

**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 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 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.

### **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 seat ways 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.

Approved by the Executive on 29 September 2010 and effective from 1 January 2011

## **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 dancer's 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.