

London Borough of Hammersmith and Fulham
Sex Establishment Policy

April 2011

Contents

	Page
1. Introduction	1
2. Definitions	1
3. Other Definitions	1 - 3
4. Policing and Crime Act 2009	3
5. Premises that are not sexual entertainment venues	3 - 4
6. Relevant Locality and the number of sex establishments considered appropriate	4 - 5
7. Renewal of a licence	5
8. Variation or transfer of a licence	6
9. Determination of applications	6
10. Schedule of Standard Conditions	7
11. Fees	7
12. Public Register	7
13. Making Applications	8
14. Application Requirements for a New Application	8 - 9
15. Application Requirements for a Renewal Application	10
16. Application Requirements for a Transfer Application	10 - 11
17. Application Requirements for a Variation Application	11
18. Public Advertisement	11 - 12
19. Application Process	12 – 13
20. Responsible Authorities and Consultees	13 – 14
21. How to make an objection	14 – 15
22. Hearings	15 – 19
23. Decision	19 – 20
24. Notification of the decision	20
Annex 1: Number of Sex Establishments	21
Annex 2: Schedule of Standard Conditions	22 – 25

1. Introduction

- 1.1 This document contains the policy of Hammersmith and Fulham Council on the regulation of Sex Establishments. This policy also encompasses Sexual Entertainment Venues, further to the Council adopting an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which reclassified these venues.
- 1.2 The scope of the policy covers new applications, renewal applications, transfer applications and variation applications for all types of sex establishments. A sex establishment licence shall remain in force for up to one year, or for a shorter period should the licensing authority think that it is appropriate.

2. Definitions

2.1 In this policy the following expressions have the meaning set out below:

- 2009 Act The Policing and Crime Act 2009
- 1982 Act The Local Government (Miscellaneous Provisions) Act 1982
- 2003 Act The Licensing Act 2003
- Section 27 Section 27 of the Policing and Crime Act 2009
- Schedule 3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

3. Other Definitions

3.1 **Sexual Entertainment Venue (SEV)**, are any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainer.

3.2 **Relevant entertainment:**

3.2.2 The meaning of 'relevant entertainment' is 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).

3.2.3 The definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- a) Lap dancing;
- b) Pole dancing;
- c) Table dancing;
- d) Strip shows;
- e) Peep shows;
- f) Live sex shows.

3.3 **Sex Establishments** include Sex Cinema, Sex Shop or SEVs.

3.4 **Sex Shop** 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:

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:

i) sexual activity

ii) acts of force or restraint which are associated with sexual activity.

3.5 **Sex Cinema** 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:

i) sexual activity; or

ii) acts of force or restraint which are associated with sexual activity.

(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.

3.6 **Sex article** are

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging:

- i) sexual activity; or
- ii) acts of force or restraint which are associated with sexual activity. **and**

(b) anything:

i) 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

ii) to any recording of vision or sound, which;

A) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

B) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

4. **Policing and Crime Act 2009**

4.1 Section 27 of this Act introduced a new type of sex establishment called 'sexual entertainment venue'. This new category allows the Council to regulate lap dancing clubs and other similar venues under Schedule 3.

4.2 Previously a sex establishment licence was not usually required for striptease or lap dancing venues, as the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.

5. **Premises that are not sexual entertainment venues**

5.1 Paragraph 2A (3) of Schedule 3 sets out those premises that are not sexual entertainment venues and these include sex shops and cinemas and those premises that provide relevant entertainment on an infrequent basis.

Those premises that provide infrequent relevant entertainment will continue to be regulated under the 2003 Act either by virtue of a premises licence or club premises certificate or a temporary events notice.

6. Relevant Locality and the number of sex establishments considered appropriate

6.1 Paragraph 12(3)(c) of Schedule 3 allows local authorities to refuse applications on the basis of “relevant locality”. As such a licence can be refused if when a licence application is considered the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority would consider appropriate for that locality.

6.2 Paragraph 12 (3)(d) of Schedule 3 also states that the grant or renewal of the licence would be inappropriate, having regard to (i) the character of the relevant locality or (ii) the use to which any premises in the vicinity are put or (iii) the layout character or condition of the premises, vehicle, vessels or stall in respect of which the application is made.

6.3 Case law has determined that it is inappropriate for the Council to treat the whole of Hammersmith & Fulham as a relevant locality. However, the Council has determined that it is appropriate to consider each area type as a relevant locality and has considered, in respect of each area, the number of sex establishments that it believes to be an appropriate number for that area. Details can be seen at Annex 1.

6.4 **Although the Council will look to its policy for guidance on applications, the information in this document will not prevent any individual application from being considered on its merits at the time the application is made.**

6.5 In addition to the number of sex establishments within the borough the Council has decided that it would be inappropriate to issue a sex establishment licence within the “relevant locality” of the following:

- Purely or primarily residential accommodation;
- Schools, play areas, nurseries, youth clubs, children’s centres or similar places;

- Access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- Places of worship.
- Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing.
- Historic buildings or tourist attractions

6.6 The Council would also consider the following factors when deciding if an application were appropriate:

- Cumulative adverse impact of existing sex related licensed activities in the vicinity of the proposed premises
- Proximity to areas with the highest levels of recorded crime
- Whether the premises has met the relevant planning requirements
- Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the police or other sources.

7. Renewal of a Licence

7.1 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed, there will be a presumption to grant the renewal application. However, the Council will take into account:

- Levels of recorded crime and disorder in the area
- Evidence of past demonstrable impacts from the operation of the premises on the safety and amenity of local residents
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- The number of complaints received by the Council and previous compliance with the terms and conditions of their licence during licensing inspections.
- Checks with other responsible authorities such as the Police and Environmental Protection to try and understand how effectively the premises had been managed in the past.

8. Variation or Transfer of a Licence

8.1 Where an application is made to vary a licence in terms of the activity, hours of operation or certain conditions as previously licensed or transfer a licence to another person (whether on renewal or not), the Council will take into account the criteria set out in the above mentioned points.

9. Determination of Applications

9.1 Notwithstanding the factors mentioned in the paragraphs above a licence shall not be granted as a matter of law (paragraph 12, Schedule 3) in the following circumstances:

- To a person under the age of 18; or
- To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of Hammersmith and Fulham Council within the last 12 months; or
- To a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- To a body corporate which is not incorporated in an EEA State; or
- To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.2 The Council may refuse a licence where:

- a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) 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 they made the application themselves;

10. Schedule of Standard Conditions

10.1 The Council has made by Regulations the following standard conditions subject to which a licence shall be granted or renewed unless they are expressly excluded or varied by the Council when making its determination (paragraph 13 (4) of Schedule 3). See Annex 2.

11. Fees

11.1 The fees applied are laid out in the Council's Fees and Charges Schedule.

11.2 The fee for a new application takes into account the likelihood of a large number of objections and the impact that a contentious type of application would have on the Council's resources.

11.3 The amount charged when administering fees and in particular the process for charging fees must comply with the requirements of the EC Services Directive. In particular fees should be non discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible.

11.4 When setting fees consideration has been given to the following:

- Administration
- Initial visit(s)
- Third party costs
- Management costs; and
- Local democracy costs

12. Public Register

12.1 A public register will be made available and can be accessed on line on our Licensing webpage.

13. Making Applications

13.1 There are 4 types of application available to the applicant. These are:

1. New Application
2. Renewal Application
3. Transfer Application
4. Variation Application

13.2 The following sections provide information on the types of application and the documentation needed to be submitted with the application:

14. Application Requirements for a New Application

14.1 An application for a new licence must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.

14.2 An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state:

- (a) the full name of the applicant;
- (b) his permanent address; and
- (c) his age.

14.3 An application made by a body corporate or an unincorporated body shall state:

- (a) the full name of the body;
- (b) the address of its registered or principal office; and
- (c) the full names and private addresses of the directors or other persons responsible for its management.

14.4 An application relating to premises shall state the full address of the premises.

14.5 An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

14.6 The full application fee

14.7 Below is the criteria to be submitted with the application. This allows the Council and other responsible authorities e.g. the Police to determine whether the applicant and staff members are considered fit and proper, that the premises meet 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;
- 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 1:50, 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;
- The full application fee;
- a set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.
- The applicant is also required to publish notice of the application. See section 18.

15. Application Requirements for a Renewal Application

- 15.1 An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- 15.2 The full application fee
- 15.3 provide a set of audited accounts of the business for the two complete trading years immediately prior the date of the application.
- 15.4 The applicant is also required to publish notice of the application. See section 18.

16. Application Requirements for a Transfer Application

- 16.1 An application for a transfer must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- 16.2 The full application fee.
- 16.3 If the applicant is a limited company, a form provided by the Council which provides details of the company.
- 16.4 If the applicant is an individual, a birth certificate.
- 16.5 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.
- 16.6 Duly certified documents of title.
- 16.7 If the applicant is a company, a certified copy of the resolution authorising the application;
- 16.8 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;

16.9 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;

16.10 If the applicant is a partnership, a certified copy of the Partnership Deed;

16.11 The applicant is also required to publish notice of the application. See section 18.

17. Application Requirements for a Variation Application

17.1 An application for a variation must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.

17.2 The full application fee

17.3 The applicant must also provide scale plans of the premises at a scale of 1:50, 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;

17.4 The applicant is also required to publish notice of the application. See section 18.

18. Public Advertisement

18.1 Where applicable, applicants must:

- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- The applicant must also display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid.

Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.

18.2 **Note:** The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

19. Application Procedure

19.1 An application for a licence should be made on the statutory form. This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.

19.2 Any person over the age of 18 can apply for a licence provided they:

- a) are a resident of the UK; and
- b) have been a resident of the UK throughout the 6 month period preceding the application; and
- c) are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
- d) have not been refused a grant or renewal application within the period of 12 months immediately preceding the date of the application.
- e) A body corporate can apply for a licence provided it was incorporated in the UK.

19.3 The application must be accompanied by a plan, please refer to the specific requirements for plans.

19.4 The applicant must pay a fee to accompany the application, the amount of which will depend on the application type.

19.5 If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit the required documents.

If these documents are provided within a reasonable length of time (to be determined by the Licensing Authority), the application will be deemed valid from the day they are received. The applicant will then be required to re-advertise the application at the premises and in the local newspaper, stating the new consultation period. See section 18.

19.6 If the reason for invalidity is not remedied within a reasonable length of time (to be determined by the Licensing Authority), the application will become invalid and will not be progressed any further. The applicant may apply for a refund of the application fee, which will be refunded in full minus the Council's costs. Should the applicant wish to gain a licence at any point in the future, he will have to submit a completely new application along with the relevant fee.

19.7 In addition to the notice given by the applicant at the premises and in the local newspaper the Council will:

- a) send notification of the application to local residents within a 30m radius of the premises; and
- b) fix a notice (or notices where appropriate) to the nearest lamp post(s) to the premises to which the application relates.

20. Responsible Authorities and Consultees

20.1 The **consultees** for this type of application are the professional bodies whose opinion the licensing authority considers in determining the application. These are:

- (a) Licensing Team
- (b) Trading Standards Team
- (c) Commercial Services Team
- (d) Environmental Protection Team
- (e) London Fire Brigade
- (f) Planning Division
- (g) Metropolitan Police Service
- (h) LSCB and Commissioning Officer

20.2 As part of the application process, one or more of the responsible authorities will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Once they have considered the application and/or made any necessary inspections or investigations they will inform the Licensing Authority whether or not they wish to make an objection.

20.3 Each authority has individual requirements that they will consider when deciding whether or not a premises is suitable or an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, an indication of what these are is as follows:

- Any unlicensed activity (whether or not formal enforcement action has been instigated).
- Compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the licence to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers and adequate sanitary facilities.
- Noise and nuisance issues.

20.4 Observations and/or comments are then made in support of police representations or, in more serious cases, in the form of a formal objection under Schedule 3 paragraph 10(15) to the Local Government (Miscellaneous Provisions) Act 1982.

21. How to make an objection

21.1 Any person wishing to object to the application must give notice in writing to the Licensing Authority, stating in general terms the grounds of the objection, not later than 28 days after the date of application.

21.2 If an objection is made by a Residents' Association or Local Amenity Society it shall be confirmed at any licensing hearing that the objection has been formally authorised by that Association.

This confirmation should be made by the Chairman, Secretary or other duly authorised officer of the Association.

- 21.3 Petitions shall bear the petition appeal on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the applicant. Each person signing should also print his name and address. Each page of the petition should be dated.
- 21.4 Copies of the objections shall be forwarded onto the applicant by the Licensing Authority. However, all objections must remain anonymous and the Licensing Authority will not reveal the name or address of the objecting party without their consent.
- 21.5 A Councillor may also object to the application.
- 21.6 The applicant may respond in writing to any objections received against the application. The Case Officer will provide the objector with a copy of the response.
- 21.7 Unless the objection relates to the character of the applicant, the Case Officer may seek to mediate between the parties to see if agreement can be reached prior to a Licensing Sub-Committee hearing.

22. Hearings

- 22.1 Applications for renewal, transfer and variation applications may be granted under delegated authority without the need for a hearing provided no objections have been received against the application.
- 22.2 Following the end of the consultation period, applications for new licences will be referred to the Licensing Sub-Committee to be determined. Written notice of the hearing will be given to the applicant and all interested parties or responsible authorities who have made objections.
- 22.3 The Sub-Committee shall normally consist of three Members. However no business shall be transacted unless at least two members are present.

The Councillor for the Ward in which the applicant's premises are situated or where either the applicant or the objectors live shall not normally sit on the Sub-Committee when that application is to be considered.

- 22.4 Under no circumstances shall applicants or objectors lobby members of the Sub-Committee determining the application although it is perfectly proper for the support of the Ward Councillor concerned to be sought.
- 22.5 At any time during the hearing, the Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal and/or Policy Advisor or other relevant officer.
- 22.6 A report will be put before the Licensing Sub-Committee Members by the Case Officer. This report will contain any objections made by interested parties or responsible authorities, any response to the objections by the applicant and any relevant supporting evidence from either side. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing. A copy of the report will be sent to the applicant and any objectors in advance of the meeting.
- 22.7 The report may or may not include the Case Officer's recommendation but if it does details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.
- 22.8 Each party will be given the opportunity to present their arguments before the Licensing Sub-Committee. A party to the application may also call witnesses and will be given the opportunity to cross-examine any other party to the application. An objector may not raise any ground of objection not referred to in the written objection.
- 22.9 The applicant and the objector will be invited to attend the hearing in person.
- 22.10 If the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate

22.11 In the case of the applicant, the representative must be empowered to supply any undertaking requested by the Sub-Committee or demonstrate that any conditions attached to the licence will be complied with.

22.12 All objectors and applicants are reminded that they can, if they wish, be legally represented, at their own expense, at the hearing. Alternatively they may if they wish ask a Councillor to represent them.

22.13 Where an objection has been lodged but the objector fails to attend, the Sub-Committee is required to have regard to it. In these circumstances the Sub-Committee will be prepared to hear and consider any evidence and arguments put forward by or on behalf of the applicant not only on general matters but also in relation to the objection(s) which have been received. In reaching its decision, the Sub-Committee will take into account the fact that any statements made by an objector(s) who is not present will not have been tested by questioning.

22.14 In addition to making an objection, a Councillor may either:

- make a submission to the Sub-Committee; or
- give evidence as a witness on behalf of any party at the hearing.

22.15 If a Councillor, who has not made an objection under the schedule, wishes to make a submission to the Sub-Committee, they may either address the Sub-Committee or may submit a written statement regardless of whether or not he/she is a witness called by any party as follows:

- (a) If the Councillor wishes to address the Sub-Committee this will normally be done after the Case Officer has introduced the report and called any evidence.
- (b) Alternatively the Councillor may, with the agreement of the Sub-Committee, address the Sub-Committee at a later stage in the proceedings. Where this happens an opportunity will be given to the other parties to comment on that submission and if necessary call fresh evidence.

- (c) Before a Councillor addresses the Sub-Committee he must first make a declaration that he has not previously discussed the application with the Members of the Sub-Committee and will take no part in the determination of the application.
- (d) Any evidence given by the Councillor in addressing the Sub-Committee will be subject to questioning by any party or by members of the Sub-Committee.
- (e) Any evidence given by the Councillor in addressing the Sub-Committee shall only relate to those matters already known to the applicant by way of the report or by reason of the notice required under paragraph (f) below.
- (f) Notice in writing of any evidence to be given by the Councillor in addressing the Sub-Committee shall be provided to the Case Officer at least 14 days before the date of the hearing, setting out in general terms the nature of the evidence.
- (g) If the submission is by way of written statement the Sub-Committee will take into account the fact that the Councillor was not available to be cross-examined in considering the weight to be attached to the submission.
- (h) A submission by way of written statement shall be provided to the Case Officer at least 14 days before the date of the hearing.
- (i) The Case Officer shall, on receipt of any notice under paragraph (f) above or a written submission under paragraph (h) above, send a copy to the applicant as soon as possible.
- (j) If a Councillor fails to comply with the time limits in paragraphs (f) or (h) above and there is an objection to the Councillor's submission being heard or admitted, the Sub-Committee may hear argument and may hear or admit the submission if it feels in all the circumstances it would be reasonable to do so.
- (k) Involvement by the Councillor under this rule is limited to making a submission. There is no right to question the parties or witnesses, to call witnesses or to make a closing address.

22.16 **Note:** For the avoidance of doubt this rule does not preclude a Councillor from representing and presenting the case on behalf of his constituents if they are persons who have objected in accordance with Schedule 3 paragraph 10(15) of the Act.

23. Decision

23.1 At the end of a hearing the Chairman may invite the Committee to pass a resolution under Section 12A of the Local Government Act 1972 to exclude the press and public so as to enable the Sub-Committee to deliberate in private. If the resolution is passed the Chairman will announce that the Sub-Committee will retire to another room and will return as soon as possible to announce its decision (which can be reached by majority decision). The Sub-Committee will normally be accompanied by the Committee Officer and the Legal and Policy advisers but the decision shall be arrived at by Members of the Sub-Committee only.

23.2 The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to revoke a licence and if granting or varying a licence, may attach any conditions they consider appropriate.

23.3 Where the Sub-Committee decide to refuse the application, they may do so on any of the following grounds:

(a) that the applicant for a new, renewal or transfer application is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) for new or renewal applications, that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

- (d) for new or renewal applications, that the grant of the licence would be inappropriate, having regard:
- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

24. Notification of the decision

- 24.1 All Licensing Sub-Committee decisions will be communicated in writing to the parties as soon as possible after the hearing.
- 24.2 If the licence is granted, the applicant will also receive a copy of the standard conditions relating to sex establishments (Annex 2) with their licence. These conditions apply to all issued licences.

Annex 1 – Number of Sex Establishments

Ward	Sex Shops	Sex Cinemas	Sexual Entertainment Venues
Collage Park and Old Oak	0	0	0
Wormholt and White City	0	0	0
Shepherd's Bush Green	0	0	0
Askew	0	0	0
Ravenscourt Park	0	0	0
Hammersmith Broadway	0	0	1
Addison	0	0	0
Avonmore and Brook Green	1		1 (Olympia)
Fulham Reach	0	0	0
North End	0	0	0
Fulham Broadway	0	0	0
Munster	0	0	0
Palace Riverside	0	0	0
Town Ward	0	0	0
Parsons Green and Walham	0	0	0
Sands End	0	0	0

Annex 2 - Schedule of Standard Conditions

	Condition	Applicable to:
1	A copy of the Sex Establishment Licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises.	All Sex Establishment premises
2	No person under 18 years of age to enter the premises.	All Sex Establishment premises
3	All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the premises.	All Sex Establishment premises
4	No person under 18 years of age is to be employed in the business of the establishment.	All Sex Establishment premises
5	At all entrances there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to all persons under 18 years of age.	All Sex Establishment premises
6	The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.	All Sex Establishment premises
7	The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.	All Sex Establishment premises
8	All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.	All Sex Establishment premises
9	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.	All Sex Establishment premises
10	The Licensee or a responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.	All Sex Establishment premises

11	No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.	Sexual entertainment venues
12	The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.	Sexual entertainment venues
13	The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.	All Sex Establishment premises
14	No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.	All Sex Establishment premises
15	A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.	All Sex Establishment premises
16	The Licensee shall immediately notify the Council if he intends to cease trading from the premises.	All Sex Establishment premises
17	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. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.	All Sex Establishment premises
18	The Licensee shall not in the conduct of the business employ any person:- Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority; Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority; The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.	All Sex Establishment premises
19	The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under: The Obscene Publications Act, 1959, The Protection of Children Act, 1978, or The Customs and Excise Management Act, 1979	All Sex Establishment premises
20	The windows of the premises must be such that there is no view from outside into the interior of the premises and no window display is to be permitted.	All Sex Establishment premises
21	A lobby area is to be installed with double doors so restricting the view into the premises when patrons are entering and leaving	All Sex Establishment premises

22	The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours	Sex Shop
23	CCTV is to be installed, operated and maintained to a standard agreed with by the Police and the Licensing Authority. The system is to include 31 day imaging storage and be available for inspection in accordance with the Police's requirement.	All Sex Establishment premises
24	All goods to be discreetly wrapped before leaving the premises.	Sex Shop
25	No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.	Sex Shop
26	Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.	All Sex Establishment premises
27	There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.	Sexual Entertainment Venues
28	Any striptease entertainment must only be provided on a designated stage area, adjacent to tables where customers are seated and adjacent to the bar.	Sexual Entertainment Venues
29	Performances of striptease / lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.	Sexual Entertainment Venues
30	No performer shall make physical contact with the breasts and / or genitalia of any other performer during a performance nor shall there be performances or demonstrations of simulated sex or related activities.	Sexual Entertainment Venues
31	When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience.	Sexual Entertainment Venues
32	Nudity shall only be permitted by performers and not by customers	Sexual Entertainment Venues
33	It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.	Sexual Entertainment Venues
34	The only physical contact permitted between customers and performers is: <ul style="list-style-type: none"> ▪ the placing of money in a garter worn by a female performer or in the performer's hand at the conclusion of a performance. ▪ a brief handshake at the beginning or end of a performance. ▪ a kiss by the performer on the customer's cheek after the performer has replaced her clothing at the end of a performance. ▪ A notice repeating the precise wording of the above conditions shall be displayed at the entrance of the premises, at each table and in each bar area. 	Sexual Entertainment Venues

35	The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person.	Sexual Entertainment Venues
36	No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises	Sexual Entertainment Venues & Sex cinema
37	The licensee shall ensure that no music played in connection with the licensed activity is audible at or within the site boundary of any residential premises.	Sexual Entertainment Venues