

Department of Environmental Services

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Dear Sir/Madam

Licensing of Sexual Entertainment Venues

Local Government (Miscellaneous Provisions) Act 1982, as amended

Background

The City of London Corporation (“the City”) has adopted legislation which gives it greater power to regulate sexual entertainment venues (“SEVs”) in the City. The legislation also allows a wide range of people to participate in the licensing process, wherever they live or work.

Further information regarding this process and the legislation, as well as legal advice the City has received, may be found on the Licensing pages of the City’s website at (http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading). The Home Office has also issued guidance on SEVs and this may be found at (<http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=23464>) . If you would like hard copies of these documents please telephone the Licensing Team on 020 7332 3406 or e-mail licensing@cityoflondon.gov.uk

The purpose of this consultation is to find out whether you think the City should have a policy about how it should exercise its powers and what such a policy should contain. One of the important things that such a policy may include is an appropriate number of SEVs. That number could be zero. But there are other important matters which can go into a licensing policy. The City would like your views on all of them.

Please take a little time to read this letter, and then complete the attached questionnaire. The questionnaire may also be completed on line at (http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Business/Licences_and_street_trading) **Please return it to the City to arrive by Monday 13th December 2010.**

The New Legislation

The Policing and Crime Act 2009 allows local authorities to regulate sexual entertainment venues. These include striptease, lap-dancing, pole-dancing and other forms of entertainment designed to sexually stimulate the audience.

The City adopted this new legislation on 1st September 2010.

Any venue which wants to offer sexual entertainment in the future will need a sex establishment licence from the City. Members of the public may object to licence applications.

Mandatory grounds of refusal. The City is obliged to refuse a licence where the “mandatory grounds for refusal” apply. Broadly these are where the applicant is underage, has been disqualified from holding a licence, has previously been refused a licence at these premises or is not an EEA resident or company. There is no need for the City to have a policy about these grounds, because where they apply a refusal is mandatory.

Discretionary grounds of refusal. The City has the power to refuse a licence where the “discretionary grounds for refusal” apply. It may also refuse to renew a licence on those grounds. The City is considering the adoption of a policy setting out its approach in respect of the discretionary grounds.

The discretionary grounds are:

- (1) The applicant is unsuitable to hold a licence.
- (2) The applicant’s manager or the beneficiary of the business would be refused a licence.
- (3) If the licence is granted, the number of establishments in the locality would exceed the number considered appropriate. The appropriate number may be nil.
- (4) The grant would be inappropriate having regard to the character of the locality.
- (5) The grant would be inappropriate having regard to the use of premises in the vicinity.
- (6) That grant would be inappropriate having regard to the layout, character or condition of the premises.

Sexual Entertainment Venue Licensing Policy

General

The City wants your views as to whether it should adopt a policy at all.

If the City does not adopt a policy, it will have to consider each licence application on its own individual merits. If it does that, it would just decide in each case whether the discretionary grounds for refusal apply, taking into account everything said to it by the applicant and any objectors or other statutory authorities.

Alternatively, the City could adopt a policy regarding the discretionary grounds. If it does so, then it will consider each application in the light of the policy, and decide whether it is appropriate to make an exception from the policy in the individual case. Even if the City adopts a policy, it must still consider the individual merits of the case. It could not refuse to consider an application just because it is contrary to policy.

One benefit of having a policy is that it creates more certainty for all concerned. But some may think that this makes the system less flexible and less able to respond to each individual case on its merits.

We would like to know whether you think we should have a licensing policy for sexual entertainment venues. Please go to Question 1 on the attached questionnaire.

Discretionary grounds

How might the policy deal with the discretionary grounds of refusal? The discretionary grounds are set out below, with a brief note of the kinds of factors that a policy could include.

The City is entitled to adopt a policy as to each of these grounds. In doing so it is entitled to set out presumptions for or against applications of particular types in particular localities. It may also set out guidelines to help it consider applications properly.

Grounds (1) and (2)

These grounds are:

- (1) The applicant is unsuitable to hold a licence.
- (2) The applicant's manager or the beneficiary of the business would be refused a licence.

The first and second discretionary grounds concern the suitability of the applicant, his management team and the ultimate owners of the business. Here, the City may have a policy as to the approach it will take if the applicant or others have criminal records. The policy might also set out standards of management of the premises so as to ensure that the performers, customers and neighbours are all protected.

We want to know whether you think the City should have a policy regarding the suitability of the applicant and others involved in the management and ownership of the premises. To answer this, please go to questions 2 and 3.

Ground (3)

This ground is:

- (3) If the licence is granted, the number of establishments in the locality would exceed the number considered appropriate. The appropriate number may be nil

The third ground allows the City to have a policy as to how many licences are appropriate in a given locality. The City might decide that nil, or some other number, is an appropriate limit. In considering this, the City can take account of many considerations, including sensitive uses such

as schools, places of worship or housing in the area. Or it might take account of the business, tourism or regeneration needs of the area, the reputation of the City of London or the need for gender equality and the elimination of discrimination. The City may not, however, be influenced by moral considerations about sexual entertainment.

We want to know whether you think that the City should adopt a policy setting out the appropriate number of premises in any localities. To give your views, please go to questions 4-8.

Ground (4)

This ground is:

- (4) The grant would be inappropriate having regard to the character of the locality.

This ground allows the City to look at the character of the locality and consider its compatibility or otherwise with sexual entertainment venues. For example, the character might be business, or education, or residential, or heritage buildings, or transport. As the character changes, so might the suitability of a sexual entertainment venue to be located there.

We would like to know whether you think that the City should have a policy as to whether SEVs are compatible or incompatible with the character of certain localities. To give your views, please go to questions 9-10.

Ground (5)

This ground is:

- (5) The grant would be inappropriate having regard to the use of premises in the vicinity.

The fifth ground allows consideration of whether sexual entertainment uses should be set alongside other uses such as worship, residential, educational and so forth.

We would like to know whether you think that SEVs are inappropriate near to particular types of premises. To state your views, please go to questions 11-12.

Ground (6)

The final discretionary ground is:

- (6) That the grant would be inappropriate having regard to the layout, character or condition of the premises.**

This ground allows the City to focus on the premises themselves and consider whether they are appropriate to be licensed. It might take into account the quality of the premises, the possibility of supervising activities in the premises properly or accessibility issues.

We want to know whether you think that there ought to be a policy in relation to the layout, character or condition of the premises. To answer, please go to questions 13-14.

The Consultation Questionnaire

The attached questionnaire asks for your views on these questions. Most of the questions simply require you to tick a box. Your answers will be tabulated to get an objective picture of the views of the community.

All views will be taken into account, and will help the City to decide whether to adopt a policy, and what it should contain.

Consultation Co-ordinator

If you wish to comment on this consultation exercise, please contact xxx at the address set out below. This Co-ordinator works to ensure that best practice in consultation is followed. He does not process consultation responses.

Yours faithfully