Good Friday
110. The Licensing authority reserves the right to adjust these standard opening hours for any particular premises.

Standard conditions on all licences

111. The following conditions will be standard on all categories of sex licence;
- a) Access must be afforded at all reasonable times to authorized officers of the council and the police and fire services;
 - b) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council;
 - c) The name of the person who has been approved by the council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
 - d) Every person employed on the premises in a capacity where he / she has or will have contact with members of the public in the course of carrying on any activity authorised by the licence, must have first been approved by the council;
 - e) An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of:
 - a criminal conviction certificate issued under section 112 or a criminal record certificate issued under section 113A of the Police Act 1997 or the results of a subject access search under the data Protection Act 1998 of the Police National Computer by the

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National Identification Service that has been issued no earlier than one calendar month before submitting it to the council;

- a passport sized photograph in colour.
- f) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises;
- g) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management;
- h) The licensee shall notify the Council if at any time during the currency of this licence he or any person employed at the premises is convicted of an offence against Part II of the Local Government (Miscellaneous Provisions) Act 1982, the Obscene Publications Act 1959, the Protection of Children Act 1978, The Indecent Displays (Control) Act 1981 or any offence involving dishonesty, indecency or violence. Such notification shall be in writing within 14 days of the conviction being imposed. Where the licensee is a limited company it shall be the licensee's duty to notify the Council in the same manner of any such conviction recorded against any Director, Secretary or other officer of the company;
- i) Every person employed on the premises in the furtherance of the business shall wear a form of visible identification of a type approved by the council indicating his/her name and position;
- j) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises;
- k) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes;
- l) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises;
- m) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see;
- n) Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the council;
- o) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions in this licence for the display of notices;
- p) The council shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters;

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- q) As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the council's approval;
- r) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop;
- s) There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order;
- t) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 "WARNING Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age";
- u) The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council;
- v) The Licensee shall make provision in the means of access, both to and within the premises, for the needs of members of the public visiting the premises who are disabled; and
- w) The Licensee shall retain control over all portions of the Premises and shall not let, license or part with possession of any part of the premises.

Sexual entertainment licence

112. The following conditions will be standard on sexual entertainment licences;

- a) On those days where the entertainment is by way of striptease, only those dancers engaged by the licence holder shall be permitted to perform striptease;
- b) All striptease performers shall be provided with a copy of the performers code of conduct upon engagement;
- c) Tableside striptease shall only be performed in the area of the club as marked on any deposited plans;
- d) There shall be no physical contact between customers and the striptease performer except for the placing of money or moneys worth in a garter, or from the customer's hand to the hand of the performer at the beginning or at the conclusion of the performance;
- e) A notice outlining that there shall be no physical contact between customers and the striptease performer shall be clearly displayed at each customer's table and at the entrance to the premises;
- f) On any day when tableside striptease performances are taking place, no performer shall dance with or towards any other performer, and shall make no physical contact with another performer;
- g) Tableside striptease performers are to remain standing during a performance of striptease;
- h) Striptease performers are to re-dress at the conclusion of a performance and are to remain fully clothed whilst acting in the capacity of host or hostess;
- i) Striptease performers are to remain a minimum distance on one metre from customer;

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- j) There shall be a minimum charge for entertainment by way of tableside striptease of £10 per music track;
- m) On those days when public entertainment is by way of any form of striptease, no person under the age of 18 years shall be allowed to enter or remain on the licensed premises. A clear notice shall be displayed in those terms in a prominent position at the entrance, so that persons entering can read it;
- n) On those days when public entertainment is by way of striptease, a minimum of (number) SIA registered door supervisors shall be employed on the premises during its opening hours. At least (number) permanently employed in the bar and at least (number) to be permanently employed at the entrance to the public toilets;
- p) The licence holder is to ensure that prior to employment, all performers provide documents proving that they are over 18 years of age. Such documents are to be copied and retained on the performer employment file;
- q) The licence holder is to ensure that prior to employment all performers provide documents proving that they are legally entitled to work in the U.K. Such documents are to be copied and retained on the performer employment file;
- r) All performer employment files are to be retained for a period of at least 6 months after employment is terminated. All files are to be made available to the statutory authorities upon request if required for investigative purposes;
- s) Where the licence holder employs performers from an agency, the performers must provide the relevant documentation as required in conditions above. Details of the agency providing the performers are to be made available to the statutory authorities upon request;
- t) The whole of the venue, excluding performers locker areas, is to be monitored by CCTV. This system to be installed maintained and operated as agreed with a Police crime prevention officer. The recordings are to be retained for a period of 31 days. The tapes are to be made available to the statutory authorities upon request; and
- u) Prior to employment all performers are to be given a copy of the venue code of conduct. This code of conduct is to be rigorously enforced by the venue management.

Sex Shop licence

113. The following conditions will be standard on sex shop licences;

- a) No sex article or articles, which are obscene, may be sold, lent, hired, stored, kept, or otherwise dealt with at the premises;
- b) No film may be exhibited on the premises unless the premises or the appropriate part thereof are licensed under the Licensing Act 2003;
- c) The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not;
- d) No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be

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permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display;

- e) The licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises;
- f) The licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage, for any period of time, on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc;
- g) All sex articles and other things displayed for ;supply, sale, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged;
- h) No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises;
- i) No part of the premises shall be used as a sex cinema;
- j) A record shall be kept of all mail order transactions (if any) in such form as agreed by the council;
- k) The licensee shall forthwith notify the council of his ceasing to carry on the business;
- l) The licensee shall inform the council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee; and
- m) Where the Licensee is a company, any change of Director, Company Secretary or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.

Sex cinema licence

114. The following conditions will be standard on sex shop licences;

- a) Neither sex articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema;
- b) The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises;
- c) No fastenings of any description shall be fitted upon any booth or cubicle within the sex establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time;
- d) No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner

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of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984;

- e) The licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard;
- f) The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises;
- g) The licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machines whether for prizes or not; and
- h) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the council.

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Part H – Enforcement

115. The licensing authority will inspect licensed premises on a risk based method of inspection and as a result of complaints received.
116. All premises granted a licence under the Act will receive an initial inspection from a licensing officer. This initial visit is usually pre-arranged and will act as an induction for the licence holder/manager to assist with complying with conditions on the licence and other relevant issues.
117. Due to the need to inspect the operation the premises further inspections may take place when the premises is open to the public, during the evening or at the weekend, and without prior notice.
118. Premises inspections will involve the licensing officer checking that all licence conditions are complied with and assessing the operation of the premises. The results from this inspection will form the basis of a risk assessment for that particular premises where the risks of harm and nuisance are balanced against the management controls for the premises to achieve a risk score.
119. This risk score will then dictate the frequency of future inspections and assists officer in prioritising premises requiring more frequent inspections and reducing the burden of inspection on both the council and the premises operators where less frequent inspections are required.
120. In the event of an application to vary or transfer the licence or where a complaint has been made about the premises then the inspection program will be brought forward to assist the council in dealing with any issues arising.
121. Police officers also have the power to inspect licensed premises and may do so either accompanying council licensing officers or independently
122. Premises that are found to be noncompliant with the terms of their licence, or operating without the appropriate authorisations will receive enforcement action by the council or the police. The nature of the action taken will based on the merits of each case.
123. The primary role of the licensing inspection is to protect the public and gain compliance to the appropriate legislation.
124. In investigating offences under the Act the licensing authority's principles enforcement will endeavour to be:
 - **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny

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- **Consistent:** rules and standards must be joined up and implemented fairly
- **Transparent:** regulators should be open, and keep regulations simple and user friendly
- **Targeted:** regulation should be focused on the problem, and minimise side effects

125. These principles are consistent with principles contained within the council's environmental health and trading standards service enforcement policy which has been drafted with full reference to the enforcement concordat and the provisions of the BERR Regulators' Compliance Code, the Police and Criminal Evidence Act 1984 (PACE) and the Regulation of Investigatory Powers Act 2000 (RIPA).

126. In exercising its enforcement role, the licensing authority will work in close partnership with the community, the police and all other authorities and relevant agencies.

127. It is an offence to obstruct authorised council or police officers from conducting their duties to inspect the premises.

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Part J – Contact details

Southwark Licensing Service

You can contact the Licensing Service in a number of ways

By post or in person by appointment during office hours

Southwark Licensing Service
C/O Environmental Health and Trading Standards
The Chaplin Centre
Thurlow Street
London, SE17 2DG

By telephone: (Via the Customer Contact Centre 24/7) 020 7525 5000

By e-mail: licensing@southwark.gov.uk

By visiting our web site at www.southwark.gov.uk/businesscentre/licensing

Commissioner of Police for the Metropolis

The Police Licensing Office
Walworth Road Police Station
12 – 28 Manor Place
London
SE17 3RL
Tel: 020 7232 6210

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – Consultation on the draft Southwark Sex Establishments Licensing Policy

Questionnaire – Part One

Before answering the questions set out below please read through the information sheets provided with this form. Except where otherwise indicated, please give your answers to the questions set out below by ticking the relevant box.

			Tick here
Q1	Do you support the council's decision to adopt Schedule 3 of the 1982 Act and introduce a licensing regime for sex establishments?	Yes	
		No	
Q2	Having read the draft policy do you consider that the document is clearly written and easy to understand?	Yes	
		No	
Q3	Do you feel it is useful to include definitions of sex establishments in the main body of the draft policy?	Yes	
		No	
Q4	Do you agree with the proposed method of consultation set out in the report?	Yes	
		No	
Q5	Do you agree with the inclusion of a appropriate locations policy?	Yes	
		No	
Q6	Do you agree that it is inappropriate to issue a sex establishments licence near residential accommodation?	Yes	
		No	
Q7	Do you agree that it is inappropriate to issue a sex establishments licence near places of worship, community facilities or public buildings?	Yes	
		No	

Q8	Do you agree that it is inappropriate to issue a sex establishments licence near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families?	Yes	
		No	
Q9	Do you agree that it is inappropriate to issue a sex establishments licence within sight of pedestrian routes or transport nodes (such as stations or bus stops) serving categories under Q 6 – 8 above?	Yes	
		No	
Q10	Do you think that the council should take into account the cumulative impact of licensed premises when considering applications for sex establishments licences?	Yes	
		No	
Q11	Do you think that the council should take into account levels of recorded crime in the locality?	Yes	
		No	
Q12	Do you agree that the policy should set out appropriate numbers of sex establishments by ward?	Yes	
		No	
Q13	If so, what do you consider to be the appropriate number of sex establishments in your ward?		
	Name of ward		
	Sex shops		
	Sex cinemas		
	Sex entertainment venues		
Q14	Do you agree with the standard proposed opening and closing times for licensed premises?	Yes	
		No	
Q15	Do you agree with the proposed standard conditions for all licences?	Yes	

		No
Q16	Do you agree with the proposed standard conditions for sex shops?	Yes
		No
Q17	Do you agree with the proposed standard conditions for sex cinemas?	Yes
		No
Q18	Do you agree with the proposed standard conditions for sex entertainment venues?	Yes
		No
Q19	Please set out any general comments or additional comments you may have in relation to Q1 – 18, in the space provided below. Please continue on a blank sheet if required.	

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

Questionnaire Part 2 – Personal details

Name	
Address	

Business or organisation	
Telephone number	
Email	

Please indicate by ticking the appropriate box whether you			
Hold a premises licence under the 2003 Licensing Act	<input type="checkbox"/>	Are a local resident	<input type="checkbox"/>
Hold a personal licence under the 2003 Licensing Act	<input type="checkbox"/>	Represent local residents	<input type="checkbox"/>
Hold a club premises certificate under the 2003 Licensing Act	<input type="checkbox"/>	Are involved in a local business	<input type="checkbox"/>
Are involved in the operation of a sex encounter establishment	<input type="checkbox"/>	Represent local business	<input type="checkbox"/>
Represent licence holders	<input type="checkbox"/>	Are an elected member of the council	<input type="checkbox"/>
Represent a responsible authority	<input type="checkbox"/>	Other – please specify	<input type="checkbox"/>

Signed

Dated

Part 3 – Monitoring details. Your response to this consultation will be published in the final report on this matter and on the Council web site at www.southwark.gov.uk/businesscentre/licensing. Details provided in part 3 of this questionnaire will be used for monitoring purposes only, however, and will not be included in any published information.

Gender	Male	<input type="checkbox"/>
	Female	<input type="checkbox"/>
	Under 25	<input type="checkbox"/>
	25 – 34	<input type="checkbox"/>
	35 – 44	<input type="checkbox"/>
	45 – 54	<input type="checkbox"/>

	55+	
	Prefer not to say	

To which of these groups do you consider you belong? Please indicate by ticking the appropriate box below		
White	British	
	Irish	
	Any other White background – please state	
Mixed	White and Black Caribbean	
	White and Black African	
	White and Asian	
	Any other Mixed background – please state	
Asian or Asian British	Indian	
	Pakistani	
	Bangladeshi	
	Any other Asian background – please state	
Black or Black British	Caribbean	
	African	
	Any other Black background – please state	
Chinese or other ethnic group	Chinese	
	Any other – please state	

Do you consider yourself to have a disability, as defined by the Disability Discrimination Act?	Yes	
	No	

Thank you for taking part in this consultation exercise. Please return this completed form to

The Health Safety Licensing & Environmental Protection Unit, C/O Southwark Community Safety Enforcement Business Unit, The Chaplin Centre, Thurlow Street, London, SE17 2DG. Or email licensing@southwark.gov.uk

Item No. 8.	Classification: Open	Date: 6 January 2011	Meeting Name: Licensing committee
Report title:		The extension of pitches and Sunday designation of North Cross Road	
Ward(s) or groups affected:		Dulwich Community Council Area	
From:		Gill Davies, Strategic Director of Environment and Housing	

RECOMMENDATION(S)

1. That the Committee resolves to vary the designation of North Cross Road as a licence street to include Sunday as an additional trading day and to extend the number of pitches from twenty (20) to thirty (30), with effect from 1 March 2011.
2. That the Committee note that an application for a temporary road closure will be made through the Highways Act 1980 process for a period of eighteen(18) months from this date to allow pitches to trade each side of the road to improve safety.

BACKGROUND INFORMATION

3. North Cross Road has been used for the purposes of street trading for over 60 years. It was formerly regulated under the London County Council (General Powers) Act 1947. The Metropolitan Borough of Camberwell Works Committee report of 10 December 1947, reported that at the time of the Act's introduction there were 63 pitches, of which 23 were licensed. Goods licensed at the market in 1947 included chestnuts, ice-cream, fruit, salads, shell fish and eels, roots, cat meat, wet and dry fish, poultry, rabbits, eggs, china, hardware, glass, bacon, clock spares, and second-hand clothing.
4. By the 1990s North Cross Road Market had ceased to be popular and had a low attendance rate. However over the last 10 years the market has flourished, becoming a popular site for arts and crafts, organic and home made foods and vintage goods. Fridays and Saturdays are the busiest days.
5. Due to high demand the street trading section has set up a waiting list of traders who would like to set up a stall in the market, and a constant stream of enquiries from the website.
6. It is clear that traders as well as customers find North Cross Road Market an ideal place to visit for arts and crafts and organic and home made food and cakes. This also brings an increment on the footfall for all the shops, cafes and restaurants in the area, including Lordship Lane.
7. Extending the market and introducing Sunday as an additional trading day is likely to attract new shoppers and contribute to the ongoing cultural rejuvenation of an up and coming "trendy" area.

KEY ISSUES FOR CONSIDERATION

8. The London Local Authorities Act 1990 (as amended) allows councils to designate streets or part of streets for street trading and make a resolution specifying what can be sold or offered in that street. Section 24 of the Act sets out the procedure for designating a street as a licensed street.

1.	Order is made by the Licensing Committee, stating the date on which the order takes effect (to be not less than one month following the making of the order)
2.	Place a Notice of Making of the Order in the local press to run for two consecutive weeks, the first date of publication being no less than 28 days before the order comes into effect.

9. The only problematic issue to take into account is the vehicles that are normally parked along the road. There is currently a traffic management order located outside no. 61 North Cross Road, restricting parking from 7am – 4pm on Fridays and 7am – 6pm on Saturdays, this will need to be extended to cover Sunday if designations are approved.
10. The Council would also like to put in a temporary road closure order for a period of 18 months to close North Cross Road, Fridays, Saturdays and Sundays between 8am and 4pm between Archdale Road and Lacon Road. A separate consultation will be carried out on this temporary closure(See Map Appendix 1)

The Process

11. The following process has been undertaken including a full consultation with the surrounding business and residents
- Consultation with licence holders trading in the street in question or a body or bodies representative of them on the proposal.
 - Publishing notice in a local newspaper, containing a draft of the resolution stating that representations may be made in writing to the council within a consultation period (of at least of 28 days following publication).
 - Notifying the highways authority and obtaining necessary consents if the road is owned or maintained by Transport for London, Network Rail or British Railways Board. In this case it is believed that the Council is the Highways Authority and Highways officers have been consulted.
 - Metropolitan Police have also been notified of proposal.
 - Consultation with main stakeholders, i.e. street cleansing and parking.

Benefits of the proposal

12. The expansion of this already existing market will generate an estimated additional £20K per annum for the street trading account, whilst the only extra cost would be minimum admin costs. This extra income will help to reduce the street trading account current deficit linking with the council's corporate priority of driving down debt.
13. The creation of new street trading vacancies will contribute in achieving the objectives of Southwark's enterprise Strategy by enhancing enterprise opportunities and at the same time assisting in the establishment, sustainability, growth and retention of business.

Consultation

14. A questionnaire was sent to 2000 local residents and businesses, together with an advert placed in the local press. (Appendix 2 & 3) The consultation was also put online on Survey monkey. A total of 339 questionnaires were returned with the following results:
- 78 % were in favour of extending market from 20 to 30 pitches

- 64% were in favour of adding Sunday as an additional trading day

15. The Consultation Results were reported to the Dulwich Community Council Meeting on 13th December 2010. A full results breakdown is included in this report. (Appendix 4)

Supplementary Advice from other Officers

Strategic Director of Communities, Law & Governance

16. Under Section 24(2) of the London Local Authorities Act 1990 (“the 1990 Act”) streets originally designated for street trading under the London County Council (General Powers) Act 1947 became “licence streets” for the purposes of the 1990 Act. This meant that they continued to be designated as areas where street trading could take place.
17. Section 24(1) of the 1990 Act allows the Council to set out the terms on which a street is considered a “licence street”, i.e. which parts of the street can be used for street trading, what can be sold and when.
18. Section 24(1) of the 1990 Act also allows the Council to pass a resolution varying the terms on which a street is designated as a “licence street”. In order to vary a designation the Council must follow the procedure set out in Section 24, namely consulting with the Police and existing licence holders, publishing a notice of intention in a locally circulating newspaper, notifying any highways authorities and obtaining any necessary highways consents. A failure to follow the correct procedure may invalidate the resolution.
19. The Council must consider any representations it receives in response to the notice before deciding whether to make a resolution varying a designation. The resolution must state the date on which it will take effect. This implementation date must be at least one month from the date of the resolution.
20. Once the resolution has been made the Council must publish a notice in a locally circulating newspaper in two consecutive weeks, with the first notice published at least 28 days before the implementation date.

Finance Director(NR/ENV/15/12/10)

21. The two proposals will produce a net income flow for the Council, and satisfies a demand which the consultation process has indicated will be accepted by the majority of those surveyed. Costs incurred will be met from the existing ring fenced budget, whilst the income generated will also be retained in this budget. The net income produced will assist in reducing the bought forward deficit from previous years.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Title of document(s)	Title of department / unit Address	Name Phone number
Minutes of Metropolitan Borough of Camberwell Works Committee, 10 December 1947	Local Studies Library.	Local Studies Library 020 7403 3507

APPENDICES

No.	Title
Appendix A	North Cross Road Market Consultation results
Appendix B	Consultation Advert
Appendix C	Consultation Questionnaire (To be circulated at meeting)
Appendix D	Map

AUDIT TRAIL

Lead Officer	Gill Davies – Strategic Director of Environment and Housing	
Report Author	Des Waters, Head of Public Realm	
Version	Final	
Dated	December, 2010	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	No
Date final report sent to Constitutional/ Team	20/12/2010	

Appendix A

North Cross Road Market Consultation results

A consultation was carried out in October 2010 to ascertain the views of the local community, traders, and businesses on extending the current Market from 20 to 30 pitches, and adding Sunday as an extra trading day. An advert was placed in the press on 30th September to advise of consultation, and 2000 questionnaires were distributed to residents in the streets around the market. The questionnaire was also put up online.

The consultation for North Cross Road came to an end on 5 November 2010. It was left open until Friday 12 November for 7 residential properties of the Old School Building as these were missed out during the delivery process.

The consultation results came out in favour of both questions agreeing to add 10 pitches to the existing 20 and add Sunday trading to the existing designation of Monday - Saturday.

The results were as follows:-

A total of 339 responses were returned.

Of those written responses received 88 from 89 were from residents of the SE22 area. Of those responses:

76% are in favour of the extension of 20 pitches to 30 pitches.

66% are in favour of adding Sunday to the Monday to Saturday designation.

Of those returned by email, the remaining 250, identified by their IP address.

79.2% are in favour of the extension of 20 pitches to 30 pitches.

63% are in favour of adding Sunday to the Monday to Saturday designation.

Of total responses the results were:

92.9% are residents

78.2% are in favour of the extension of 20 pitches to 30 pitches.

64% are in favour of adding Sunday to the Monday to Saturday designation.

58.9% didn't want the market to stay the same.

A report will be written up on the basis of the consultation findings and presented to a Licensing Committee in January 2011.

If agreed by the Licencing committee, the changes would be formally implemented from March 2011.

LONDON BOROUGH OF SOUTHWARK

LONDON LOCAL AUTHORITIES ACT 1990, AS AMENDED

**PROPOSAL TO VARY THE DESIGNATION OF
NORTH CROSS ROAD MARKET, SE22**

NOTICE IS HEREBY GIVEN under Section 24 of the London Local Authorities Act 1990, as amended, that the London Borough of Southwark (the Council) proposes to vary the designation of North Cross Road market to:-

- Increase the number of licensed pitches from 20 to 30.
- To add Sunday to the existing Monday to Saturday designation as a licence street.

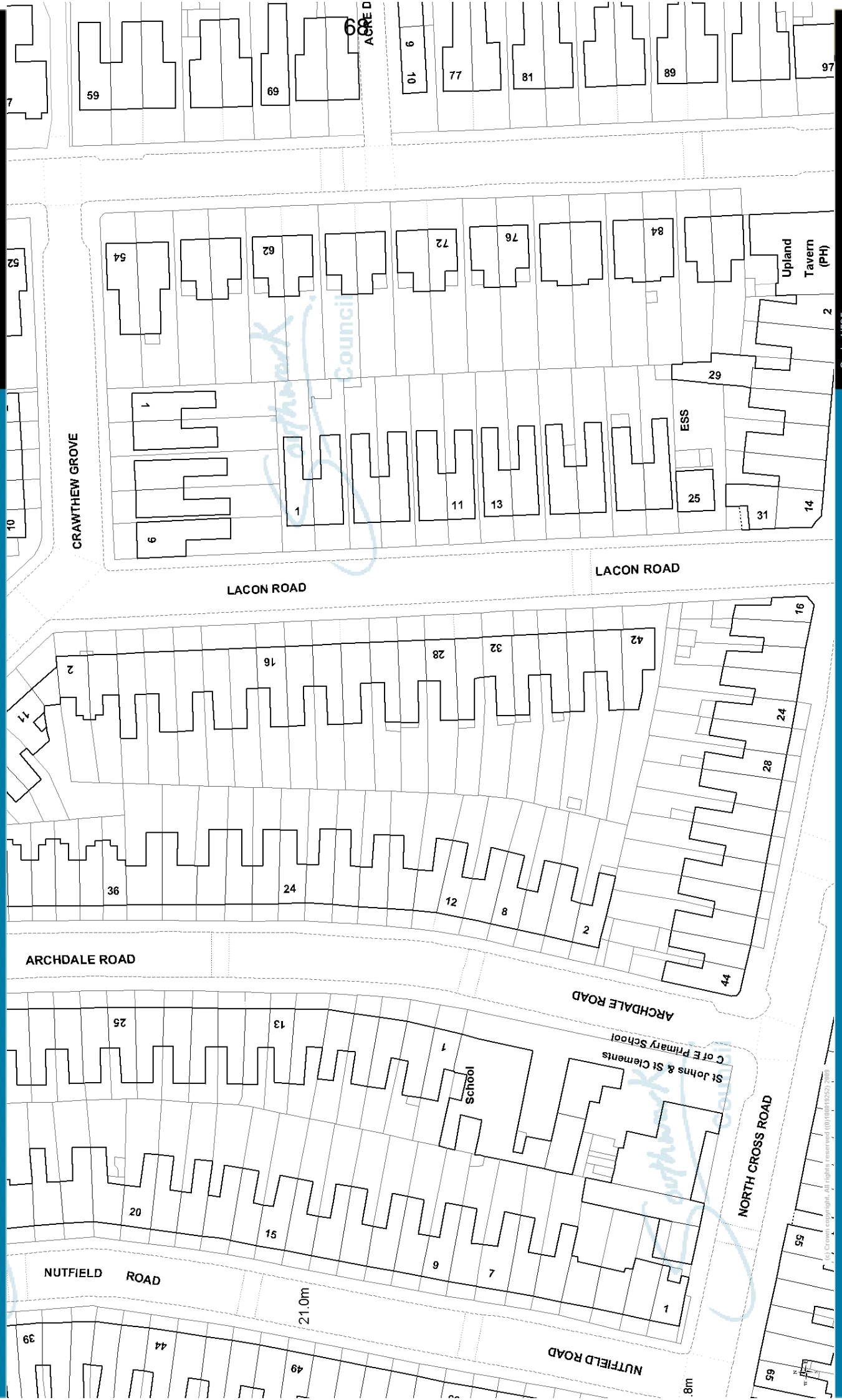
Anyone wishing to object to the proposed variation of designation should give written notice setting out the grounds of their objection no later than Friday 5 November 2010. Any objections received will be considered by the Licensing Committee before deciding whether to pass the resolution. An additional consultation process will be carried out to gauge views in the local vicinity. Objections must quote the reference set out below and be sent to: -

Sharon Coleman, Markets Project Officer
Markets & Street Trading
Southwark Council
PO Box 64529
London SE1P 5LX

Sharon.coleman@southwark.gov.uk

Ref: North Cross Road Proposed Variation

Date 17/12/2010



Scale 1/695

DISTRIBUTION LIST OPEN	MUNICIPAL YEAR 2010-11
LICENSING COMMITTEE	Date of Meeting: 6 January 2011 Time: 7.00pm – Town Hall
Note: Original held in Constitutional Team; all amendments/queries to Sean Usher, Constitutional Team, Tel: 020-7525-7222.	
Councillors (1 Copy Each) Althea Smith Cathy Bowman (Vice Chair) Dan Garfield Darren Merrill David Hubber Eliza Mann Emmanuel Oyewole Ian Wingfield Jeff Hook Lorraine Lauder (Chair) Michael Mitchell Norma Gibbes Robin Crookshank Hilton Sunil Chopra Wilma Nelson Internal Copies (1 Copy Each) Richard Parkins Felix Rechtman Sean Usher (and all spares) John McHenry Electronic Copies (Internal) Total Copies to be printed: 24 Please bring your papers to the meeting.	Electronic Copies David Littleton Press Office Dave Franklin Councillor John Friary (Cabinet Member) Councillor Barrie Hargrove (Cabinet Member) Councillor James Barber, Dulwich Community Council Des Waters Total Copies to be circulated: 18 Spares to be delivered to Sean Usher, c/o Town Hall Post Room DAY OF DESPATCH: 20 December 2010