

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

REGULATIONS PRESCRIBING STANDARD CONDITIONS

APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

DEFINITIONS

1. In these regulations the expression "sex establishment" "sex cinema" "sex shop", and "sex article" shall have the meaning ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 and "premises" means a building or part of a building and any forecourt or yard or place of storage used in connection with a building or part of a building, a vehicle, vessel or stall, which is the subject of a licence for a sex establishment granted under the said Third Schedule. "Sex Encounter Establishment" shall have the meaning ascribed to it in the Greater London Council (General Powers) Act 1986, and Sexual Entertainment Venue shall have the meaning ascribed to it in the Policing and Crime Act 2009.

GENERAL

2. In the event of a conflict between these regulations and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
3. The grant of a licence for a sex establishment 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).
4. The marginal notes inserted in these Regulations are inserted for the purposes of convenience only and shall not affect in any way the meaning or construction thereof.

TIMES OF OPENING

5. Except with the previous written consent of the Council: -

- (a) Sex shops shall not open before 9 am and shall close not later than 8 pm, except for one late night per week at 9 pm.
 - (b) Sex cinemas and sex encounter establishments shall not be open before mid-day and shall close not later than 11pm.
6. Except with the previous written consent of the Council sex shops, sex cinemas and sex encounter establishments shall not be open on Sundays or Bank holidays or any public holidays.

CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

7. 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 a request in writing from the Council.
8. The licensee or some responsible person nominated by him in writing for the purpose of managing the premises in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public.
9. The name of the person responsible for the management of the sex establishment be he the licensee or a manager approved in writing by the Council shall be displayed upon the main entrance to the premises throughout the period during which he is responsible for the conduct of the premises.
10. The licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the premises in his absence and the names and addresses of those employed in the business. The register is to be completed each day within thirty minutes of the premises opening for business and is to be open for inspection by the Police and by authorised officers of the Council
11. The licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
12. The licensee shall maintain good order in the premises.

13. No person under the age of 18 shall be admitted to the premises or employed in the business of the establishment.
14. 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.
15. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
16. The licensee shall ensure that no employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
17. The licensee shall comply with all statutory provisions and any regulations made thereunder.
18. The licensee shall ensure that during the hours the premises are open for business every employee wears a badge of a type to be approved by the Council indicating his/her name and that he/she is an employee (except Sexual Entertainment Venues).
19. A sex shop shall be conducted solely for the purpose of the sale of goods by retail.
20. No change of use of any portion of the premises from that approved by the Council shall be made until the Council's consent in writing has been obtained thereto.
21. No change from a sex cinema to a sex shop, a sexual entertainment venue or a sex encounter establishment or from a sex shop to a sex cinema, a sexual entertainment venue or sex encounter establishment, or from a sex encounter establishment to a sex cinema, a sexual entertainment venue or a sex shop, or from a sexual entertainment venue to a sex shop, a sex cinema or sex encounter establishment shall be effected without the consent in writing of the Council.
22. Neither sex articles nor other things intended for use in connection with, or for the purpose of, stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchange, or loaned in a Sex Cinema or a Sexual Entertainment Venue.

GOODS AVAILABLE IN SEX ESTABLISHMENTS

23. All sex articles and other things displayed within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
24. All goods 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 premises.
25. No video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect.

EXTERNAL APPEARANCE

26. Except with the previous written consent of the Council, no display or advertisement of any matter shall be exhibited so as to be visible from outside the premises except:-
 - (i) Any notice required to be displayed by law, by these Regulations or by any condition of a licence granted by the Council.
 - (ii) A copy of the licence.
 - (iii) A sign incorporating letters not more than 12 inches in height bearing the inscription "Sex Shop" or "Sex Cinema" as appropriate.
27. The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passersby.
28. The premises shall be maintained in good repair and condition.

CONDITION AND LAYOUT OF PREMISES

29. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of the time that the premises are open to the public.
30. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be to the satisfaction of the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and openings other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
31. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
32. No fastenings of any description shall be fitted upon the booths or cubicles set aside for the display of films.
33. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout shall not be made except with the prior written approval of the Council.
34. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

SAFETY

35. The licensee shall take all reasonable precautions for the safety of the public and employees.
36. The licensee shall comply with any fire prevention and safety measures that may be required of him by the London Fire and Emergency Planning Authority.
37. The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

ADDITIONAL CONDITIONS APPLICABLE TO SEXUAL ENTERTAINMENT VENUES:

38. 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.

39. Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers, including identity checks.
40. Any striptease entertainment must only be provided on designated stage areas to a seated audience, or in other areas of the licensed premises as may be agreed in writing with the Council.
41. Performances of striptease/lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.
42. No performer shall make physical contact with the breasts and/or genitalia of any other performer during a performance nor shall there be performances or demonstrations of simulated sex or related activities.
43. When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience.
44. Nudity shall only be permitted by performers and not by customers
45. Performers must remain fully dressed in public areas and in all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
46. It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.
47. The only physical contact permitted between customers and performers is:
 - i) the placing of money in a garter worn by a female performer or in the performer's hand at the conclusion of a performance.
 - ii) a brief handshake at the beginning or end of a performance.

A notice repeating the precise wording of the above condition shall be displayed at the entrance of the premises, at each table and in each bar area.

48. The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person.
49. No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises
50. No music or amplified sound shall be generated within the premises so as to give rise to nuisance within neighbouring dwellings.
51. Any individual employed on the premises to conduct a security activity (within the meaning of section 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
52. The Licensee must ensure that a sufficient number of suitably trained floor supervisors are employed in the premises to supervise customers and staff while sexual entertainment is provided.
53. Customers must remain seated during the entire performance of a private dance.
54. Customers must remain fully dressed at all times.
55. CCTV is to be installed, operated and maintained to a standard agreed with the Police and the Council. The system is to include 28 day imaging storage and be available for inspection by a police officer or an authorised officer of the Council on request.