


**APPLICATION TO RENEW A SEX ESTABLISHMENT LICENCE UNDER
SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

LONDON BOROUGH OF CAMDEN	<u>FOR SUBMISSION TO:</u> Licensing Panel	<u>DATE:</u> 3 rd April 2025
<u>REPORT OF:</u> Executive Director Supporting Communities	<u>CONTACT OFFICER:</u> Paru Bhudia, Licensing Officer, Licensing Team, 5 Pancras Square, London, N1C 4AG. 020 7974 2947 / Paru.Bhudia@camden.gov.uk	
<u>PREMISES:</u> The Griffin, 125 Clerkenwell Road EC1R 5DB	<u>WARD:</u> Holborn and Covent Garden	
Local Government Act 1972 – Access to Information - Documents used in the preparation of this report	<ol style="list-style-type: none"> 1) The Local Government (Miscellaneous Provisions) Act 1982 (The Act) 2) The Policing and Crime Act 2009 3) London Borough of Camden Sex Establishments Policy (The Policy) 4) The Home Office Sexual Entertainment Venues Guidance for England and Wales (The Guidance) 	
Appendices	<p>Appendix 1) Site location plan Appendix 2) Renewal Application 2024-2025 Appendix 3) Renewal Application 2023 – 2024 Appendix 4) Renewal Application 2022 – 2023 Appendix 5) Plan of premises Appendix 6) Dancer’s Welfare Policy Appendix 7) Disciplinary Procedure Appendix 8) Code of conduct for dancers Appendix 9) Code of conduct for customers Appendix 10) Current Licence Appendix 11) Representation 2024-2025 Appendix 12) Standard Conditions Appendix 13) Comments of the Borough Solicitor and Finance Appendix 14) Equalities Impact Assessment</p>	
<p>Signed by Jamie Akinola – Director of Public Safety</p>  <p>Date: 15th January 2025</p>		

1. **Application**

This is an application made by Wayne Edward Chandler to renew the Sexual Entertainment Venue (SEV) Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the premises known as The Griffin, 125 Clerkenwell Road EC1R 5DB.

1.1 The application requests permission to continue operating as an SEV at the following times:

Monday to Thursday:	11:00 until 00:00
Friday to Saturday:	11:00 until 01:00
Sunday:	11:00 until 00:00

1.2 The applicant has not applied to vary the permitted hours, standard or additional conditions on their license.

1.3 A plan showing the location of the premises is attached at **Appendix 1**.

1.4 The renewal application form for 2024 to 2025 is attached at **Appendix 2**.

1.5 The renewal application form for 2023 to 2024 is attached at **Appendix 3**.

1.6 The renewal application form for 2022 to 2023 is attached at **Appendix 4**.

1.7 The applicant has submitted the following additional documents to support the renewal application:

- a) Dancer's welfare policy (**Appendix 6**)
- b) Disciplinary Procedure (**Appendix 7**)
- c) Code of conduct for dancers (**Appendix 8**)
- d) Code of conduct for customers (**Appendix 9**)

1.8 The Sex Establishment licence was originally granted on 19th December 2005 under the transitional provisions in the Policing and Crime Act 2009 which created a category of Sex Establishments in the Local Government (Miscellaneous Provisions) Act 1982.

1.9 The existing licence SE- PREMLIC\00259 was renewed on 01/12/2021 and is attached at **Appendix 10**.

1.10 The applications to renew the licence are for

- a) 2024 to 2025 submitted on 10th September 2024,
- b) 2023 to 2024 submitted on 13th October 2023,
- c) 2022 to 2023 submitted on 28th October 2022.

Under the Act, the licence continues to have effect until the renewal application have been determined.

Conditions

- 1.11 The Council has adopted the standard conditions at **Appendix 12** which are attached by default to all sex establishment licences. The Licensing Panel may vary or exclude a standard condition if it considers that it is appropriate to do so. The licence holder may also apply to vary these conditions.
- 1.12 The Licensing Panel is being asked to consider three years of renewals due to the delay hearing these applications.
- 1.13 The applicant has not applied to vary the standard or additional conditions.

Layout of the premises

- 1.14 The current layout of the premises is attached at **Appendix 5**. The premises includes the Ground Floor, and Basement. The main entrance can be found on the Ground Floor with a staircase leading down to the Basement.

2. Consultation

- 2.1 The statutory requirements for consultation are that the applicant:
 - a) must display a notice at the premises for 21 days from the date of the application and
 - b) place a notice in a local newspaper and
 - c) serve a copy of the application on the Police.
- 2.2 In accordance with paragraph 68 of the policy, the application was displayed on Camden's website and Ward Councillors were notified of the application.

Responses to the consultation

Planning

- 2.3 The planning team have been consulted on this application and have no comments to make.

Licensing Authority

- 2.4 The Licensing Authority have been consulted on the application and have no comment to make.

Metropolitan Police Service

- 2.5 The Police have been consulted and, on the application, and have no comments to make.

Other regulatory bodies

- 2.6 Other bodies and sections of the Council have been consulted on this application and have no comments to make. These included:
- a) Trading Standards
 - b) Environmental Health
 - c) Health and Safety
 - d) Camden Safeguarding Children Board (CSCB)
 - e) Public Health
 - f) Fire Authority

Councillors and members of the public

- 2.7 No objections have been received from councillors.
- 2.8 1 objection has been received from a member of the public in relation to the renewal for 2024 to 2025 and can be found at **Appendix 11**
- 2.9 No representations were received for the renewal applications for 2023 – 2024 and 2022 – 2023.

3. Background Information

- 3.1 The Council first granted a sex establishment licence The Griffin, 125 Clerkenwell Road EC1R 5DB 19th December 2005 and an application to renew the licence has been submitted on an annual basis.
- 3.2 The Licensing (Sexual Entertainment Venue) Sub-Committee last considered an application to renew the licence on 01/12/2021. The Sub-Committee resolved that the premises licence be renewed subject to the existing licence conditions.
- 3.3 The current licence authorises relevant entertainment to take place only on the ground floor and is granted subject to the Council's standard sex establishment conditions with amendments to the following conditions:
- a) Condition 18 amended to: 'CCTV monitors covering the premises must be available near to the entrance of the premises where they can immediately be viewed by Police and Council Officers during an inspection of the premises. This condition does not preclude further monitors being located in other parts of the premises.
 - b) Condition 34 amended to: 'The licence holder shall ensure that the name of the Duty Manager is displayed prominently at the premises so the name can be easily viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.'
 - c) Condition 64 amended to include an additional bullet point to read 'Dancers shall not be required to drink alcohol.'

3.4 The licence is also granted subject to the following additional conditions:

A1) The dancer's welfare policy shall state that dancers shall not be required to drink alcohol.

A2) That the management be asked to ensure that there is CCTV coverage of all areas of the premises that can be accessed by members of the public and that a plan showing the location of all CCTV cameras be submitted to the Licensing Authority on completion of the works currently taking place.

A3) No curtain of any description shall be used in the premises.

Premises inspection and relevant information

3.5 No complaints or reports of breach of conditions have been received in relation to this premises over the past 3 years.

3.6 A day visit was carried out at the premises on 3rd December 2024 by licensing officers during operational hours to carry out an inspection.

3.7 During this visit, the premises was found to be in breach of Condition 37 as there was no Security Industry Authority (SIA) registered door staff on front street door at time of visit. As officers entered the premises it took over 5 minutes before they were noticed and greeted by an SIA. The owner Mr. Wayne was not present so the inspection was re arranged.

3.8 Licensing officers visited the premises on the morning of 10th December 2024 to carry out a full Inspection with Mr. Wayne.

3.9 During the visit the officers were able to confirm that the current layout complies with the premises floor plan at **Appendix 5** and found that the premises was compliant with all standard, amended and additional conditions. Officers notified Mr. Wayne of the breach identified on the 3rd December and he assured officers that this was an anomaly and would not happen again.

4. Policy

4.1 Paragraph 74 of the policy states that all applications shall be considered by the licensing panel, regardless of whether there have been objections to the grant, renewal, transfer or variation of the licence.

Appropriate number of sex establishments (paragraphs 42 to 45)

4.2 The Council has determined that there are no locations in the Borough of Camden where it is appropriate for a sex establishment to be located and there is a presumption that any application for a sex establishment licence shall be refused other than in exceptional circumstances.

- 4.3 The presumption to refuse an application does not apply to the renewal of an existing sex establishment licence. However, it does not follow that the Council will automatically grant a sex establishment licence as circumstances in respect of the licence or the locality may have changed since the current licence was granted. The Council also wishes to ensure that existing premises are well run and will therefore, consider each application on its merits.
- 4.4 The Licensing Panel also has discretion to refuse applications where it is satisfied that it would be inappropriate to grant a licence.

Character of locality and use of nearby premises (paragraph 46 to 47)

- 4.5 A site location map showing the location of sensitive premises is attached at **Appendix 1**.
- 4.6 The panel has discretion to refuse this application where the grant would be inappropriate having regard to the character of the relevant locality and the use of other premises in the vicinity.
- 4.7 In general, the Council will treat the ward as the relevant locality and consider vicinity on a case by case basis. As a general guide, a radius of 250 metres around the proposed sex establishment will be taken.
- 4.8 In exercising its discretion, the panel ought to take into account the number and type of premises in the vicinity of the proposed sex establishment.
- 4.9 There is nothing to suggest that the character of the area has changed since the licence was last renewed.

Suitability of applicant (paragraphs 48 to 51)

- 4.10 This section of the Policy sets out matters to be taken into account when determining the suitability of an applicant to hold a sex establishment licence.
- 4.11 The applicant is required to demonstrate a good understanding of the conditions attached to the SEV licence.
- 4.12 The police have been consulted on this application and do not raise any objection as to the suitability of the applicant to hold a sex establishment licence.

Suitability of the Premises: Private Booths

- 4.13 On 28th October 2014, the Licensing Committee approved a policy addendum on standard condition 59 (no private booths).
- 4.14 The Addendum is intended to provide further explanation and clarity to Condition 59, and what the Council expects applicants to give consideration to when submitting their applications. It highlights physical

characteristics of the premises, and other considerations the Council will take into account for the purposes of interpreting condition 59, with specific reference to:

4.14.1 What constitutes a private booth?

4.14.2 How should the internal layout of premises be configured and supervised so as to ensure that “private booths” are not created at the premises?

- 4.15 The considerations in the Addendum are not exhaustive and do not cover every type of venue or every possible situation that should be considered by applicants. However they are matters that the Council will consider to be relevant in the interpretation of licence applications and enforcement of conditions on SEV Licences, and will expect applicants/operators to address these matters

Other considerations (paragraph 52)

- 4.16 The panel can also consider the following matters when determining this application:
- a) proximity to sensitive premises
 - b) the nature of any logo for the sex establishment
 - c) the nature of any external images or advertisements at the sex establishment
 - d) whether advertising inside the sex establishment can be viewed from outside
 - e) whether the name of the sex establishment clearly indicates the nature of the activities that take place there
 - f) whether the times the sex establishment is open coincide with the times relevant nearby premises are used
 - g) queuing arrangements for persons wishing to gain admission to the sex establishment
 - h) whether planning consent exists for the proposed use
 - i) whether there are any planned developments in the area that may render the locality unsuitable for a sex establishment
 - j) any comments received from persons about the grant of the licence
 - k) whether the application has had any enforcement action taken against them by the police, the Council or other bodies such as His Majesty’s Inspectorate of Revenue and Customs
 - l) whether the applicant is able to comply with the standard conditions applicable to all sex establishments and any special conditions that the Council may consider appropriate to apply to that particular sex establishment licence
 - m) accessibility to the premises for disabled persons

Standard conditions (71 to 72)

- 4.17 The Council has passed regulations adopting certain standard conditions that will act as default conditions to be applied to sex establishment licences in its district. These conditions are appended to this policy for information. The conditions shall apply in all cases unless the Licensing Panel specifically excludes them or substitutes them with different

conditions. These conditions may change from time to time and therefore applicants are advised to contact the Council to ensure they are familiar with the conditions in force at the time.

- 4.18 Where it is reasonable and necessary to do so, the Licensing Panel may impose additional conditions on a sex establishment licence, alter, or omit some of the standard conditions from the sex establishment licence.
Hearings (paragraph 74)
- 4.19 The panel is required to consider all applications for a sex establishment licence regardless of whether there have been objections.

5. Home Office Guidance

- 5.1 The Home Office issued guidance in March 2010 to assist local authorities in carrying out their functions under the Act. Relevant parts of the Guidance are summarised in the following paragraphs.

Relevant locality

- 5.2 The Council can refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined 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 considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.
- 5.3 The decision regarding what constitutes the ‘relevant locality’ is a matter for the Council. However, such questions must be decided on the facts of the individual application.
- 5.4 Once the Council has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

Licence conditions

- 5.5 Once the Council has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 of Act, or standard conditions applicable to all sex establishments, or particular types of sex establishments
- 5.6 Where the Council decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

6 Comments of borough solicitor and finance

6.1 Legal and financial comments are attached at **Appendix 11**.

7. Recommendations

7.1 The panel is asked to determine the application to renew the sex establishment licence under Schedule 3 of the Act.

7.2 When determining whether or not to grant the application, members should consider:

7.2.1 if the applicant is suitable to hold a licence, or if the business would be carried on for the benefit of someone who would be refused the grant of a licence

7.2.2 the relevant locality, the character of that area, how many sex establishments of a particular kind are appropriate for that locality, and whether that number would be exceeded by granting the application.

7.2.3 whether the grant would be inappropriate having regard to:

- i. the character of the relevant locality
- ii. the use to which any premises in the vicinity are put
- iii. the layout, character or condition of the premises

7.3 All applications must be considered on their own merits, and that findings on any issues of fact should be on the balance of probability.

7.4 Having considered the application, any other relevant information, the legislative provisions, the Policy, and the Guidance, members are asked to agree one of the following options:

Option 1: grant the application with standard conditions

Option 2: grant the application subject to revised terms, any excluded or modified standard conditions, and/or any other conditions that may be specified

Option 3: refuse the application.

8 Appeals

8.1 In the event that the panel refuses the application for reasons related to 7.2 a), the applicant may appeal the decision in a magistrates' court. The right of appeal does not apply to any other person.

8.2 If the application is refused for reasons related to 7.2 b) or c), there is no right of appeal.

- 8.3 As with all cases, if any party believes that the Council has acted unlawfully in making a decision, then they can apply to High Court for a judicial review of that decision.

9 Conclusion

- 9.1 Members are required to consider the application in light of all the relevant information, and if approval is given, the Standard Conditions are automatically applied. The Standard Conditions can be removed, varied or added to by Members.