

Licensing Committee Discussion Paper – 13 July 2011

Draft Sexual Entertainment Venue Policy

1. This paper considers the policy aims relating to the appropriate numbers and location of Sexual Entertainment Venues, (SEVs), and will form part of a revised SEV policy which will be effective from 1 October 2011. The revised policy will expand on the reasoning behind the policy aims listed in paragraph 5 of this paper.
2. The Council has resolved that the provisions of the amended Local Government (Miscellaneous Provisions) Act 1982, (the 1982 Act), relating to SEVs will apply in Westminster from 1 October 2011.
3. Under the 1982 Act the Council has the discretion to refuse an application for a sexual entertainment venue on the following grounds —
  - (3) (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) 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) that the grant or renewal of the licence would be inappropriate, having regard—
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.

(5) In this paragraph “the relevant locality” means—

(a) in relation to premises, the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

4. Where the council refuses to grant or renew a licence under 3 (a) or 3 (b) above, the applicant has a right of appeal to the Magistrates’ Court. Where the council refuses to grant or renew a licence under 3 (c) or 3 (d) above, no such appeal is available.
5. In light of the above powers, proposed policy objectives are:
  - A. Limit the location of SEVs within Westminster to the area of the Core Caz, (or a smaller area within it, with or without specific street frontages excluded from the area – see paragraphs F and G below.)
  - B. Limit the overall number of SEVs within Westminster to a number equal to the number of lap dancing venues currently operating under the Licensing Act 2003. (currently believed to be 25). [This does not necessarily mean that the current lap dancing premises would be the premises licensed as SEVs.]
  - C. Refuse applications where the character of the relevant locality is:
    - I. Residential
    - II. (Mainstream / high profile / general / family) Retail
    - III. Of historic importance or iconic in nature
  - D. Refuse applications where the use to which any premises in the vicinity are put are:
    - I. Places of religious worship
    - II. Premises where children under the age of 18 may reasonably be expected to attend e.g. schools, youth clubs.
    - III. Premises used for family community facilities e.g. swimming pools, libraries, leisure centres, public parks or open spaces.
    - IV. Premises providing family entertainment facilities, e.g. cinemas, theatres
    - V. Premises providing services for vulnerable adults, e.g. sheltered housing, hostels.

VI. Sex establishments.

6. The attached map shows the location of current lap dancing venues, the Core CAZ (designated by hatching on the map), and ward boundaries (blue on the map).
7. In relation to 5A above a smaller area within the Core Caz might be defined as:
  - a. those parts of St James, West End and Marylebone High Street Wards which are within the Core CAZ, or,
  - b. Those parts of the Core CAZ north of a line connecting Constitutional Hill, The Mall, Northumberland Avenue, and Hungerford Bridge. (to be drawn on the map).
8. In any event specific street frontages may be excluded from the area where the council considers that SEVs are appropriately located. This could for example include Oxford Street, Regent Street, Leicester Square, Whitehall, The Mall etc. if it not considered sufficiently covered by the Policy Aims in paragraphs 5C and 5D above.
9. Note: The Core CAZ is the area of Westminster which has been defined by the council as an appropriate location for a range of commercial activities within the city. Previously known as the Central Activity Zone, (CAZ), it has been renamed following the establishment of a wider Central Activity Zone by the Mayor of London. The area of the wider Central Activity Zone within Westminster includes, but is larger than, the area of the Core CAZ.

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