

PART 1 - PUBLIC

Decision Maker: **General Purposes and Licensing Committee Executive**

Date: **27 September 2010**
29 September 2010

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **LICENSING OF SEX ESTABLISHMENTS - NUMBER IN THE RELEVANT LOCALITY, STANDARD CONDITIONS AND FEES**

Contact Officer: Paul Lehane, Head of Food Safety, Occupational Safety & Licensing
Tel: 020 8313 4216 E-mail: paul.lehane@bromley.gov.uk

Chief Officer: Nigel Davies - Director of Environmental Services

Ward: All

1. Reason for report

Members agreed at the meeting on 28 July 2010 to recommend to Council the adoption of the provisions relating to the licensing of Sex Entertainment Venues under the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009.

Members also agreed to a further report setting out

- a. A policy for determining the number of sex establishments in the 'relevant locality'
 - b. Standard licensing conditions
 - c. Fees for sex establishments
-

2. **RECOMMENDATION(S)**

Members are asked to approve

1. **The Policy for determining the number of sex establishments**
2. **Standard Licensing conditions**
3. **Fees for Sex establishments**

and refer the matter to the Executive and Council for adoption with effect 1 January 2011.

Corporate Policy

1. Policy Status: Existing policy. Members agreed an approach to determining the 'relevant number of sex establishments in the locality' in May 2005
 2. BBB Priority: Safer Bromley. children and young people, vibrant and thriving town centres
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Public Protection
 4. Total current budget for this head: £4.5m
 5. Source of funding: Existing Revenue Budget 2010 - 2011
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Staff

1. Number of staff (current and additional): 66 (Licensing Service 8)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory requirement. Local Government (Miscellaneous Provisions) Act 1982 (as amended)
 2. Call-in: Call-in is not applicable.
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all residents and businesses
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Determining the number of Sex Establishments in the 'Relevant Locality'

- 3.1 Members agreed in July 2010 to recommend that the Council adopt the new provisions relating to the licensing of Sex Entertainment Venues with effect from 1 January 2011(Report ES 10102).
- 3.2 The need to formally adopt the new category of Sex Establishment affords the opportunity to review the approach to the licensing of sex establishments agreed by members in 2005, whilst establishing standard licensing conditions and setting appropriate fee sex establishments.
- 3.3 Sex Establishments (sex shop, sex cinemas and sex entertainment venues) are licensable where the Council has adopted the provisions of section 2 and schedule 3 Local Government (Miscellaneous Provisions) Act 1982. This has been adopted in respect of sex shops and sex cinemas already.
- 3.4 Section 12 of the Act sets out grounds for the refusal of an application, and this includes circumstances where 'the number of sex establishments in the relevant locality at the time of the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality'. In addition the Council can take in to account
- 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 vehicle vessel or stall in respect of which the application is made.
- And 'Nil' may be the appropriate number.
- 3.5 The Council cannot impose a blanket ban on licences for sex establishments within its area, and has to treat each application on its merits having regard to the Human Rights Act 1998 and in particular
- Article 8 – Right to respect for private and family life
 - Article 1 of the First Protocol – Protection of Property
 - Article 6(1) - Right to a Fair Hearing
 - Article 10 - Freedom of expression
- 3.6 The approach previously adopted by this Committee in 2005 is set out in Appendix 1. This remains relevant and appropriate to be re-endorsed in respect of all categories of Sex Establishments (sex shops, sex cinemas and Sex Entertainment Venues)

Standard Licensing Conditions

- 3.7 The Council has the powers under Section 13 Local Government (Miscellaneous Provisions) Act 1982, to make regulations prescribing standard conditions applicable to all licences for sex establishments. Different conditions may be specified for different types of establishments.

Suggested standard conditions are set out in appendix 2

Fees

- 3.8 The European Services Directive (effective from 28 December 2009) places certain requirements on the Council when setting fees for licences.

- 3.9 The guidance for Local Authorities states

“Local Authorities must set fees that are proportionate to the effective cost of the procedure dealt with. As costs vary from region to region, central advice on the level of fees will not be appropriate. Local Authorities will need to bear in mind the threat of a legal challenge should a service provider feel that the levels of fee are being used as an economic deterrent or to raise funds for Local Authorities. Enforcement costs should not be assimilated with the application fee. This is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors”

- 3.10 The current fee for a sex establishment is £9789. We have no sex establishments and therefore no income from them.

- 3.11 In light of the requirements under the European Services Directive the likely costs of dealing with an application for a sex establishment has been reviewed and is felt that the current fee is reasonable and justifiable

4.0 FINANCIAL IMPLICATIONS

None as we currently have no licensed sex establishments.

5.0 LEGAL IMPLICATIONS

The Council has the powers under the Act to establish the number of licences sex establishments in an area, fees and standard licensing conditions

Non-Applicable Sections:	POLICY IMPLICATIONS, PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act. Report to GP & L 2005 on Sex Establishments Licence Policy Rpert No ELS05114 May 2005

Sex Establishments Policy on Determining the Number for the Relevant Locality

1. The licensing of Sex Establishments i.e. sex shops ,sex cinemas and sex entertainment venues, is governed by the Local Government (Miscellaneous Provisions Act 1982 Section 2 and Schedule 3 (as amended by Section 27 Policing and Crime Act 2009

2. This policy presents guidelines for Members of Licensing Sub Committees when determining the appropriate number of sex establishments in the 'Relevant Locality when considering an application for a sex establishment licence.

3. Section 12 of the Act sets out statutory and discretionary grounds for the refusal of a licence

4. Statutory Grounds for refusals are

- The applicant is under 18
- The applicant has been disqualified from holding a licence following revocation of a licence
- The applicant is not a Body Incorporated in the United Kingdom
- The applicant has been refused a licence in the last 12 months for the same site

5. Discretionary Grounds for Refusal

- The applicant is unsuitable by virtue of having been convicted of an offence or any other reason
- The licence would be managed by or operated for the benefit of someone other than the applicant
- The number of sex establishments in the relevant locality at the time the application is made (determined) is equal to or exceeds the number the authority considers appropriate
- The grant or renewal 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 to the layout, character or condition of the premises, vehicle vessel or stall in respect of which the application is made

6. In considering the locality/vicinity aspects Members must be clear that:

- A local authority does not have the right to have regard to the morality of sex establishments. Its approval or disapproval of sex establishments is not a matter that can be considered
- Objections on the ground that sex establishments should not be allowed to exist have no part to play in a local authority consideration of policy regarding these premises

7. The policy will focus on the three grounds for refusal outlined in the Act that may be used when refusing an application:

- the character of the relevant locality is inappropriate;
- the use to which any premises in the vicinity are put is inappropriate;
- Paragraph 12(1) of Schedule 3 also states that a licence may be refused if the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality (this may be nil).

8. The policy guidelines regarding these three areas are given at paragraphs 10-16 below.

9. Each application must be considered on its own merits. An applicant has a legal right to argue that in their particular case there are no good and sufficient reasons to refuse a licence. The details outlined in this policy, would however guide applicants when considering the siting of Sex Establishments, and Members when determining licence applications.

10. Policy Guidelines

11. Character of Relevant Locality

12. Locality is to be defined by Members of a Licensing Subcommittee as an area around the premises capable of being affected by the operation of a sex establishment.

13. A locality whose character falls predominantly into one of the following categories would generally be considered unsuitable as a site for a licensed Sex establishment.

- Family and child oriented leisure and shopping areas, including markets and covered markets
- Predominantly residential areas i.e. consisting of substantial amounts of residential accommodation and not forming part of a local retail centre
- Areas containing a large student population
- Main tourist areas

14. Inappropriate Premises Use within the vicinity

15. The presence of the following premises in the vicinity (defined as the area close to the premises) of the proposed premises would generally warrant refusal of the application:

- Places of worship
- Community facilities or public buildings including but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs, sheltered housing
- Educational establishments including schools and nurseries
- Premises particularly attractive to young people and children e.g. retail shops such as toyshops, confectionary (sweet) shops etc.

16. Limiting the number of Sex Establishments in pre-defined localities

17. Where an application is referred to a Licensing Sub Committee for determination Members will define the relevant locality in relation to the proposed establishment.

18. Members will then consider the appropriate number of Sex Establishments for this locality based on the policy guidelines (this may be nil) and determine the application having regard to this.

19. Future applications, which were considered to fall within the same locality, may then be determined having regard to this limit.

20. Specific Decisions

21. In 2005 a Nil limit was set for Bromley Town Centre following an application for a sex shop at 24/24a London Road

22. (Note: for the purposes of this policy 'Bromley Town Centre' is the same area currently covered by the Alcohol Consumption in designated public places order and the Special Policy of Cumulative Impact under the Licensing Act 2003).

23. Reasons for limit

It is considered an inappropriate locality for licensed Sex Establishments for the following reasons:

- It is a family oriented shopping and entertainment locality which has a natural attraction for and is therefore frequented by families, children and young people
- A large number of school children use the locality as a thoroughfare, gathering place and social centre
- The presence of an Open-air market, Theatre, Library, Seating Areas, Fast Food outlets including MacDonalds within the locality contribute to the community oriented character of the locality

24. REVIEW OF POLICY

25. Substantial changes in the character and use of premises within the locality may necessitate the number recommended being reviewed.

26. Whilst this may be taken into account within the context of an individual application, Members will review this policy generally and specifically regarding limits for pre-defined localities at least every three years.

27. LEGAL IMPLICATIONS

28. The licensing of Sex Establishments i.e. sex shops and sex cinemas, is governed by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3. The determination of sex establishment licence applications is a statutory duty of the Council.

29. Each application will be considered on its merits and exceptions to the policy may be considered if the circumstances justify this. It should be noted that the legislation only indicates that an application may be refused if the policy adopted allows for this. Members should note that if they were minded to refuse to grant a licence, they should only do so if they are satisfied that this represents a fair balance between controlling the use of the property in the general public interest and the applicants right to carry on a business subject to reasonable controls.

30. Human Rights

While all Convention Rights must be considered, those of particular relevance are:

- Article 8 - Right to respect for private and family life
- Article 1 of the First Protocol - Protection of Property
- Article 6(1) - Right to Fair Hearing
- Article 10 – Freedom of Expression

31. All Rights must be delivered without discrimination (Article 14), emphasising the need for the formulation and application of any guidelines to avoid "moral judgements". Each party must be given a fair hearing and the decision itself must represent a fair and proportionate balance between the competing interests of the applicant and objectors.

32. Any Sex Establishment Licence may be granted subject to Conditions imposed by the Council. Therefore an application should not be refused if conditions could adequately address any area of concern.

33. The decision of the Council in respect of an application to grant, renew, transfer or revoke a licence can be appealed against within 21 days of the date of the decision. Appeals must be made to Bromley Magistrates Court.

The Court House
London Road
Bromley Kent
England
BR1 1RA

Tel 0845 6013600

London Borough of Bromley

Standard conditions relating to sex shops, sex cinemas and sex entertainment venues.

Regulations Prescribing Standard made by the London Borough of Bromley under Section 13 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

Effective from 1 January 2011

Definitions

1. 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the council as licensing authority in writing. "Approved", "Accepted", "Permitted", means approved, accepted or permitted by the Council in writing or electronic form
2. "Council" means London Borough of Bromley as the appropriate licensing authority
3. 'Licence' means a Sex shop Licence, Sex Cinema Licence or Sex Entertainment Venue Licence.
4. Sex Establishment means premises licensed under the provisions of Part 2 and Schedule Local Government (Miscellaneous Provisions) Act 1982 as amended.
5. 'Officer' means any person authorised by the Borough Council in writing. (This may include Officers of the London Fire and Civil Defence Authority)
6. 'Premises' means any premise within the Councils area licensed as a sex shop, sex cinemas or sex entertainment venues and includes all installations, fittings and other items connected with the business.
7. 'The Act' means the Local Government (miscellaneous provisions) Act 1982 as amended
8. The Licensing of a premises as a sex establishment relates only to the provisions under the Local Government (Miscellaneous Provisions Act) 1982 as amended. It does not convey any approval or consent which may be required under any other legislation, byelaw, order or regulation.

Modification of Regulations

9. These Regulations may be dispensed with or modified by the Council at its discretion

10. Where in these Regulations there is any reference to the consent of the Council being required, such consent may be subject to specific conditions or restrictions.

11. If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council and if the Council requires, the application must be advertised.

12. In the event of any conflict between the Regulations and the conditions contained in the Licence, the conditions in the licence take precedence.

13. In addition to any general conditions there are specific conditions

- i) Sex Shops
- ii) Sex Cinemas
- iii) Sex Entertainment venues

General Conditions:

14. Terms of the licence

Licences are granted for a period of twelve months.

15. Any breach of legislation or failure to comply with the Conditions attached to this Licence may result prosecution or in the revocation of the Licence

16. Renewal of the Licence

Application for renewal shall be made to the Council before the expiry date of the current licence. This must include the appropriate fee.

17. Display of licence

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.

18. Transfer or cancellation of licence

The licence is not transferable by the Licensee other than through the formal application process to the Licensing Authority.

The Licensee shall immediately notify the Council he/she intends ceasing to carry on the business

19. Age Policy

No person under 18 years of age shall be permitted to enter the premises.

All customers appearing to be under the age of 25 to be required to provide photographic proof of their age before being allowed access to the premises.

No person under 18 years of age is to be employed in the business of the establishment.

At all entrances there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age.

The Licensee of the premises shall ensure that all persons employed on the premises are aware of the age restriction on clients and ensure that no one under the age of 18 remains on the premises.

20. Licensee and staff responsibilities

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.

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 on, 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.

The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

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.

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.

The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

1. Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
2. Indecent behaviour, including sexual intercourse;
3. The offer of any sexual or other indecent service for reward
4. Acts of violence against person or property and/or the attempt or threat of such acts.
5. 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.

6. 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.
7. 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.

21. Advertisements

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, and advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

The use of loudspeakers and displays on business vehicles is strictly prohibited.

The Licensee or their nominated representative shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation* outside or in the vicinity of the premises

The only exceptions are

- Any notice displaying the name or trading title of the Licensee,
- Any Notice indicating the name of the premises, times of opening of the premises for business,
- Any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions

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

22. Windows and doors

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.

The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.

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 height approved by the Council, opaque screens or blinds of a type and size approved by the Council.

23. WC Facilities

The Licensee shall ensure that there is adequate free use of WC facilities for both staff and public and they must be Maintained in good order and kept clean. Each WC has easy access to washing facilities with the provision of hot and cold running water, soap and towels.

24. Lighting

Lighting must be suitable and sufficient to ensure safe operation of the premises.

25. Heating

The licensee must ensure that suitable and sufficient heating is provided and maintained throughout the premises.

26. General Waste

Waste and other refuse must not be allowed to accumulate in the premises, except so far as is unavoidable for the proper functioning of the business.

Adequate provision must be made for the removal and storage of waste and other refuse.

Closable containers must be provided for this purpose, which are appropriately constructed, kept in sound condition, and where necessary easy to clean and disinfect.

27. Structure and Cleanliness

All internal walls, doors, windows, partitions, floors and floor coverings, ceilings, heating lighting and ventilation, in any part of the premises used by the customer and operator must be able to be kept clean and be maintained in good repair and condition.

28. Cleanliness of Furniture and Fittings

All furniture and fittings shall be kept clean and in such good repair as to enable them to be cleaned effectively.

29. Electrical Safety

The electrical installation for the premises shall be inspected, tested and maintained in accordance with the British Standard 7671. A Periodic Inspection Report shall be obtained from a "competent person" at the appropriate intervals (e.g. up to a maximum of five years or a shorter period as specified on the Report) and submitted to the Council.

The inspection certificate shall be signed by a person who shall be one of the following: -

- (i) a professionally qualified Electrical Engineer;
- (ii) a member of the Electrical Contractors' Association;
- (iii) an approved contractor of the National Inspection Council for Electrical Installation Contracting, or
- (iv) a qualified person acting on behalf of one of the above (in which event it shall be stated for whom he/she is acting).

30. Electrical Appliances

An inspection and test shall be carried out on all portable electrical appliances within the premises in order to comply with the Electricity at Work Regulations 1989. The inspection shall also include fixed appliances used for treatment of the

public .The tests shall ensure that the electrical appliances comply with these Regulations and the relevant parts of British Standard 7671.

A certificate shall be submitted to the Council at the time of application by a competent person described under the Electrical Safety section.

31. Gas Appliances

(a). All gas appliances and installations at the premises shall be inspected for safety at intervals not exceeding 12 months by a registered Gas Safe engineer.

(b). The inspection certificate shall be kept at the premises and made available for inspecting officers of the council.

32. Fire Safety

The establishment must comply with any requirements of the Council or Fire Authority in respect of fire, including proper means of escape in case of fire and fire-fighting equipment. A fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) order 2005.

The means of escape in case of fire shall be maintained and free from obstruction at all times when the public or staff are present on the premises.

London Borough of Bromley
CONDITIONS APPLYING TO SEX SHOPS

1. The Law

Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop.

2. Sale of Items

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.

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.

All goods to be discreetly wrapped before leaving the premises.

3. Film classification

No film or video shall be 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.

No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.

4. Food and Drink

The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.

5. Refuse storage

All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.

6. Delivery of goods

The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and are not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc. where they may be seen by members of the public.

7. Layout of premises

The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.

No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.

8. Mail Order

A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.

9. Convictions and Revocations

The Licensee shall inform the Council if he/she is convicted under the Obscene Publications Act, 1959, Protection of Children Act, 1978, Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee.

The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.

The Licensee shall not in the conduct of the business employ any person:- 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. Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;

10. Staff details

The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.

The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under:

- The Obscene Publications Act, 1959,
- The Protection of Children Act, 1978, or
- The Customs and Excise Management Act, 1979

11. CCTV

CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with the Metropolitan Police.

Such CCTV footage will be stored for a minimum of 28 days, and the Licence Holder or Person in Charge of the Premises will give full and immediate cooperation (including providing copies of CCTV images) and technical assistance to the Licensing Authority or Police when required for the prevention and detection of suspected or alleged crime.

The premises will not open unless and until written confirmation has been supplied to the Council Licensing Authority by the Police that they are satisfied that the installation, operation and coverage of the CCTV system meets the required standard.

London Borough of Bromley
CONDITIONS APPLYING TO SEX CINEMA

1. Tariff

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

2. Lighting

The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

3. Seating

The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council.

No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.

A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

In no circumstances shall persons be permitted to:-

- Sit in any gangway; or
- Stand in any gangway which intersects the seating; or
- Stand or sit in front of any exits.

4. Film Classification

The categories U, PG, 12, 15 and 18 have the following effect:-

- U Universal - suitable for all
- PG Parental Guidance. Some scenes may be unsuitable for young children.
- Passed only for persons of 12 years and over.
- Passed only for persons of 15 years and over.
- Passed only for persons of 18 years and over.
- Restricted (18) Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

No film shall be exhibited at the premises unless:

- it is a current news-reel; or

- It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
- it has been passed by the Council as a U, PG, 12, 15, 18 or RESTRICTED (18)
- Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

5. Age restriction Notice

When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

6. Objection to a film

No film shall be exhibited at the premises:-

which is likely:-

- to encourage or to incite to crime; or
- to lead to disorder; or
- to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
- to promote sexual humiliation or degradation of or violence towards women.
- the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

7. Posters, Advertisements etc

Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

8. “Club” Cinemas

“Club” Cinemas are for members and bona fide guests. No persons under the age of shall be admitted to this cinema for any part of the programme.

No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

Tickets shall only be sold to members.

No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

9. Membership rules for club cinemas

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.

Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.

No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.

Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors’ book and counter-signed by the member.

On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.

Membership cards shall be personal to the member and shall not be transferable to any other person.

Neither membership tickets nor guest tickets shall be transferable

Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.

London Borough of Bromley
CONDITIONS APPLYING TO SEX ENTERTAINMENT VENUES
Including lap dancing, pole dancing

1. Tariff of Charges

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises.

No employee shall stand in such a position as to obscure the notice. Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

2. SIA Door Supervisors

All personnel working in the capacity of a door supervisor must hold an SIA (Security Industry Authority) badge.

Entrance Doors

There will at all times be a minimum of 2 SIA door supervisors at the main entrance to the premises for the first 100 patrons and thereafter an additional SIA Door Supervisor per 100 patrons or part thereof.

On Each Floor

There will be a further two SIA door supervisors deployed as directed by the Licensee or person in charge on each floor whilst that floor is in operation,

Additional door supervisors must be provided on each floor at a ratio of 1 to 100 or part thereof on any occasion when the capacity on that floor exceeds 200 customers. The door supervisors operating at the entrance to the premises will be excluded from this calculation.

Records shall be maintained at the premises containing the full name, badge number, date and hours of employment of every Door Supervisor

3. CCTV

CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to a standard specification following consultation with the Metropolitan Police.

Such CCTV footage will be stored for a minimum of 28 days, and the Licence Holder or Person in Charge of the Premises will give full and immediate cooperation (including providing copies of CCTV images) and technical assistance to the Licensing Authority or Police when required for the prevention and detection of suspected or alleged crime.

The premises will not open unless and until written confirmation has been supplied to the Council Licensing Authority by the Police that they are satisfied that the installation, operation and coverage of the CCTV system meets the required standard.

4. Security

Security arrangements for the dressing rooms in the form of a combination lock with deadlocking latch and a discreet panic alarm within the dressing rooms, linked to the club reception, shall be maintained at all times whilst the premises are open. No member of the audience shall be admitted to this room under any circumstances and a notice to this effect will be displayed on the door.

5. Drugs

The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure 'drugs box', and periodically the management will request the Police to come and remove all drugs in the 'drugs box' for Destruction.

6. Public Safety

Capacity limits. The number of persons on the premises shall not exceed XXXX or that as stated by the Fire Officer. Such a figure will include staff and performers.

Crime prevention and security measures shall be instigated throughout the premises following consultation with the Metropolitan Police. Crime Prevention Design Advisor or their nominated representative, as reasonably required.

Shatterproof drinking receptacles will be used throughout the site where practicable.

7. Age Restrictions

Whilst striptease entertainment is taking place, no customer under 18 shall be on the premises and clear notices shall be displayed at the entrance to the premises in a prominent position so that it can easily be read by persons entering the premises.

No under 18s events will be hosted anywhere on the premises at any time.

8. Conditions of Performance

The only form of entertainment which is approved and may be provided at the premises is striptease entertainment in the form of pole dancing by club dancers only, in the following format:

Fully nudity is not permitted. The dancer/performers should at all times wear a G-string or similar piece of clothing which is not transparent on the appropriate part of the body in order to cover the groin/genital area.

The approved striptease/pole dance entertainment shall be given only by the performers or entertainers and no audience participation shall be permitted.

There shall be no physical contact between the customer and the dancer before, during or after the performance or when the performance is complete. All monetary transactions will take place at the reception/entrance area and shall be lieu of a ticket, covering the cost of the performance of pole dancing only.

Notices outlining this shall be clearly displayed at every table and be on display at the entrance of the premises and in each bar area.

Dancers shall only perform within a designated area to seated customers. No booth seating or performances shall be permitted at any time.

All areas will have adequate lighting to ensure the safety of the dancer and to ensure that both the member/guest/audience and the performer are adhering to the Club rules at all times.

There shall be no simulated sex acts or use of props, save for the pole, as part of the performance.

There shall be no physical contact between dancers whilst performing.

There will be a minimum distance of one metre between the dancer and the seated customers at all times.

Dancers may not give out any personal information, including telephone numbers, email addresses or other contact details to audience members. Dancers may not accept any telephone number, address, business card or any other information from any customer.

All dancers/performers will be aged over 18 years of age and legally entitled to work in the UK before they perform at the Club.

Copies of all dancers files will be made available to Licensing Authority for inspection upon request.

At no time will members or their guests be permitted into the performers changing room(s).

Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers. This will be an express written condition of membership.

Both floors will be dedicated to table and/or pole dancing on design. The premises will not permit one floor to be used for table and/or pole dancing or other forms of adult entertainment, whilst permitting the other floor to be used for other types of function (whether open to the public or via private booking) without first receiving prior written confirmation and approval for the specific event from the Police and the Council Licensing Department.

There shall be no mixed gender performance at any time.

9. Advertising including internet

There should be no display outside of the premises of photographs or other images that indicate or suggest that pole dancing striptease or similar entertainment takes place on the premises.

No photographs or other images or words of a sexually explicit nature shall be displayed on the outside of the premises.

Any promotional website for the premises will not display photographs or other images of topless or nude performers, or show photographs or other images that may be reasonably construed as sexually explicit. The website will include clear statements as to the 48 hour prior membership application requirement and the over 18 age requirement for members and guests.

Promotional literature. Any promotional literature circulated outside of the premises will not display photographs or other images of topless or nude performers, or show photographs or other images or words that may reasonably be construed as offensive. All promotional literature will include clear statements as to the 48 hour prior membership requirement and the over 18 age requirements for members and guests.