

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 25/01/2022	Classification DECISION	Enclosure
Renewal of Sex Establishment Premises Licence Ye Olde Axe, 69 Hackney Road, E2 8ET	Ward(s) affected Haggerston	

1. SUMMARY

- 1.1 This report asks the Sub-committee to consider the 2020/21 renewal application for a Sexual Entertainment Venue Licence for Ye Olde Axe, 69 Hackney Road, E2 8ET.

2. RECOMMENDATION

- 2.1 That Members consider the application for the renewal of the Annual Sexual Entertainment Venue Licence.

3. LEGAL IMPLICATIONS

- 3.1 A Legal representative will be in attendance to advise Members.

4. LEGAL COMMENTS

- 4.1 The grant of a licence for a Sexual Entertainment Venue ('SEV') is governed by Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') as amended by the Policing and Crime Act 2009. The Council has the power to grant an application and impose conditions as they deem necessary. The applicant must be informed in general terms of any objections and be given an opportunity to respond.
- 4.2 The Council's Constitution specifies that all Sex Establishment Premises Licence applications where representations are received shall be determined by the Licensing Sub-Committee.

5. APPLICATION

- 5.1 Sex Establishment Licences are issued annually and lapse if they are not renewed. Mr Thomas Melody, the licensee, has applied for the renewal of the Sexual Entertainment Venue Licence for Ye Olde Axe, 69 Hackney Road, E2 8ET for 2020/21. A copy of the application form is attached as Appendix A.
- 5.2 A copy of the most recent SEV licence is attached as Appendix B.
- 5.3 No application to renew was received for 2021/22.
- 5.4 Apart from the conditions on the licence, the Licensing Committee also adopted a set of standard conditions for all Sexual Entertainment Venues on 31st March 2011. These standard conditions are automatically applied to all SEVs. A copy of the relevant standard conditions are attached at Appendix C.

6 BACKGROUND

- 6.1. The premises were recognised as an established venue when the Council's Sex Establishment Licensing Policy was adopted in 2011.
- 6.2. The premises also have a Premises Licence issued under the provisions of the Licensing Act 2003, a copy of which is attached as Appendix D.

7 OBJECTIONS/ CONSULTATIONS

- 7.1 In accordance with the requirements of the legislation, a public notice was displayed on the premises and placed in a local newspaper inviting anyone who wished to object to do so within 28 days of the submission of the application. Six letters objecting to the renewal of the licence was received, attached herewith as Appendix E.
- 7.2 Ward councillors, police, fire authority, pollution team and planning were consulted on the application.

Consultee	Response
Ward Councillors	No response received
Police	No response received
Fire Authority	No objections to the application
Pollution	No response received
Planning	No representations to make as the use is established
Licensing	No objections to the application

8 SEX ESTABLISHMENT LICENSING POLICY

- 8.1 The Council's Policy at paragraphs 5.2.12 to 5.2.15 sets out how renewal applications should be considered. The Policy states:

5.2.13 When considering a renewal application the Council may take into account the criteria set out at paragraph 5.2.9 a) – q), and:

- a) *the type of activity to which the application relates*
- b) *the duration of the proposed licence*
- c) *the days and hours of operation of the activity*
- d) *the layout and condition of the premises*
- e) *the use to which other premises in the vicinity are put*
- f) *the character of the locality in which the proposed premises are situated*
- g) *the levels of crime and disorder in the area*
- h) *past demonstrable adverse impact from the activity*
- i) *whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts*
- j) *whether the premises is longstanding*
- k) *whether the premises is well run*

5.2.14 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.

- 8.2 The criteria set out at para 5.2.9 (as referred to in para 8.1 above) are:
- a) *the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons*
 - b) *the proximity of educational establishments to the premises*
 - c) *the proximity of places of worship to the premises*
 - d) *access routes to and from schools, play areas, nurseries, children's centres or similar premises*
 - e) *the proximity to shopping centres*
 - f) *the proximity to community facilities / halls and public buildings such as swimming pools, leisure centres, public parks, youth centres / clubs (this list is not exhaustive)*
 - g) *the potential impact of the licensed activity on crime and disorder and public nuisance*
 - h) *the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated*
 - i) *the nature and concerns of any objections received from residents/establishments objecting to the licence application.*
 - j) *any evidence of complaints about noise and/or disturbance caused by the premises.*
 - k) *current planning permission/ planning requirements on the premises*
 - l) *any current planning policy considerations*
 - m) *proximity of other sex establishments*
 - n) *whether there is planned regeneration of the area*
 - o) *any current licensing permissions related to the premises in relation to activities, uses and hours*
 - p) *comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/ prosecutions pending.*
 - q) *the suitability and fitness of an applicant to hold a licence. In determining suitability for a licence, the Council shall normally take into account:*

- *previous knowledge and experience of the applicant*
- *any evidence of the operation of any existing / previous licence held by the applicant, including any licence held in any other borough*
- *any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant*
- *any other relevant reason*

8.2 A location map is enclosed at Appendix F.

9. MEMBERS DECISION MAKING

9.1 The licensing function is aimed at ensuring that sexual entertainment venues are safe for performers, patrons and staff and that, in the wider sense, nuisance is not caused to the public. At the same time, the activity helps to ensure fair competition between various operators of sex encounter venues and maintains standards, in keeping with the object of the relevant legislation and to strike a fair balance between the economic interest of the applicants, and the general interests of the community, having regard to the European Convention of Human Rights and the Human Rights Act 1998.

9.2 The options available to Members are as follows:

- i) Option 1
That the renewal application be refused
- ii) Option 2
That the renewal application be approved, together with any additional conditions or restrictions which, having considered all the circumstances, Members consider appropriate to attach to the licence.

10. HUMAN RIGHTS ACT 1998 IMPLICATIONS

10.1 There are implications to;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing; **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

11. CONCLUSION

11.1 That Members decide on the granting of this renewal application.

Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Suba Sriramana Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Ye Olde Axe, 69 Hackney Road, E2 8ET	Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY

Printed matter

LBH Sex Establishment Licensing Policy

107712



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
AS AMENDED BY
GREATER LONDON COUNCIL (GENERAL POWERS) ACT 1986

APPLICATION FOR THE GRANT OF A SEX ENCOUNTER PREMISES LICENCE

PLEASE READ THE GUIDANCE NOTES WHICH ACCOMPANY THIS FORM

<p>The completed application form, together with plans of the premises and appropriate fee should be sent to:</p> <p>The Licensing Service Hackney Service Centre 1 Hillman Street London E8 1DY</p> <p>(Telephone No. 020 8356 4970)</p>	<p>FOR OFFICE USE ONLY</p> <p>Date Received:</p> <p>Plans Received: Floor plans Elevations</p> <p>Fee Received:</p> <p>Receipt No.</p>
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THE PREMISES


1A). Name of premises for which licence is sought	YE OLDE AXE
1B). Maximum number of persons to be accommodated on the premises.	150
2A). Full address of premises	69 HACKNEY RD. HORNBY STREET
2B). Specify the areas/parts of the premises for which a licence is sought	1 st GROUND FLOOR

THE APPLICANT

3. Contact Name	THOMAS WELSH
4. Contact Telephone Number	[REDACTED]
5a. Address to which communications are to be sent.	AS ABOVE
5b. Email address	[REDACTED]

Borough of Hackney
Projects & Regulatory Service

11 6 MAR 2020

<p>6. Please specify whether the application is being made by:</p> <p>(A) An individual</p> <p>(B) A partnership or other unincorporated body</p> <p>(C) a Body Corporate</p>	<p>(A) YES*/NO*</p> <p>(B) YES*/NO*</p> <p>(C) YES*/NO*</p> <p>(*delete where inappropriate)</p>	
<p>7. Full name(s) of the applicant(s) (ie the individual, all partners, the Body Corporate or unincorporated Body to whom any licence is to be issued)</p> <p>(Continue on separate sheet if necessary)</p>	<p>THOMAS MURPHY</p>	
<p>8. Applicant(s) date(s) of birth</p>		
<p>9. Applicant's permanent address or registered/principal office (if a body corporate or an unincorporated body)</p>	<p>6) HALLWAY Rd. LOWSON L28ET</p>	
<p>10. If the applicant is a body corporate, list the Directors, the Company Secretary and/or other persons responsible for the management of the body below</p>		
<p>Name</p>	<p>Date became resident in the United Kingdom</p> <p>N/A.</p>	<p>Address of permanent residence throughout the six months immediately preceding this application</p>

<p>11. Is the applicant or any person mentioned in 10 above concerned, financially or otherwise, with any other business which controls or manages sex encounter establishments?</p> <p>If the answer is YES, give details of the person(s) concerned, together with details of the other businesses and the nature/extent of the connection.</p> <p>(Continue on separate sheet if necessary)</p>	<p>YES*/NO*</p>
<p>12. Specify whether the applicant is the freeholder or leaseholder etc of the premises for which the licence is sought.</p> <p>If you are the LEASE HOLDER, give name and address details of the landlord.</p>	<p>FREE HOLDER* ✓</p> <p>LEASE HOLDER*</p> <p>OTHER* (please specify)</p>
<p>13. Is the whole of the business owned by the applicant?</p>	<p>YES*/NO*</p>

OPERATION OF THE BUSINESS

<p>14. State the proposed use of the premises and give a short description of the type of proposed performance / service / entertainment / exhibition for which a licence is required.</p> <p>PUBLIC HOUSE OFFERING FULLY WINE STAFFED</p>
<p>15. What advertisements or displays are to be exhibited? Please state the size(s) of proposed displays or advertisements and specify where they are to be placed.</p> <p>NONE</p>
<p>16. What means are to be taken to prevent the interior of the premises being visible to passers-by?</p> <p>FRONT BOARDS UP</p>

17. Give details of the days/times during which it is proposed to open the premises

DAYS:

TIMES:

Monday*

12 NOON 2AM

Tuesday*

12 NOON - 2AM

Wednesday*

12 NOON 2AM

Thursday*

12 NOON 2AM

Friday*

12 NOON 3AM

Saturday*

12 NOON 3AM

Sunday*

12 NOON 2.30 AM

(*delete where not applicable)

18. Please complete the details below in respect of each individual who is/will be responsible for the day-to-day management of the premises in the absence of the licence holder

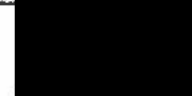
Name

Address

Date s/he became resident in U.K.

THOMAS HAZLEY

69 HURSTY RD.
MANSOUR



19. Has any person named in any place in this application been associated in any way with any other application for a licence for sex encounter establishment either in

A) London Borough of Hackney ~~YES~~/NO*

B) Elsewhere ~~YES~~/NO*

If YES, give full details:

Address of Premises

Reference

Name of Council

20. Does any person named anywhere in this application have in force a disqualification from holding a sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982?

~~YES~~/NO*

If yes, please provide details:

21. Is there any further information which the applicant would wish the Council to take into account when considering this application?

A. I have read the guidance notes, the Regulations and the Council's Guide Lines on Sex Shops, Sex Cinemas and Sex Encounter Establishments that accompanied this application form.

B. I enclose one copy of floor plans and elevational drawings of the premises.

C. I enclose the required fee

Signature

Date

6/3/20

Name (printed)

Position

PROPRIETOR

THOMAS DEBRY

PLEASE NOTE THAT THIS SECTION OF THE FORM
IS OPEN TO INSPECTION BY THE PRESS AND PUBLIC

This Authority is under a duty to protect the public funds it administers and, to this end, may use the information you have provided within its Authority, for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

DETAILS OF PREVIOUS CONVICTIONS

Please give full details of any previous convictions in respect of any person or body named in Questions 7 and 10 of this application. If necessary, use a separate sheet and attach it to this form.

If there are no previous convictions to list, please tick the box
 (All convictions must be disclosed but see guidance notes re: spent convictions)

Name	Date of Conviction	Offence	Sentence (including Suspended sentence)
THOMAS MURPHY	4/4/19	FAILING TO COMPLY WITH A FIRE SAFETY DUTY	£1,000 fine £10,000 costs

Date: 5/13/20 Signature: 

Name: THOMAS MURPHY
 (BLOCK CAPITALS PLEASE)

**THIS SECTION OF THE FORM IS NOT OPEN TO INSPECTION
 BY THE PUBLIC AND OTHER PUBLIC BODIES**

Rehabilitation of Offenders Act 1974

Under the above Act, certain convictions become spent after a defined period - see over.

Sentence	Becomes spent after:
Imprisonment of between 6 months and two and a half years	10 years
Imprisonment up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not covered otherwise in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or approved bind over	1 year (or until order expires, whichever is the longer)
Detention Centre Order	3 years
Remand Home, Attendance Centre or approved School Order	The period of the Order and a further year after the order expires
Hospital Order under the Mental Health Act	The period of the Order and a further two years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years
Detention	5 years
NOTE:	<p>i) a sentence of more than two and a half years imprisonment can never become spent</p> <p>ii) if you were under 17 years of age on the date of conviction please halve the period shown in this column</p>

**The Licensing Service
Hackney Service Centre
1 Hillman Street
LONDON E8 1DY**

Telephone No. 020 8356 4970

SEX/059553

SEX ESTABLISHMENT PREMISES LICENCE

The **LONDON BOROUGH OF HACKNEY** under the provisions of the Local Government (Miscellaneous) Provisions) Act 1982 as amended by the Policing and Crime Act 2009

Hereby licences: **Mr Thomas Joseph Melody**

To use the premises: **Ye Olde Axe
69 Hackney Road
London E2 8ET**

As a **SEXUAL ENTERTAINMENT VENUE**

This licence is in force up to the **31/03/2020** or during the time that the licensee is the occupier of the premises, whichever is the shorter period, and is granted subject to the regulations of the Council annexed hereto and to the additional conditions below:

Additional Conditions:

1. The maximum number of persons accommodated at any one time shall not exceed 150.
2. A comprehensive CCTV system that ensures all areas of the licensed premises are monitored, including all entry points, and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are in operation and the recording shall be kept available for a minimum of 31 days with time and date stamping. Recording shall be made available to a duly authorised Hackney Council officer or a police officer together with facilities for viewing. The recordings for the preceding 31 days shall be made available immediately on request. The CCTV system shall be operated in accordance with the Data Protection Act 1998 and any other relevant legislation.
3. A minimum of one SIA registered door staff per 100 customers or part thereof shall be on duty whilst the premises are in use under the Licence. Additional male and female SIA door staff to be employed at the premises when required on the basis of an operational risk assessment with identity badges displayed at all times and SIA numbers, full names, times worked and duty performed to be entered into an occurrence book and made available to police immediately upon request.

4. Premises to operate a 'No entry to under 21's' policy.
5. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 21 years of age. Such evidence may include a driving licence or passport
6. Premises to operate a no baseball caps or hooded tops policy and No alcohol promotions e.g.; 'Happy Hour' or '2 for 1'
7. Noise limiter to be employed in a separate and remote (from the volume control) lockable cabinet must be fitted to the music amplification system. No supplementary sound system to be used by acts without a full Risk assessment and prior notice given to Hackney Council Noise Pollution department and Hackney police.
8. Amount of people coming outside the venue to smoke to be limited by appropriate means to prevent people spilling onto any thoroughfare.
9. Reasonable steps to be taken to ensure that an authorised person is a member of Pub watch or Club watch and SNOW and attends at least three meetings a year.
10. Adequate/improved security lighting outside the premises with consideration being given to light pollution of neighbouring properties. All entrances to venue to be lit and painted white to enable better quality of CCTV images for identification purposes.
11. Every person entering the venue should be counted in and out with a mechanical counting device to ensure that the maximum accommodation limit is not exceeded. Documented search policy to be implemented and displayed stating that everyone entering the venue will be searched as a condition of entry.
12. Premises to operate a zero tolerance policy to drugs and comply with the Hackney Police/Council Community Safety Unit Drugs and Weapons Policy.
13. The premises will also, in cooperation with Hackney Police and no later than 3 months following granting of the premises licence, regularly facilitate a premises drug audit using the Ion Itemiser or similar device.
14. Queues to be supervised by Door Staff to prevent disorder and measures to be implemented aimed at discouraging anti-social behaviour.

15. Measures to be implemented to ensure that patrons cannot take glass or open containers outside the premises.

16. Toilets to be checked by staff randomly and at least once per hour after 20:00 and an entry made in a register and made immediately available to police at reasonable request.

17. Premises will provide the Police with a dispersal policy and comply with its contents to ensure that all patrons leave the venue and the vicinity quickly and quietly. Notices to be displayed at exits requesting that patrons respect the needs of local residents and leave the premises and the area quietly.

18. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point.

19. The Licence Holder must undertake a Club Industry Minimum Operating Standards (CIMOS) report to the satisfaction of the police within one month from the granting of the licence.

20. The Licence Holder shall ensure that at least one member of staff has undertaken a recognised child protection awareness course and the licensee shall ensure that all staff are aware of what is expected of them under Child Protection guidance and that a copy of the guidance is available to all staff.

21. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold.

22. The Licence Holder shall provide and maintain a dedicated telephone number of the Designated Premises Supervisor for use by any Responsible Authority or any person who may wish to make a complaint during the operation of the licence. This shall be provided to the Licensing Authority, Police and local Residents Associations. The Licence Holder shall ensure that any changes to these details are sent to these parties within seven days.

23. The Licence Holder shall ensure that the details of all complaints are recorded in an occurrence book.

24. The Licence Holder or designated person shall use a refusal book to record details of instances where staff has refused to serve a customer and the reasons for doing so (believed underage, intoxicated etc).

25. The Licence Holder to keep names and dates of birth of their staff or entertainers working at the premises.

26. The original passport of all staff and entertainers working at the premises to be checked by the Licence Holder, and visas also checked if applicable.

27. A copy of the staff's and entertainers passports working at the premises will be kept at the venue for inspection by police when requested along with the personal details of the staff and entertainers working at the premises.

28. A management policy be provided to include the following:

- i. the management of the licensable activities
- ii. the dispersal of customers,
- iii. customers smoking outside the premises, and
- iv. safeguarding staff, customers and/or passers-by from being intimidated and/or abused from customers entering or exiting the premises.

This policy to be made available for inspection at the premises upon request

Hours of operation are:

Standard Hours:

Mon 12:00-02:30

Tue 12:00-02:30

Wed 12:00-02:30

Thu 12:00-02:30

Fri 12:00-03:00

Sat 12:00-03:00

Sun 12:00-02:30

Issued By

**David Tuitt
TEAM LEADER - LICENSING**

Date of issue: 17/05/2019

Licensing Service, 1 Hillman Street, London E8 1DY



REGULATIONS FOR THE CONTROL OF SEXUAL ENTERTAINMENT VENUES

**These standard conditions may be cited as the Hackney Council
Regulations for the Control of Sexual Entertainment Venues**

Definition

1. In these regulations the expressions “sex establishments”, “sexual entertainment venue”, “sex cinema”, “sex shop” and “sex article” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended.
2. “customer” means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
3. “employee” means any person working at the venue whether under a contract of employment or some other contract;
4. “performer” means anybody performing adult entertainment whether they are an employee or not;
5. “nudity” in the case of a women, exposure of her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus.
6. “other contact of a sexual nature” means contact which must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.

General

7. In the event of a conflict between conditions contained in these regulations and any special condition contained in a licence relating to a sexual entertainment venue, the special condition shall prevail.
8. The grant of a licence for a sexual entertainment venue shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982, as amended.
9. The Council may amend, alter or add to these regulations at any time, without consultation with licensees.

10. All sexual entertainment venue licences shall expire on 31 March.
11. The business shall be carried on only in the name, style or title specified in the licence and at the address specified therein.
12. Except with the previous written consent of the Council, no sexual entertainment venue shall be kept open for the service of customers other than on the days and during the times specified in the licence.
13. The licensee shall retain control over all portions of the sexual entertainment venue and shall not let, licence or part with possession of any part thereof.
14. No part of the sexual entertainment venue shall be used as a sex cinema or sex shop.

Change of Licensee

15. The licence is not transferable by the licensee and can only be done by way of a formal transfer application.
16. Where the licensee is a corporate body or an unincorporated body, any change of director, company secretary, or other person responsible for the control or management of the body shall be notified, in writing, to the Council by the licensee of such change and such written details as the Council may require in respect of any new director, secretary or other person are to be furnished within 14 days of a request in writing from the Council.
17. The licensee shall upon ceasing to carry on the business of the sexual entertainment venue notify the Council to that effect forthwith.

Conduct and Management

18. The sexual entertainment venue licence and a copy of these regulations shall be exhibited at the premises, usually near the bar area or at another place agreed with the Council.
19. The licensee shall ensure that the public are not admitted to any part or parts of the sexual entertainment venue other than those which have been approved by the Council.
20. The licensee shall ensure that no part of the sexual entertainment venue shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise attracting custom.

21. The licensee shall take all reasonable steps to ensure that any area outside the premises is not used by prostitutes (male or female) for the purposes of solicitation or of otherwise attracting custom.
22. The licensee shall take all reasonable steps to ensure that no employee or other person shall seek to obtain custom for the sexual entertainment venue by means of personal solicitation, or by any other means outside or in the vicinity of the sexual entertainment venue. This includes, but is not limited to:
 - vehicles advertising the venue / activities cruising the area
 - circulation of leaflets / flyers advertising the venue / activities
23. The licensee shall ensure that no billboard advertisements are used to promote the venue / activities.
24. Wherever possible, the licensee shall adequately manage a smoking area for performers which is separate from any other smoking area used by customers attending the venue.
25. The licensee shall take all reasonable steps to ensure that customers disperse from outside the venue quickly at the end of the evening.
26. Wherever possible, performers shall use any staff entrance to / from the venue, rather than the entrance/exit used by customers attending the venue.
27. The licensee shall ensure that a risk assessment is undertaken and appropriate control measures be implemented in respect of all hazards including:
 - the precise work activities required of performers
 - the personal safety of performers
 - the use of chemicals which may come into contact with a performer's skin
28. The use of any rooms / booths must be included in any application and the areas marked on the submitted floor plan for approval
29. Wherever performers are performing for individuals or groups either within or away from the open public areas, the area(s) to be used must be appropriately stewarded and covered by CCTV at all times whilst the area is in use.
30. The CCTV system shall be of sufficient quality to ensure that individuals may be clearly identified whilst in any part of the premises.

31. The CCTV cameras shall operate the whole time that the performers are performing. The footage shall be monitored constantly whilst the premises are open to the public, will be retained for a minimum of 28 days and be immediately available for inspection by officers of the Council or the Police upon request.
32. The performer when giving a performance shall do so on a raised platform or staged area and/or be separated from the customers by such other measures or means that prevents a breach of Condition 33.
33. At no time during the performance may there be any physical contact between a performer and a customer. Prior to the performance or at the completion of the performance there may be hand to hand payment for the performance.
34. At no time except during the performance may there be any display of nudity by a performer or employee. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking donations for a performance.
35. No performer or employee may at any time (and whether or not performing):
 - (a) sit or lie on the lap or any other part of any customer
 - (b) kiss, stroke, fondle, caress or embrace any customer
 - (c) engage in any other contact of a sexual nature with any customer
36. No performer or employee may at any time whilst performing:
 - (a) use any sex article or
 - (b) touch their genitals and/or anus

Staff and Employees

37. The name of the person responsible for the sexual entertainment venue and the performers, whether the licensee or other person approved in writing by the Council, shall be prominently displayed at or near the exit of the venue throughout the period during which that person is responsible for the conduct of the sexual entertainments venue, together with the house rules which should include no touching of performers, no photography (including the use of the camera facility on mobile phones) and no soliciting.
38. The licensee shall ensure that, during the hours the sexual entertainment venue is open to the public, every employee (not a

performer) wears a badge, or another type of identification approved by the Council, indicating that the person is an employee.

39. A code of conduct for the performers shall be agreed with the Council. Every performer shall be given a copy when they start working at the premises and must comply with the code at all times they are working.
40. A suitable member of staff shall have responsibility to ensure the welfare of the performers whilst employed at the venue.
41. The business shall not employ any person:
 - (a) 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;
 - (b) whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority

who having regard to (a) and (b), believe would not be considered suitable by the Council.

42. The licensee shall maintain a register of performers engaged to perform in the venue. The register shall show the name, age and current address of the performer. The licensee shall ensure photographic identification shall be copied and retained for all performers (preferably a copy of the performer's passport, if available) together with proof of the right to work and stay in the UK.
43. In the case of non-EU Citizens, the licensee must ensure passports are viewed and copies retained along with appropriate steps being taken to ensure there are no restrictions on a performer's entitlement to stay and work in the United Kingdom.
44. No performer under the age of 18 years shall be engaged.
45. Stewarding duties (door supervision, staffed guarding duties) at the premises shall be carried out only by persons registered with the Security Industry Authority.

Changing Facilities

46. Suitable changing facilities shall be provided for performers to comply with the following basic standards:

- a) the facilities shall be of a reasonable size;
- b) the facilities shall be secure, private, for single sex use only and shall not be accessible by customers;
- c) the facilities shall not be within sanitary conveniences;
- d) private and lockable storage units shall be provided for each performer for the safe keeping of valuables and clothing;
- e) a plentiful supply of wholesome chilled drinking water shall be provided for all performers.

Sanitary Conveniences & Washing Facilities

- 47. Sanitary conveniences, wash hand basins, with soap and hygienic hand drying equipment, and showers shall be provided in accordance with the requirements of the Workplace (Health Safety and Welfare) Regulations 1992, for the exclusive use of the staff.
- 48. The facilities shall provide privacy and security from intrusion by members of the opposite sex and from customers.
- 49. The washing facilities shall be provided in the immediate vicinity of the sanitary conveniences and the changing facilities.

External Appearance etc

- 50. Neither the interior arrangements nor the exterior arrangements of the sex encounter establishment shall be altered without prior consent of the Council.
- 51. The following matter and no other shall be displayed on the outside of the sex encounter establishment:
 - (i) the name, style or title as approved by the Council
 - (ii) the words "licensed sexual entertainments venue providing striptease" or "licensed sexual entertainments venue providing exotic dancing" in letters no more than 76mm in height
 - (iii) the hours of the performance
 - (iv) the street number
 - (v) a notice clearly legible at the entrance to the sexual entertainments venue headed "**WARNING**" and stating "**NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**"

- (vi) A Challenge 21 policy be operated and notification be given at the entrance of the venue
 - (vii) Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Council.
52. The interior of the sexual entertainment venue shall not at any time be visible from the outside and external doors shall be rendered effectively self closing.

State, Condition and Layout

53. Doors and openings which lead to parts of the sexual entertainments venue to which the public are not permitted access shall have notices placed on them marked **"NO ADMITTANCE"**
54. The sexual entertainment venue shall not afford access to any other premises.
55. The licensee shall make provision in the means of access to and within the sexual entertainment venue wherever possible for the needs of members of the public visiting the premises who are disabled.

Public Order

56. Every floor used for dancing, or access to the dancing area(s) shall be of a suitable construction for the intended use, kept free of obstructions and from any substance that may cause a performer to trip or slip.
57. The licensee shall ensure that empty glasses and bottles are regularly cleared from areas to which the public have access.
58. Any receptacles provided on the premises for the collection or disposal by customers of empty bottles, shall be of solid construction, and designed so that bottles already deposited therein cannot be retrieved by customers. Any receptacle shall be emptied regularly by staff.
59. Customers shall not be permitted to take glasses or bottles outside the premises at any time.

Supply of Goods etc

60. The licensee shall not supply, offer to supply, agree to supply, expose for supply or possess for supply products liable to forfeiture under

Section 3 of the Obscene Publications Act 1959, or Section 5 of the Protection of Children Act 1978 or likely to be condemned under Schedule 3 to the Customs and Excise Management Act 1979 by virtue of Section 42 of the Customs Consolidation Act 1876.

61. The licensee shall not conduct the business in a manner which is detrimental to the interests of consumers whether those interests are economic interests or interests in respect of health, safety or other matters, or in any manner unfair to consumers.
62. The licensee shall not distribute any unsolicited goods or publicity.

Applications

63. An application for the grant, renewal or transfer of a licence for a sexual entertainment venue shall be made in the form as prescribed by the Council. An application for the grant of a licence shall be accompanied:
 - (i) by a plan (scale 1:500) showing the sexual entertainment venue in relation to other premises within 100 metres;
 - (ii) a plan (scale 1:50) showing the layout of the sexual entertainment venue;
 - (iii) a plan of the front elevation of the venue depicting all signs etc
64. The Council will not determine an application for grant, renewal or transfer of a licence unless the applicant affords a duly authorised officer a reasonable opportunity to enter the proposed sexual entertainments venue as the case may be, to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sexual entertainment venue.

Any queries should be raised with the Licensing Service. Telephone: 020 8356 2431 / E-mail: licensing@hackney.gov.uk



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0139

Part 1 – Premises details

Ye Old Axe
Ye Olde Axe Public House
69 Hackney Road
Hackney
London
E2 8ET

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Live Music
Recorded Music
Performance of Dance
Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Live Music

Standard Hours:

Premises:

Mon 12:00-23:00
Tue 12:00-23:00
Wed 12:00-23:00
Thu 12:00-23:00
Fri 12:00-23:00
Sat 12:00-23:00
Sun 12:00-23:00

Recorded Music

Standard Hours:

Premises: Mon 11:00-02:30
Tue 11:00-02:30
Wed 11:00-02:30
Thu 11:00-02:30
Fri 11:00-06:30
Sat 11:00-06:30
Sun 11:00-02:30

Performance of Dance **Standard Hours:**

Premises: Mon 12:00-02:30
Tue 12:00-02:30
Wed 12:00-02:30
Thu 12:00-02:30
Fri 12:00-03:00
Sat 12:00-03:00
Sun 12:00-22:30

Supply of Alcohol **Standard Hours:**

Premises: Mon 11:00-02:00
Tue 11:00-02:00
Wed 11:00-02:00
Thu 11:00-02:00
Fri 11:00-06:00
Sat 11:00-06:00
Sun 11:00-02:00

The opening hours of the premises

Premises **Standard Hours:**

Mon 11:00-02:30
Tue 11:00-02:30
Wed 11:00-02:30
Thu 11:00-02:30
Fri 11:00-06:30
Sat 11:00-06:30
Sun 11:00-02:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Thomas Joseph Melody

[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises authorises the supply of alcohol

Mr Thomas Joseph Melody

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5.
 - 5.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 - 5.2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the

policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

6. The responsible person shall ensure that:
- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - b) customers are made aware of the availability of these measures.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

7. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7.2 For the purposes of the condition set out in paragraph 7.1 above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.3 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.4 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

8. Premises to be supervised by persons performing a security activity at all times.
9. Two external CCTV cameras and three internal CCTV cameras to be kept and maintained.
10. Admission into the premises will be refused to persons under 21 years of age.
11. Security staff will summon an arranged taxi firm on patrons' request.
12. Recorded music to be permitted during opening hours of the premises, but after 11:00 must be at a level as to allow face-to-face conversation at normal speech level.
13. The maximum number of people accommodated at any one time shall not exceed 100.
14. That the premises shall not be used for the provision of regulated entertainment until officers from the Council's Building Control Service have confirmed in writing that the premises are technically suitable for the intended use (by applying of relevant technical regulations).

Annex 3 – Conditions attached after a hearing by the licensing authority

Not Applicable

Annex 4 – Plans

PLAN/LBH-PRE-T-0139/050706



Appendix E1

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

OBJECTION to license renewal at 69 Hackney Road E2 8ET

1 message

16 April 2020 at 18:08

To: licensing@hackney.gov.uk

Dear License Officer,

As a concerned neighbour, resident, and property owner, I wish to OBJECT to the renewal of the sex establishment license at Ye Olde Axe, [69 Hackney Road, E2 8ET](#).

I understand the right for such establishments to exist, but in light of recent changes in the neighbourhood and other reasons, I believe this location to NO LONGER be suitable for LIVE NUDE GIRLS, for the following reasons:

- CONVICTED LICENSE HOLDER - The license holder, Thomas Melody, pleaded guilty in April 2019 to contravening Article 8 of Fire Safety regulations in relation to another establishment which he operates in Bishops Stratford. (see article in the [Hackney Gazette](#)).

- It was noted by the sentencing judge that Mr Melody "treated public servants with a measure of disdain and possibly arrogance."
- A criminal offence by the applicant demonstrates that he is unsuitable to continue to hold a license as outlined in the [Council Licensing Policy](#).

- INAPPROPRIATE TO THE CHARACTER OF THE LOCALITY. The immediate neighbourhood is improving in value, quality, and diversity, and this business does not support this development. The area is transforming from a series of empty warehouses and vacant lots, to a **highly residential area**, with the opening of new residences at [Hackney Road](#), Shoreditch Exchange, The Project at Hoxton student housing and Long and Waterson (119 units). This change in the immediate neighbourhood no longer makes it suitable for a Sex Business.

- SEX ESTABLISHMENTS EXCEEDS APPROPRIATE NUMBER. Commuting from [Hackney Road](#) to Shoreditch High Street Station, I pass THREE sex establishments, each way! (Ye Olde Axe, Brown's, and Rainbow Room). The nearest establishment [Browns is only 0.2 miles away from Ye Olde Axe!!!](#) Certainly, the market is saturated.

- IT'S A GRADE II REGISTERED BUILDING. The building at 69 Hackney Road is a beautiful Queen Anne style of historic interest, [registered with Historic England](#). Its history as a Public House has been tarnished by the lewd sandwich board that reads "LIVE NUDE GIRLS."

- INAPPROPRIATE TO ADJACENT HACKNEY PARK RENEWAL. This business shares a border with Fairchild's Garden, which Hackney Council has [exciting new plans to renovate](#). With all the potential for young families and visitors to enjoy this renovated public green space, it would be such a shame for this investment to be negated by walking past a LIVE NUDE business to enter the park.

- LEWD BEHAVIOUR ON PAVEMENT. Having lived just several doors down on Hackney Road for the past 2 years, I can confirm that this business results in lewd public behaviour. Often there are male employees stood outside, aggressively soliciting passersby to "see the girls." The dancers take smoke breaks on the pavement underneath our apartment balcony, leaving behind cigarette butts, crisps packets and other litter.

- PROXIMITY TO PRIMARY SCHOOL

Finally, this sex establishment is only [85m from Noah's Ark Community Nursery](#) Pre-School. Certainly there must be proximity regulations for such licenses!

For all these reasons, I earnestly ask that you reconsider renewing the sex license at [69 Hackney Road](#).

Sincerely,

[Hackney Road](#)



License Renewal 69 Hackney Road E2 8ET

1 message

16 April 2020 at 14:33

To: licensing@hackney.gov.uk

Dear Sir/Madam,

We are nearby owners/residents and hereby wish to object regarding renewal of the sex establishment license at Ye Olde Axe, 69 Hackney Road E2 8ET.

1) The license holder, Thomas Melody, pleaded guilty in April 2019 to contravening Article 8 of Fire Safety regulations in relation to another establishment which he operates in Bishops Stortford.

-It was noted by the sentencing judge that mr Melody "treated public servants with a measure of disdain and possibly arrogance".

-A criminal offence by the applicant demonstrates that he is unsuitable to continue to hold a license as outlined in Council Licensing Policy.

2) Further, having sexual establishment is not in keeping with local characteristics and visual amenities of the neighbourhood. It is therefore inappropriate for a sexual venue to be sited here anymore.

Kind Regards,

[Redacted]
[Redacted]
[Redacted] Hackney road
[Redacted] E2
[Redacted]



License renewal - 69 Hackney Road, E2 8ET

1 message

5 April 2020 at 21:40

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/Madam,

I am a nearby resident and hereby wish to object regarding renewal of the sex establishment license at Ye Olde Axe, [69 Hackney Road E2 8ET](#).

The license holder, Thomas Melody, pleaded guilty in April 2019 to contravening Article 8 of The Regulatory Reform (Fire Safety) Order 2005 in relation to another establishment which he operates in Bishops Stortford.

It was noted by the sentencing judge that Mr. Melody “treated public servants with a measure of disdain and possibly arrogance”.

A criminal offence by the applicant demonstrates that he is unsuitable to continue to hold a license as outlined in Council Licensing Policy.

Further, having sexual establishment is not in keeping with local characteristics and vibrancy of the neighbourhood. It is therefore inappropriate for a sexual venue to be situated there.

Kind Regards,

[Redacted]
[Redacted]
[Hackney Road](#)
[London](#)
E2 [Redacted]



Objection to License Renewal of 69 Hackney Road E2 8ET

1 message

1 April 2020 at 10:57

To: "licensing@hackney.gov.uk" <licensing@hackney.gov.uk>

Dear Sir/ Madam

We are nearby residents and hereby wish to object regarding renewal of the sex establishment license at Ye Olde Axe, [69 Hackney Road, E2 8ET](#).

1. The license holder, Thomas Melody, pleaded guilty in April 2019 to contravening Article 8 of Fire Safety regulations in relation to another establishment which he operates in Bishops Stortford. It was noted by the sentencing judge that Mr. Melody "treated public servants with a measure of disdain and possibly arrogance". A criminal offence by the applicant demonstrates that he is unsuitable to continue to hold a license as outlined in Council Licensing Policy.
2. Further, having sexual establishment is not in keeping with local characteristics and residential neighbourhood. Whenever, I walk past this establishment on a Fri or Sat night, I have been approached by touts standing outside this establishment multiple times over the past year soliciting inappropriate services. It is highly inappropriate for a sexual venue to be sited here anymore.

I am happy to provide any more details if needed.

Kind regards


 Hackney RoadLondon, E2 



License Renewal 69 Hackney Road E2 8ET

1 message

1 April 2020 at 10:51

[REDACTED]
To: licensing@hackney.gov.uk

Dear Sir/Madam,

I am a nearby resident and hereby wish to object regarding renewal of the sex establishment license at Ye Olde Axe, 69 Hackney Road E2 8ET.

1) The license holder, Thomas Melody, pleaded guilty in April 2019 to contravening Article 8 of Fire Safety regulations in relation to another establishment which he operates in Bishops Stortford.

-It was noted by the sentencing judge that mr Melody "treated public servants with a measure of disdain and possibly arrogance".

-A criminal offence by the applicant demonstrates that he is unsuitable to continue to hold a license as outlined in Council Licensing Policy.

2) Further, having sexual establishment is not in keeping with local characteristics and visual amenities of the neighbourhood. It is therefore inappropriate for a sexual venue to be sited here anymore.

Kind Regards,

[REDACTED]
[REDACTED] Hackney Road, E2 [REDACTED]

Licensing Service
Hackney service centre
1 Hillman street
London
E81dy

██████████ Pelter Street
London
E2 ██████████



I would like to object to the License of Ye Olde Axe as a sexual entertainment venue. I am a local resident of 15 years and object for the following reasons.

Over a 15 year period i have observed 1 or 2 fights per week outside the front door pub on the pavement between customers and door staff. Oftentimes i have been woken up by guttural screaming, and threats and looked out and observed the familiar sight of a cluster of people mid fracas. Usually these are customers being ejected. Sometimes it's the customers fighting each other. Screaming, shouting, at the tops of their voices, high levels of noise. Police are regularly called in to address the situation. Its an oppressive and threatening situation to bear for residents and passers by.

There is and has always been constant urination by customers of the axe over the road at Pelter street garages. This has gone on so long it has even rusted some of the garage doors, and the area in question smells like a sewer.

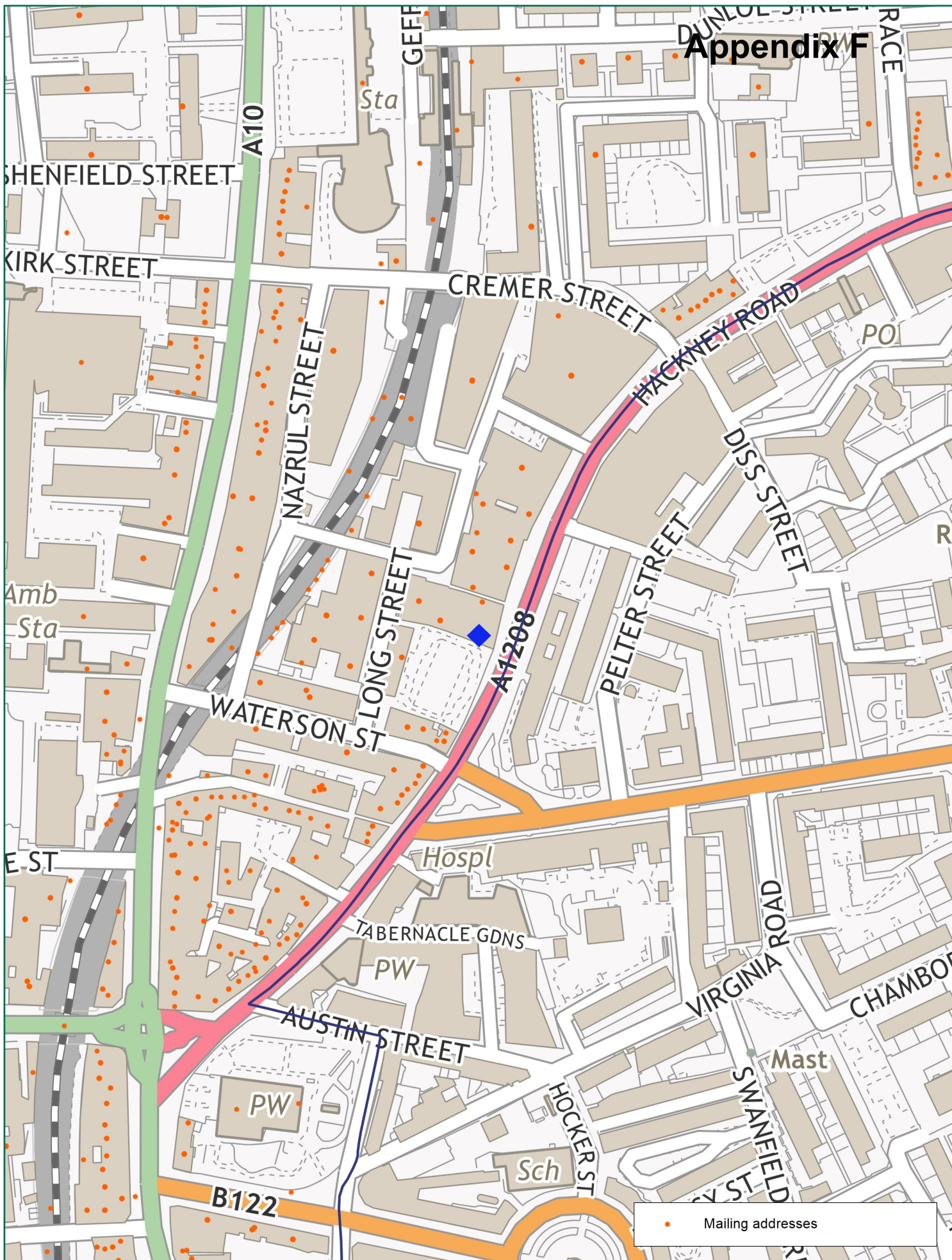
There is and always has been constant hassle from taxi drivers waiting outside at night on a weekend. As many as 10 or 15 at peak times. Most of whom are verbally offering to take the customers on to places where sexual services are on offer.

Cigarette butts and litter outside the front of the premises. Cigarette butts in small collections over the road in the car parking bay of Pelter street, where the dancers often congregate during breaks.

The club is an outdated relic, which serves in no way the people living around it, appears to give back nothing to the local community.

Yours Sincerely

A solid black rectangular redaction box covering the signature area.



• Mailing addresses

NORTH

Scale: 1:2500 at A4

Hackney

Ye Olde Axe, 69 Hackney Road, E2 8ET

Ref:	Produced by: unspecified	please specify copyright statement
Wednesday, November 3, 2021	email:	