

**London Government (Miscellaneous Provisions) Act 1982  
as amended by the Policing and Crime Act 2009**

**London Borough of Barking and Dagenham  
Standard Licence Conditions for Sex Establishments**



**Section A** – General conditions applicable to all premises

**Section B** – Additional conditions applicable only to sex shops

**Section C** – Additional conditions applicable only to sex entertainment venues

**Section D** – Additional conditions applicable only to sex cinemas

### **Special Licence Conditions**

In the event of any conflict between these standard conditions and any special conditions applied to a licence in respect of any sex establishment, the special conditions shall prevail.

### **Section A - General Conditions (applicable to all categories of sex establishment)**

1. The business shall be carried on only in the name, style and title and at the address specified in the licence.
2. All documents, notices and advertisements issued by or on behalf of the business shall bear the name, style or title and address specified in the licence together with an indication that the business is licensed by the Council.

### **Management and conduct**

3. The licensee, or a responsible person nominated by him for the purpose of managing the sex establishment in his absence, and of whom details have been supplied to and approved by the Council, shall be in charge of and upon the licensed premises during the whole time that they are open to the public.
4. A daily register shall be maintained upon the premises in which shall be recorded the name and address of all persons employed at the establishment. The register is to be completed each day the premises are open for business and is to be kept available for inspection by the Police and authorised officers of the Council and shall be retained for six months after completion.
5. The licensee shall not without the express written consent of the Council employ any person in the conduct of the business, who has previously been refused a licence by the Council or other licensing authority, or had a licence revoked.
6. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of any written request by the Council.

7. The licence holder shall retain control over all portions of the premises as defined on the approved premises plan, and shall not let, licence or part with possession of any part of the licensed premises.
8. The public shall not be permitted to have access to any part or parts of the licensed premises other than those which have been approved by the Council, as per the plan submitted to the Council at the time the licence was granted.
9. No change of use of any portion of the licensed premises from that approved by the Council shall be made until the Council's consent in writing has been obtained. No person under the age of eighteen shall be admitted to the licensed premises while the sex establishment licence is being used and prominent notices shall be displayed at each entrance to the premises to that effect.
10. No person aged under eighteen shall be employed to work at the licensed premises in any capacity, nor allowed to work in the premises on a self-employed basis.
11. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their profession.
12. No access shall be permitted through the licensed premises to any other premises adjoining or adjacent except in the case of emergency.
13. The premises layout shall allow all public parts of the premises to be easily supervised by premises management, staff and door supervisors at all times, save for public toilet areas which shall be checked at least at hourly intervals to ensure such areas are not being used for any improper purposes and are in a clean and useable condition.
14. No alterations or additions, either internal or external, and whether permanent or temporary, shall be made to the structure, lighting or layout of the licensed premises except with the prior written approval of the Council.
15. The external doors to the licensed premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
16. The licence holder shall ensure that the sex establishment licence or a certified copy shall, at all times, be prominently exhibited at the premises in a position where it can be clearly seen by customers. For the purposes of this section, a certified copy of the

licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.

#### Touting for Business

17. There shall be no touting for business for the premises by way of flyer; persons holding advertising boards; branded vehicles or personal solicitation.
18. The windows and openings of the licensed premises shall be of material or covered with material which will render the interior of the premises invisible to any person passing.
19. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited in a manner that makes it visible from outside of the premises except:
  - Any notice required to be displayed by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
  - The name of the premises as specified in the sex establishment licence
  - The hours of opening of the premises
  - Notice of any admission charge to the premises
  - Or where the Council has given its prior consent in writing that such display or advertisement may be used.

Note: The Council shall not permit the display of any form of imagery or photographs that it believes might be construed as offensive to public decency.

#### CCTV Conditions

20. A CCTV system shall be installed and working to the satisfaction of the Police and the Council. The system shall cover the whole of the parts of the premises to which the public have access, except for individual toilet cubicles. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.
21. CCTV monitors covering the premises shall be available in the foyer or reception area of the premises where they can immediately be viewed by Police and Council officers during an inspection of the premises. This condition does not prevent further monitors being located in other parts of the premises.
22. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the licensed premises, advising that CCTV is in operation.
23. The CCTV shall record continuously the entire time that any member of the public is present on the licensed sex establishment.

24. Recordings shall be of a sufficient quality to clearly identify persons on the recordings.
25. Recordings shall be retained for a minimum period of 31 days.
26. Copies of the recordings shall be made available to the Police and the Council on request.
27. Any defect in the operation of the CCTV system shall be notified immediately to the Police Licensing Team and the Council in writing and by telephone, and the licence holder shall ensure that repairs to the CCTV system are effected as soon as reasonably practicable.
28. Where any part of the CCTV system is non-operational, the licence holder shall comply with any direction from the Metropolitan Police or the Council not to use certain parts of the licensed premises for the purposes of the sex establishment licence.

#### **Section B - Additional Conditions applicable only to Sex Shops**

29. No sex articles shall be displayed in such a manner that they can be seen by persons outside the sex establishment.
30. The licensee shall ensure that no employee or any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
31. Any change of staff employed at the licensed premises shall be notified in writing to the Council within 14 days of the change.
32. All sex articles and other things displayed within the licensed premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged (inclusive of VAT).
33. All goods offered for sale, hire, exchange or loan shall be available for inspection prior to supply and a notice to this effect is to be prominently displayed within the premises.

### **Section C - Additional Conditions applicable only to Sexual Entertainment Venues**

34. The layout of the premises shall be such that performers cannot be seen from outside the premises.
35. Performers may not stand in any lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.
36. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
37. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises, so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
38. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
39. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency.

Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:

- a. Each entrance and exit at the premises used by the public are manned by at least two door supervisors
- b. All public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with.
- c. Persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises

### **Requirements for a Code of Conduct for Performers**

40. There shall be a Code of Conduct for performers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.
41. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Sexual Entertainment Venues - Code of Conduct for Performers".

42. No change shall be made to this Code of Conduct without the prior written consent of the Council and the Metropolitan Police.
43. The Performers Code of Conduct must state that performers who do not comply with the Code of Conduct will face disciplinary proceedings.
44. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Performer's Code of Conduct, have read and understood its contents and will comply with the Code of Conduct at all times while they are working at the premises.
45. The licence holder shall retain original records showing that each performer has signed to acknowledge receipt of the Performer's Code of Conduct and Disciplinary Procedure as described above.
46. A copy of the sections of the Performer's Code of Conduct relevant to customers shall be prominently displayed in each area of the premises to which the public have access, including toilet areas, and in any area used as a changing/dressing room for performers.
47. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

#### Requirements for a Code of Conduct for Customers

48. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder, the Council and the Metropolitan Police.
49. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Sex Entertainment Venues - Code of Conduct for Customers".
50. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.
51. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council and the Metropolitan Police.
52. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.
53. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.
54. Any breach the Customers Code of Conduct shall be recorded in the incident log.

55. Where management is made aware of a customer repeatedly breaching the Customers Code of Conduct, they shall eject that customer from the premises.

#### Disciplinary Procedure

56. A disciplinary procedure shall be in place to deal with performers who breach the Performer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each performer who works at the premises.
57. The licence holder shall require all performers to sign an acknowledgement that they have been provided with a copy of the Disciplinary Procedure and have read and understood its contents.
58. The Disciplinary Procedure shall not include provision to fine performers or otherwise impose pecuniary penalties. Action taken may include verbal or written warnings, suspension of the performer's right to perform at the premises, or revocation of the performer's right to perform at the premises.

#### Sexual Entertainment Venues - Code of Conduct for Performers

59. The Performer's Code of Conduct shall include the following conditions as a minimum:
- Performers may not intentionally touch a customer during a performance.
  - Performers may not permit a customer to touch them during a performance.
  - Performers may not straddle the customer.
  - If a customer attempts to touch or speak to a performer inappropriately, the performer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the performer shall stop the performance and inform premises management immediately.
  - Performers may not intentionally touch the genitals, anus or breasts of another performer, nor knowingly permit another performer to touch their genitals, anus or breasts.
  - Performers shall not solicit for gratuities or payment for sexual favours.
  - Performers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.
  - performers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
  - Performers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
  - Performers may not be in the company of a customer unless it is in an area of the premises that is open to the public.
  - Performers shall not perform if under the influence of alcohol or drugs.



- If a customer engages in acts of masturbation or other sexual behaviour, the performer shall cease the performance immediately and inform the premises management.
- Performers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- Performers shall only use the smoking area provided specifically for their use.
- Performers shall only use the sanitary facilities specifically provided for their use.
- Performers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers, so lingerie or other performance costume is not visible.
- All performers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the performer subject to the Disciplinary Procedure.

#### Sex Entertainment Venues - Code of Conduct for Customers

60. The Customers Code of Conduct shall include the following conditions as a minimum:
- Customers may not touch performers during a performance.
  - Customers may not make lewd or offensive remarks to performers.
  - Customers may not harass or intimidate performers.
  - Customers may not ask performers to perform any sexual favour.
  - Customers may not perform acts of masturbation or indulge in other sexual behaviour.
  - Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

#### Private Booths

61. Private booths shall not be provided at the licensed premises. Where private performances are given in areas of the premises such area shall not have a door or other similar enclosure. The area shall be constantly monitored by CCTV, and access to the area shall be adequately supervised.

#### Performers' Private Work Areas

62. A designated dressing room area shall be provided for performer's exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be suitable to enable performers to change privately.
63. Performers shall be provided with their own adequate sanitary facilities separate from those used by customers.
64. A secure external area shall be provided where required for performers to smoke without coming into contact with customers.

### Performers' Welfare Policy

65. The licence holder shall have a Performers' Welfare Policy in place at the premises.
66. The Policy shall, as a minimum, state that
- Any performer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter
  - Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a performer
  - Any customer behaving inappropriately will be ejected from the venue
  - Performers shall be provided with free drinking water on request

### General Provisions

67. The licence holder shall obtain a photocopy of the passport of each performer that works at the premises and shall certify the copy as being a true copy by signing and dating the photocopy together with their name and job title.
68. The licence holder shall undertake reasonable checks to ensure each performer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises.
69. The licence holder shall maintain written records of all performers working at the premises. The records shall show the performer's full name, home address, date of birth and a certified photocopy of their passport and the date the performer was provided with the Performers' Code of Conduct and Disciplinary Procedure. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. Any instances of the performer breaching the Performers' Code of Conduct shall be recorded on their record, to include the date and time of the incident and details of the breach that occurred.
70. Performers under the age of eighteen shall not be permitted to work at the premises.
71. Performers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.
72. The licence holder shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, contain a record of:
- Any person ejected from the premises
  - Any refused admissions
  - Any refused sales
  - Any inappropriate behaviour by guests

- Any failure in the CCTV system
  - Any incidents of crime or disorder
  - Any seizure made of drugs or offensive weapons
  - Any complaints made by the public, guests or performers
73. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved/name of performer where appropriate and brief details of the incident and any action taken by the staff.
74. The incident log shall be completed as soon as reasonably practicable after any incident.
75. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.
76. The licence holder shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.
77. The incident log shall be made available for inspection to Police or authorised Council officers on request.

#### **Section D - Additional Conditions applicable only to Sex Cinemas**

78. No film shall be exhibited unless
- 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
  - The film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18) with the London Borough of Barking and Dagenham being the name of the Council.
79. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
80. Not less than 28 days' notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.

81. 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.
82. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
83. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
84. Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
85. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

**LONDON BOROUGH OF BARKING AND DAGENHAM**

*(Here insert title of film)*

has been passed by the London Borough of Barking and Dagenham as  
*(here insert the definition of the category and the category assigned)*

86. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

**LONDON BOROUGH OF BARKING AND DAGENHAM**

\*.....trailer advertising +.....film

*(\*Here insert the category of the trailer)*

*(+Here insert the category of the film)*

87. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film exhibited, or to be exhibited at the *premises*, shall indicate clearly the category of the film.
88. The licence holder shall ensure that an incident log is maintained at the premises. The log shall, as a minimum, give details of:
- Any person ejected from the premises
  - Any refused admissions
  - Any refused sales
  - Any inappropriate behaviour by guests

- Any failure in the CCTV system
- Any incidents of crime or disorder
- Any complaints made by the public or guests

89. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved where appropriate and brief details of the incident and any action taken by the staff.

90. The incident log shall be completed as soon as reasonably practicable after any incident.

91. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.

92. The licence holder shall ensure the incident log is checked periodically and at least on intervals of one month apart to ensure that staff are completing the incident log.

93. The incident log shall be made available for inspection to Police or authorised council Officer.