



## City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>29<sup>th</sup> September 2016</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>Adult World, 5 Walker's Court, London, W1F 0BT</i>
<b>Wards Affected:</b>	<i>West End,</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Public Protection and Licensing</i>

### **1. Executive Summary**

- 1.1 The City Council ("The Council") has received an application to vary an existing Sex Establishment to allow the basement area of the premises to be used. This report sets out the application details, objections, policy and legal context along with other relevant considerations that the Committee requires to determine this application.

### **2. Options**

- 2.1 That following consideration of the oral and written evidence at the hearing by the applicant and objectors the Sub Committee may when exercising its statutory powers:
- 2.1.1 Grant the application in full
  - 2.1.2 Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
  - 2.1.3 Refuse the application.

### **3. Application**

- 3.1 On the 20 May 2016 the applicant applied to vary the sex establishment licence to allow the basement area of the premises to be included within the licenced area, It is therefore proposed that three preview booths are to be located on the

premises for this purpose. These booths will allow customers to preview videos prior to purchasing. A copy of the application is attached as Appendix 1.

#### **4. Objections**

- 4.1 The application has received one objection and this is attached as Appendix 2
- 4.2 On the 16 June 2016 an objection was received from Mr Steve Rowe of the Council's Licensing Authority. The reason for the objection relates to the lack of detail given in respect of how the new booths are to be managed and properly supervised.

#### **5. Policy Considerations**

- 5.1 The sex shop policy relates to the number and location of shops only. This application will not increase the number of licences granted.

#### **6. Legal Implications**

- 6.1 The Local Government (Miscellaneous Provisions) Act 1982, Schedule 3

18(1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority—

- (a) may make the variation specified in the application; or
- (b) may make such variations as they think fit; or
- (c) may refuse the application.

(3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

#### **7. Human Rights Act and Equalities Act**

- 7.1 In making a decision consideration will need to be given to the applicants 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. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention

of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest”.

## **Appendices**

- 1 – Application and Plan**
- 2 – Objection**
- 3 – Applicants submission**
- 4 – Map of licensed SEV premises in the area.**

*If you have any queries about this Report or wish to inspect any of the Background Papers please contact:*

*David Sycamore on 020 7641 8556 or at [dsycamore@westminster.gov.uk](mailto:dsycamore@westminster.gov.uk)*

## **BACKGROUND PAPERS**

The Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Westminster Sex Shop Policy 1999



City of Westminster

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PREMISES MANAGEMENT LICENSING SERVICE
20 MAY 2016
CITY OF WESTMINSTER

### APPLICATION TO VARY A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the Licensing Service, City of Westminster, 4<sup>th</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP (Telephone: 020 7641 8549) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

**CASH SHOULD NOT BE SUBMITTED.**

**I/We apply to vary the licence for the premises in item 3.**

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- <i>UNIQUE MOOD LTD</i> Address:- <i>PENNYFARTHING HOUSE</i> <i>560 BRIGHTON ROAD</i> <i>CR2 6AW</i>
	(b) Tel No: (during normal office hours)	<i>0780 987 4066</i>
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	<i>N/A</i>
	(b) Place of Birth	<i>N/A.</i>
3.	(a) Name and address of premises.	Name:- <i>ADULT WORLD</i> Address:- <i>5 WALTERS COURT</i> <i>LONDON</i> <i>W1F 0BT</i>
	(b) Tel No:	<i>0780 987 4066</i>
4.	Give details of proposed variation to the licence. (Use separate sheet if applicable)	<i>TO CONVERT THE BASEMENT OF THE PREMISES, PRESENTLY USED FOR STORAGE, TO ACCOMMODATE THREE (3) 'PRE VIEWING' BOOTHS. FOR USE FOR CLIENTS WISHING TO PURCHASE R18 VIDEOS. SEE ENCLOSED PLAN.</i>

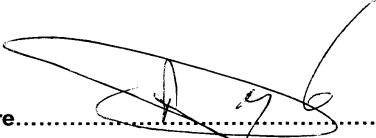
**IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC**

5.	Address to which licence and correspondence should be sent.	UNIT 9, WESTFIELD COURT PORTSMOUTH ROAD, SURREY, KT6 4HG
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**WARNING**

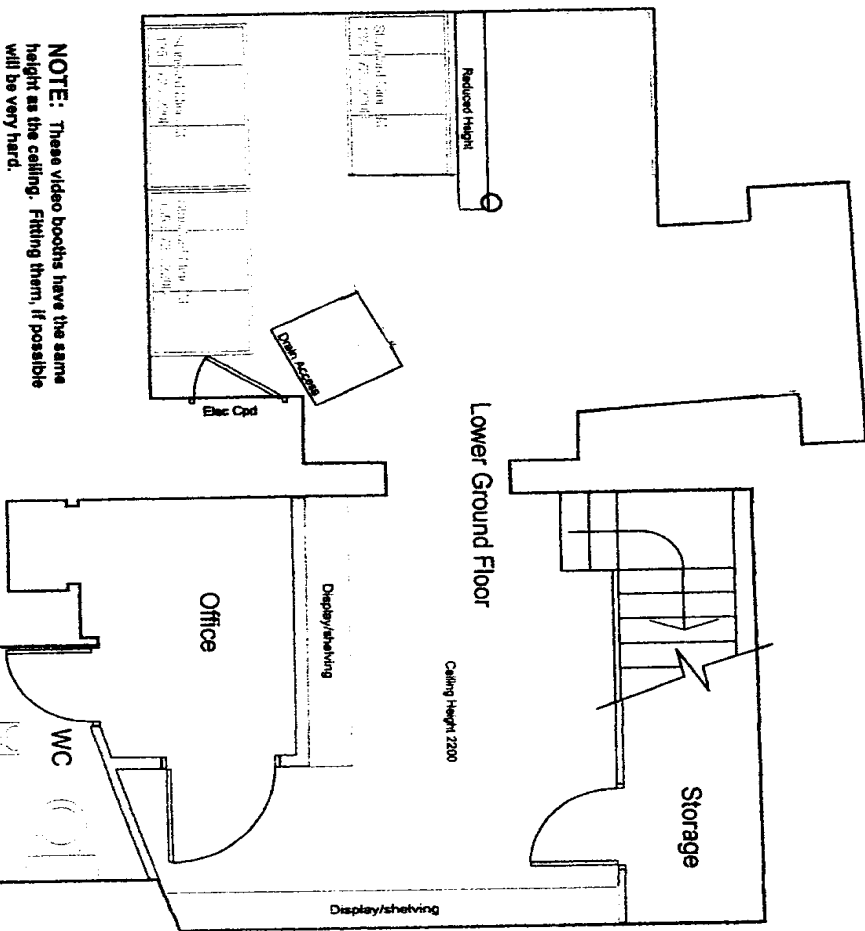
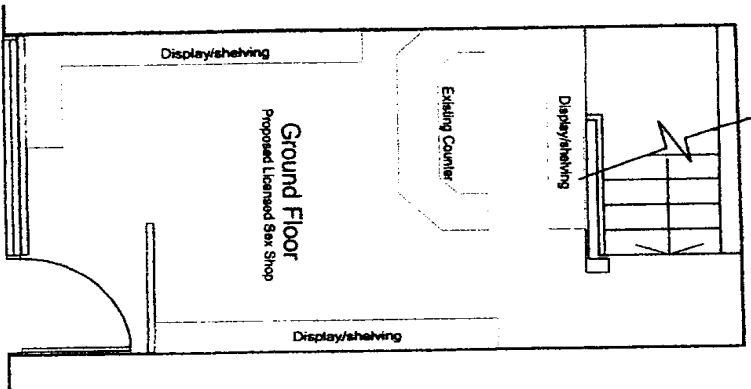
**ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.**

I/We (please print full name) ..... PHILIP DOYLE ..... declare that the information given above is true and complete in every respect.

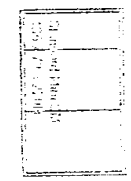
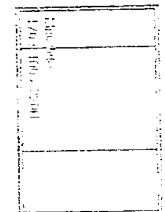
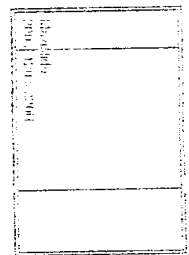
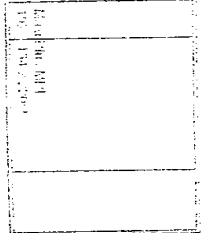
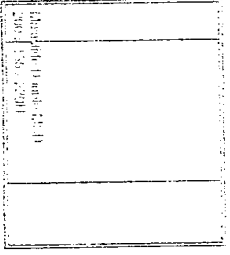
Signature.....  ..... Date..... 17th May 2016 .....

**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.**





**NOTE:** These video booths have the same height as the ceiling. Fitting them, if possible will be very hard.  
 Due to such tight tolerances all dimensions should be checked with booth manufacturer.



Video Booth - sizes available from [www.micro-tech.de](http://www.micro-tech.de)

A Video Booths added		3 Dec 2015
Site: <b>5 Walkers Court</b>		
Location: <b>London W1</b>		
<b>DWG Proposed Floor Plans</b>		
DWG No: <b>200</b>	DWG Rev: <b>A</b>	
Author: <b>DM</b>	Scale: <b>1:50 at A1</b>	
DATE: <b>3 Dec 2015</b>		
Do not scale off the drawing. Check all dimensions on the ground.		
Drawn by: <b>richard.dondeni@live.co.uk</b>		

## **Appendix 2**

An objection has been received from Mr Steve Rowe, representing the Licensing Authority.

As an authorised officer for the council under the Local Government (Miscellaneous Provisions) Act 1982 please accept this letter as a formal objection to this application on behalf of the council.

The applicants have not provided sufficient information with the application as to how the premises intend to operate the viewing booths under the licence. Particular concern is raised to the lack of information relating to the supervision of the booths.

## Appendix 3

From: Philip Doyle [REDACTED]  
Sent: 27 July 2016 10:32  
To: Rowe, Steven: WCC  
Subject: 5 Walkers Court-Variation

Hi Steve,

Very good to see you last week.

Thank you for making the time available to discuss this application and explaining the council's concerns.

We understand that the council does not want the booths to be used in ways which are in any way offensive or indecent, and would be pleased to take steps to ensure that does not occur. My client has no interest in the booths being used for anything other than the intended purpose, pre viewing of videos before purchase.

The area occupied by the booths at 5 Walkers Court will be covered by CCTV and constantly monitored.

That basement area will also be monitored by a member of staff.

The booths will be used by clients who wish to 'pre view' an 18R video they propose to purchase. They will be able to select the title they are interested in from a menu inside the booth.

My client will have a suitably sized 'spy hole' drilled in each door. He will insert the kind of wide angle lens that are used in the front doors of domestic homes for security in the spy hole. This will enable the booth to be checked to ensure that it is being used in the intended way, and not for any other purpose.

Notices will be placed inside and outside the booths stating that if any client is found to misuse the booth, they will be removed from the premises and excluded on a permanent basis.

My client does not want to remove the locks because he would prefer to lock them when they are not in use. This will remove the possibility of people entering them without permission.

The booths to be used are identical in every way to those that have been in use for some years in the basement of the bookshop in Walkers Court at the junction with Brewer Street. It is understood that there is no evidence of misuse at that location.

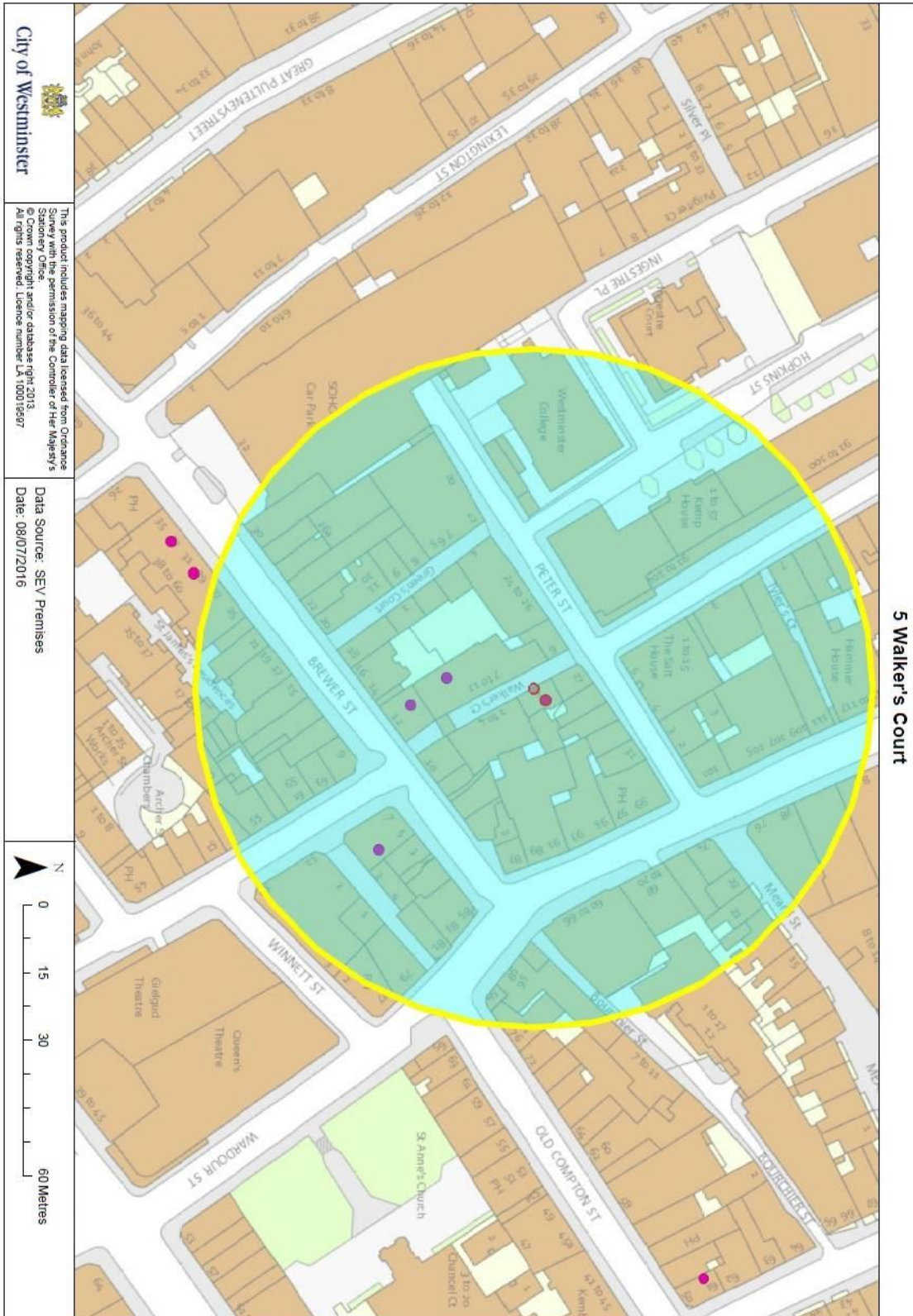
Thanks again for your help with this, I hope these conditions will meet the concerns of the council.

Please let me know if I can help in any other way.

Best

Phil





5 Walker's Court

City of Westminster

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Date: 08/07/2016

