

**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. “unclothed” means when breasts and/or genitals and/or anus are fully or partially uncovered.
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. 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 contact between a performer and a customer. A minimum distance of one metre from any customer shall be maintained throughout the performance. 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 a performer or employee be unclothed. 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 sexual organs

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 foreign nationals, the licensee must ensure passports are copied and 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 have a minimum of 1.86 square metres per performer engaged to perform at any one time;
- b) the facilities shall be secure, private, for single sex use only and shall not be accessible by customers;
- c) the facilities shall be located near to, but not 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. No glasses or bottles shall be permitted in cloakrooms, sanitary conveniences or dance floors located at the venue.

60. No glasses or bottles shall be permitted to be taken outside the premises at any time.

Supply of Goods etc

61. 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.
62. 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.
63. The licensee shall not distribute any unsolicited goods or publicity.

Advice on Sexual Health

64. The licensee shall, without charge, provide for the display and availability of approved free literature on counselling on matters related to sexual education as may be available from the Family Planning Association, the Primary Care Trust or HIV/AIDs Charities and such other similar organisations as may be specified by the Council in the sexual entertainments venue. Such literature is to be displayed in a prominent position approved by the Council during such times as licensable entertainment takes place on the premises.

Applications

65. 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

66. 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

draft