



# City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>5 December 2019</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>Harmony 109 Oxford Street London W1D 2HH</i> <i>19/13351/LISEXN</i>
<b>Wards Affected:</b>	<i>West End, Central CAZ</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Premises Management</i>

## 1. Executive Summary

- 1.1 The Council has received an application for a new sex establishment licence from Harmony Limited for Harmony, 109 Oxford Street, London, W1D 2HH. The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

## 2. Recommendations

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors to:
- 2.1.1 Grant the application in full
  - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
  - 2.1.3 Refuse the application

## 3. Relevant History

- 3.1 Harmony has operated as a sex establishment since 2008 at 103A Oxford Street, London, W1D 2HG. Following the grant of the sex establishment licence for Harmony in 2008, annual renewal applications on behalf of Harmony Limited have been submitted and granted under delegated authority and in 2014 was granted by the Licensing Sub-Committee. The last renewal application for this licence was submitted on the 21 January 2019 and was granted by Licensing Service under delegated authority. This licence (19/00853/LISEXR) expires on the 31 January 2020. A copy of this licence is attached as **Appendix A1**.

## 4. Application being considered

- 4.1 On 11 October 2019 the applicant applied for a new sexual entertainment venue licence to operate as a Sex Shop. A copy of the application is attached as **Appendix B1**.

## 5. Objections

- 5.1 During the consultation period for the new sex establishment licence, no objections were received.

## 6. Premises in the Vicinity

- 6.1 Located in Oxford Street, the area is predominately retail and is busy with tourists and shoppers alike.
- 6.2 There are 11 faith groups located within a 300 metre radius from this premises. The nearest place of religious worship is The City Gates Church, Soho (Ichthus).
- 6.3 There are no schools within 300 metres of the premises from this premises.
- 6.4 There are 10 licensed sex shops premises within a 500 metre radius of these premises (see 7.2 below).

## 7. POLICY CONSIDERATIONS

- 7.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and that the appropriate maximum number of sex establishments within that locality should be limited<sup>18</sup>.
- 7.2 Within the Soho locality, as defined, there are currently 10 licensed sex establishments all of which are sex shops. These are:

Licence Holder	Premises Name	Address
Heart of Soho Ltd	Prowler Soho	5-7 Brewer Street
Mr Timothy Hemming	Simply Pleasure.com	31 Brewer Street
Peter James Cooke	Regulation	13A Bateman Street
Harmony Limited	Harmony	99a Charing Cross Road
Harmony Limited	Harmony	103A Oxford Street
Simply Pleasure	Prowler Red	50 Old Compton Street
Nigel Moon	British Sex Shop	8 Green's Court
Unique Mood Limited	Adult World	5 Walkers Court
David Edwards	Clone Zone	35 Old Compton Street
Alan Poulton Ltd	Soho Original	12 Brewer Street

- 7.3 It should be noted that the Council's policy for the maximum number of sex establishment premises in a locality may be exceeded at the discretion of Committee Members.
- 7.4 The Council's policy states that there should be a general policy presumption against permitting further sex-related activities in the following circumstances irrespective of locality:
- (a) adjacent to, or in the vicinity of schools
  - (b) adjacent to, or in the vicinity of places of worship
  - (c) adjacent to, or in the vicinity of community facilities or public buildings
- 7.5 The proposed hours of operation (Monday to Sunday 10:00 – 23:00) are within the hours set out in the Standard Conditions for Sex Establishments (Monday to Sunday 09:00 – 23:00).

## **8. Legal Implications**

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full
  - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
  - (c) Refuse the application.
- 8.2 Before refusing to grant an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted 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 of such a licence if he made the application himself;
  - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - (d) that the grant or renewal of the licence would be appropriate, 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.
- 8.5 If the Committee determine to grant the Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded or otherwise varied pursuant to Para 13(4) to Schedule 3.
- 8.6 Should the Committee determine to refuse the application for the new sex establishment licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Paragraph 27(1) to Schedule 3.
- 8.7 Should the Committee determine to refuse the application for a grant or the renewal of a licence under either Paragraph 12(3)(c) or (d) of Schedule 3, shall not have a the right to appeal under Paragraph 27 (3) of Schedule 3.

## **9. Human Rights and Equality Issues**

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to-
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 9.3 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sunset Strip will not have an adverse impact or unlawfully discriminates against any protected characteristics.

## **Appendices**

- A1 – Copy of sex establishment licence 19/00853/LISEXR
- B1 – Copy of the Application for a New Sex Establishment Licence
- C1 - Plans of the Premises forming part of this application
- D1 – Schedule of Standard Conditions
- E1 – Map of locality

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Michelle Steward on 020 7641 1872 or at [msteward1@westminster.gov.uk](mailto:msteward1@westminster.gov.uk)**

## **BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Sexual Entertainment Venues Statement of Licensing Policy 2012  
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012  
Home Office Guidance March 2010



City of Westminster

WARD : West End  
UPRN: 010033569778

### SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

hereby licences HARMONY LIMITED  
to use the premises Harmony Adult Centre  
Renewal of a Sex Establishment  
103A Oxford Street  
London  
W1D 2HG

as a Sex Shop establishment.

This licence is in force up to 31 January 2020

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any):

1. Notwithstanding Standard Condition no. 4, the premises may be kept open for the purpose of this licence from 23:00 on each of the days Monday to Saturday to 01:00 on the day following, and from 23:00 to 00:00 on Sundays.
2. There shall be no pictorial or diagrammatical representations of full or implied nudity to advertise what is going on inside the premises.
3. No music or other sounds shall be audible outside the premises.
4. All windows shall remain obscured and if displayed any signs must be discreet and fixed no lower than five feet above the ground.
5. Steps shall be taken to ensure the quiet and orderly entry and exiting of the premises by staff and patrons.
6. The Council shall be advised of managers, proposed managers and changes of managers.
7. The licensee shall ensure that the highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
8. No illegal unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree or any other property, or is distributed on the street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

9. All waste is properly presented and placed out for collection no earlier than 30 minutes before the stated collection times.



City of Westminster

**APPLICATION FOR A SEX  
ESTABLISHMENT LICENCE**

Full Name of Applicant: Harmony Limited

Address of Premises (or details of where a vehicle, vessel or stall is to be operated from).

109 Oxford Street London W1D 2HH

**CITY OF WESTMINSTER**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED**  
**BY THE GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1986**  
**APPLICATION FOR A LICENCE TO USE ANY PREMISES, VEHICLE, VESSEL OR**  
**STALL AS A SEX ESTABLISHMENT**  
**APPLICANT DETAILS:**

1.	Is the application being made by:-	Tick or enter where appropriate:
	(a) An individual	
	(b) A Partnership or other unincorporated body	
	(c) A Body Corporate	Limited Company
2.	Give the full name of the applicant (i.e. the individual, Body Corporate or Unincorporated Body to whom the licence is to be issued). If the applicant is an individual any former names must also be given	Harmony Limited
3.	Give the following information on behalf of the applicant:-	
	(a) Telephone Number (during normal office hours)	020 8559 2736
	(b) Address to which communications are to be sent	Unit 6 Waterways Business Centre Navigation Drive Enfield London EN3 6JJ
4.	Give the applicant's permanent address (if an individual) or registered or principal office (if a body corporate or an unincorporated body)	As above
5.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	
	(b) Place of Birth	
	(c) Height	

6. If the applicant is a body corporate or an unincorporated body complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership details of all the partners must be given.

Forename	Surname	Former name (if any)	Address	Capacity	Date of Birth	Place of Birth	Height
Steven	Elvins		[REDACTED]	Director	[REDACTED]	[REDACTED]	5' 7"
Daniel	O'Sullivan		[REDACTED]	Director	[REDACTED]	[REDACTED]	5'8"

7. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 6 above.

Name	Date on which became a UK resident	Address of permanent residence throughout six months immediately preceding this application
<b>Steven Elvins</b>	[REDACTED]	[REDACTED]
<b>Daniel O'Sullivan</b>	[REDACTED]	[REDACTED]

8.	This question need only be answered where the applicant is a Company:-			
	(a) Is the applicant a wholly or partly owned subsidiary of another company?	Yes. See Attachments 1 & 2		
	(b) What type of Company is the applicant (e.g. public, private, limited by share or guarantee etc)?	Limited by share		
	(c) In which Country is the Company incorporated?	U.K.		
	(d) What is the date of incorporation of the Company?	6 <sup>th</sup> November1996		
	(e) Give a full list of names, Share-holding addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders:-	<b>Name</b>	<b>Address</b>	<b>Share</b>
		<b>Jemcoe Ltd</b>	<b>Second Floor, Kestrel House, Falconry Court, Bakers Lane Epping, Essex. CM16 5BD</b>	<b>50%</b>
	<b>D O Sullivan Ltd</b>	<b>Unit 6, Waterways Business Centre Navigation Drive, Enfield. EN3 6JJ</b>	<b>50%</b>	
(f) If the applicant is a subsidiary of another company supply a copy of the Memorandum and Articles of Association of the parent company and of any ultimate holding Company and on a separate sheet give the same particulars as are sought in questions 4, 6, 7 and 8 (a) to (e)	See enclosed Memorandum and Articles of Association: Jemcoe Ltd D O Sullivan Ltd			
9.	Is the applicant or any person whose name is given in response to questions 6 or 8 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?	Yes.		

10.	If the answer to Question 9 is "yes" give the names of the person's concerned, full details of the other business and the nature and extent of the connection:-	<p>Harmony Limited already manages sex shops at 99A, Charing Cross Road, London, WC2H 0DP and 103 Oxford Street, London W1D 2HF. The lease at number 103 Oxford Street is coming to an end and the whole operation is to be moved to a smaller site at 109 Oxford Street, namely 3 doors away.</p> <p>There will be no changes to the style of operation and the Applicant will undertake to surrender the Sex Establishments Licence for the site at 103 subject to this application for a Sex Establishment Licence being granted for 109, Oxford Street.</p>
11.	<p>What is the nature of the applicant's interest in the premises? Please state whether it is:-</p> <p>(a) Freehold or</p> <p>(b) Leasehold</p>	<p>Yes</p> <p>I have enclosed the Draft Agreement for Lease. The completed Agreement for Lease to follow. I will have the completed Lease if the Licence is granted and we take possession of the premises.</p>
12.	<p>If the applicant's interest in the premises is a leasehold one please state:-</p> <p>(a) Whether a head lease or an underlease</p> <p>(b) i) The name and address of the landlord</p> <p>ii) The name and address of the superior landlord (where applicable)</p> <p>(c) The amount of the annual rental or where this is not a certain figure describe the method of calculating the rental</p> <p>(d) The length of the unexpired term</p> <p>(e) The length of notice required to terminate the tenancy</p>	<p>Head Lease</p> <p>Name:- Thor 105 -109 Oxford Street Limited Address:- C/O Thor Equities 9 – 10 Saville Row Mayfair, London. W1S 3 PF</p> <p>Not applicable.</p> <p>£675,000.00</p> <p>15 years</p> <p>0</p>
13.	Has the applicant a financial interest in the business which is the subject of this application? If "yes" to what extent?	Yes 100%
14.	Is the whole of the business owned by the applicant?	Yes

**THE PREMISES, VEHICLE VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE**

<b>15.</b>	Is the application in respect of:-	
	(a) A sex shop; or	Yes
	(b) A sex cinema	
	(c) A sex encounter establishment	
<b>16.</b>	State whether the application is in respect of:-	
	(a) Premises	Yes
	(b) Vehicle	
	(c) Vessel	
	(d) Stall	
<b>17.</b>	Where the licence is sought in respect of a vehicle, vessel or stall state where it is to be used as a sex establishment.	Not Applicable.
<b>18.</b>	Where the Licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought?	109 Oxford Street London W1D 2HH
<b>19.</b>	Are the whole of the premises described in response to Question 18 above to be used under the Licence?	No
<b>20.</b>	If the answer to question 19 above is "no" please state:-	
	(a) Which part of the premises is to be used for the purposes of the Licence	Basement only
	(b) The use to which the remainder of the premises are put	Lingerie, Clothing, Games & Novelties
	(c) The names of those who are responsible for the management of the remainder of the premises	Harmony Ltd
<b>21.</b>	Are the premises which are to be used for the purposes of the Licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?	Yes
<b>22.</b>	If the answer to question 21 above is "no" please state (on separate sheet) the applicant's proposals for affording such access.	

23.	Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "yes" give the name and address of the persons or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.	No
24.	Where the premises, vehicle, vessel or stall in use as a sex establishment on 22 December 1981? If "yes" give the name of the person carrying on the business at that date.	No

### THE BUSINESS:

25.	Under what name is or will the business be known?	Harmony		
26.	Has the applicant in connection with the business entered into any agreement or Deed other than the Tenancy Agreement or lease? If "yes" please supply full details and a copy of the Agreement.	No		
27.	If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.	Name	Address	Share
28.	(a) State the total turnover of the business during the 12 months immediately prior to this application.	£4,319,279.16		
	(b) What proportion of the turnover derived from			
	i) The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Govt. (Miscellaneous	100%		

	Provisions) Act 1982.		
	ii) The use of premises as a sex cinema.	0%	
	iii) The use of premises as a sex encounter establishment.	0%	
29.	(a) State the anticipated turnover of the business for the next 12 months.	£4,165,479.11	
	(b) The proportion of the turnover expected to be derived from		
	i) The sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of schedule 3 of the Local Govt. (Miscellaneous Provisions) Act 1982; and	100%	
	ii) The use of premises as a sex cinema.	0%	
	iii) The use of premises as a sex encounter establishment.	0%	
30.	Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.	<b>Name</b>	<b>Address</b> <b>Loan description</b>
31.	Is the business required to purchase merchandise from a particular company, person or body? If "yes" supply a copy of any Agreement and state what is to be purchased and from whom.	No	

**SEPERATION OF BUSINESS:**

32.	If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If "yes" state	No
-----	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

	whether cubicles are to be used for viewing and if so how many.	
33.	What articles are to be offered for sale?	Lingerie, Marital aids, Books, Magazines, R18 DVDs, and Clothing
34.	If the application is for a licence for a sex encounter establishment state the proposed use of the premises and give a short description of the type of proposed performance, service, entertainment or exhibition for which a licence is required.	NO
35.	What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.	Harmony (on Facia board) Retail window displays (See front elevation Drawing)  At ground floor entrance: 30cm diameter red circle with #18 Wording: Adults Only.  At basement entrance: 30 cm diameter red circle with #18. Wording: Warning Persons passing beyond this point will find material on display which they may find offensive. No admittance to people under the age of 18.
36.	What means are to be taken to prevent the interior of the premises being visible to passers-by?	Licensed area cannot be seen by passers-by as it's in the basement. Ground floor entrance to be designed to have obscured site lines into the store. <b>See attached Proposed Plans (GRND).</b> Westminster City Council currently approves all window dressing and window graphics. Displays and window dressing changes are seasonal.
37.	Give details of the times during which it is proposed to open the premises:-	
	(a) Days of the week	7 days a week
	(b) Hours of the day	Monday – Thursday 9am – 11pm Friday – Saturday 9am – 1am Sunday 10am – 10pm

38. In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder please supply the following details:-

Forename	Surname	Former name (if any)	Permanent Address	Date on which became a UK resident	Date of Birth	Place of Birth	Height

39. In respect of each of the persons whose name are given in response to Questions 2, 6, 8 and 38 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment.

Forename	Surname	Former name (if any)	Permanent Address during period of relevant employment	Employers name and address	Description or nature of work	Period of employment -nt from/to
					Sex Shop	

### DETAILS OF PREVIOUS CONVICTIONS, DISQUALIFICATIONS ETC

40. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38 give details of their previous convictions and of any previous convictions of any of their spouses:-

Forename	Surname	Former name (if any)	Date of conviction	Place of conviction	Nature of conviction	Sentence

41.	Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38? If "yes" give details.	No
42.	Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in the City of Westminster or elsewhere? If "yes" give full details (including the address of the premises and the Council's reference).	Yes all person's named are currently associated Licensed Sex Shop premises at: Details:- 103 Oxford Street London W1D 2HF 99a Charing Cross Road London WC2H 0DP
43.	Is there in force against the applicant or any of the persons whose names appear in answer to Questions 6, 8, 38 and 40, a disqualification from holding a licence for a sex establishment under the Local Government. (Miscellaneous Provisions) Act 1982.	No
44.	Is there any further information which the applicant would wish the Council to take into account when considering this application? This space may be used to amplify any replies to other questions.	Yes  Details: - Please see box 15 (a). The lease at 109, Oxford Street is due to expire and the Applicants will be willing to surrender the licence at 103 Oxford Street if the application for a Sex Establishment Licence is granted at the site at 109 Oxford Street, London. 109 is further away from the Crossrail Tottenham Court Road Western Ticket Hall and has a smaller frontage.

**APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH  
AN  
APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE  
MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY  
MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS  
GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE  
NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).**

**DECLARATION**

I Steven Elvins declare that the information given above is true and complete in every respect.

Dated this 11<sup>th</sup> day of October 2019

Signature .....  .....

Designation of Signatory: Director.

**THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE  
LICENSING DIVISION, DEPARTMENT OF LEGAL & ADMINISTRATIVE SERVICES,  
WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.**

*Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16<sup>th</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.*



**PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-**

1. In respect of individual applicant and each of those named in response to Questions 6, 8 and 38, a birth certificate. ✓
2. 5 copies of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 6 and 38. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration. ✓
3. A site plan scale 1:1250. ✓
4. Scale plans of the premises (1:50) in respect of which the licence is sought showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in relation to the street. ✓
5. Drawings showing the front elevation as existing and as proposed (1:50). ✓
6. Duly certified copies of the documents of title (i.e. land certificate, lease, rental agreements) and of any other agreements referred to in response to questions in this application. ✓
7. Where the business is conducted by or on behalf of a body corporate or unincorporated body, a certified copy of the Resolution authorising the application. ✓
8. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants. N/A
9. If the applicant is a company, copies of the Memorandum and Articles of Association of the company, the parent company and any ultimate holding company. ✓
10. If the application is being made on behalf of a partnership, a certified copy of the Partnership Deed. N/A
11. The fee of £4,410.00. A refund less Council costs will be made where an application is refused. In the case of news vendors trading from a pitch or stall, who as part of their business sell sex magazines the application is £185, but no refund will be made where an application is refused. ✓
12. Further to Question 28 on the first form the applicant must supply one set of audited accounts of the business for the two complete trading years immediately preceding the date of the application. ✓

**PLEASE NOTE THAT BEFORE THE APPLICATION CAN BE CONSIDERED THE FOLLOWING ADDITIONAL DOCUMENTS WILL HAVE TO BE SUPPLIED.**

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of the Third Schedule of the local Government (Miscellaneous Provisions) Act 1982 as amended. Photostat copies of the newspaper will not be accepted. copies of the forms of notice to be used in the newspaper advertisement and for display upon premises have been prescribed by the City Council and may be obtained from the City Standards & Licensing Division, Department of Planning and Transportation, Westminster City Hall, Victoria Street, London, SW1E 6QP. *TO FOLLOW ONCE COPY RECEIVED FROM NEWSPAPER*
- B. Evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended. A copy of the application including a copy of all the enclosures and an additional two photographs as described in note 2 above must be sent to the Metropolitan Police Service, CO14 Clubs & Vice Unit, Charing Cross Police Station, Agar Street, London, WC2N 4JP not later than 7 days after the date of the application. ✓
- C. Evidence of Affidavit that the Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended. ✓ *TO FOLLOW POST 21 DAYS.*





## 109 Oxford Street SITE PLAN



Map area bounded by: 529415,181191 529615,181391. Produced on 04 October 2019 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2019. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p4b/392457/532410



## SCHEDULE OF CONDITIONS

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues)

### **Standard Condition 3:**

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

### **Standard Condition 4:**

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

### **Standard Condition 5:**

- (a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.
- (b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.
- (c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

### **Standard Condition 6:**

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

**Standard Condition 7:**

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
  - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
  - (b) Indecent behaviour, including sexual intercourse;
  - (c) The offer of any sexual or other indecent service for reward;
  - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
  - (b) 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.
  - (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

**Standard Condition 8:**

- (a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

**Standard Condition 9:**

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of

doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

**Standard Condition 10:**

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

**Standard Conditions relating specifically to sex shops:**

**Standard Condition 29:**

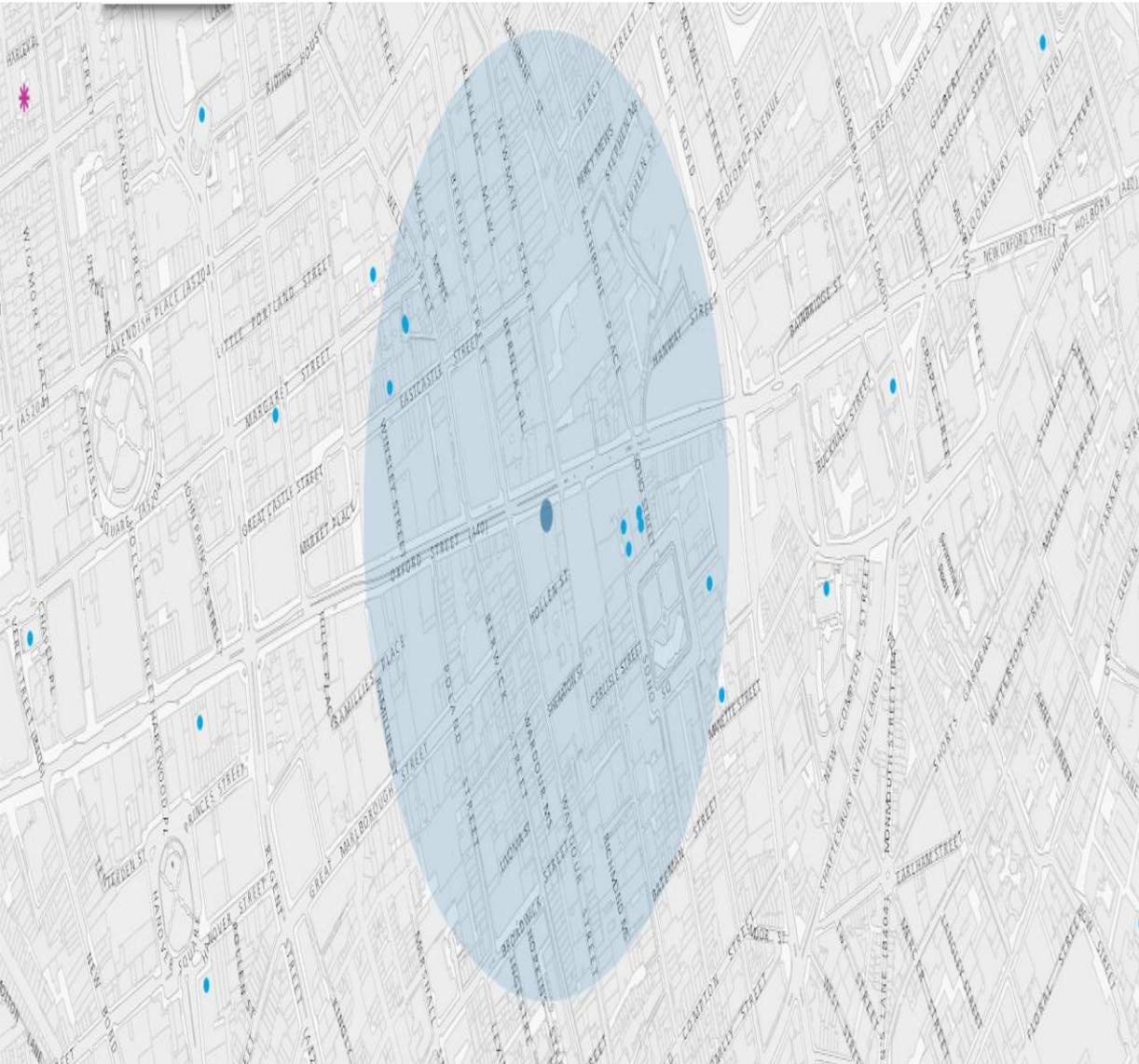
All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

**Standard Condition 30:**

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

**Standard Condition 31:**

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.



Number of Faith Groups within 300 metres of the premises – 11

Number of Schools within 300 metres of the premises - 0