



**THE SOUTHWARK
SEX ESTABLISHMENT POLICY
2011**

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Part A – Introduction

Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 established a licensing scheme for 'sex shops' and 'sex cinemas'. In the mid 1980's a London amendment extended the definition to include 'sex encounter establishments' but exempted performances of striptease where public entertainments licences enabling music and dancing entertainment had been granted to the premises concerned by the local authority.

This situation continued until 6 April 2010 when the Policing and Crime Act 2009 came into effect in England. This had the effect of removing the exemption and enabling lap dancing and similar to be licensed under a new category of 'sexual entertainment venue' under the 1982 Act.

This authority has adopted the provisions of the 1982 Act and each amendment since the responsibility for the licensing regime was devolved to it following the demise of the Greater London Council in 1986. On 20 October 2010 this authority resolved to adopt the provisions of the 1982 Act as amended by the 2009 Act with effect from 1 April 2011.

A local authority may agree and publish a licensing policy in relation to sex establishments as long as it does not prevent any individual application from being considered on its merits at the time the application is made.

This document represents the policy of Southwark council. It is prepared following public consultation carried out in 2011 and in full acknowledgement of the Act and guidance produced by the home office. It was approved as the Southwark policy by full Council Assembly on 12 October 2011.

Part B - Executive Summary

This council recognises within its statement of licensing policy made under the Licensing Act 2003, the change that is taking place within Southwark and how recent development and regeneration projects are adding to the growing value and importance of our borough. It particularly recognises the extent of the contribution of the leisure and entertainment industry.

Southwark enjoys a widespread and diverse selection of licensed premises and venues. More than 1,200 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from night-clubs; public house and bars; members clubs; theatres; cinemas; restaurants, cafes and take-aways; to off-licences, grocers and supermarkets; and indoor sports facilities. Together they combine to provide a wide-range of leisure and cultural opportunities; support tourism; provide employment; and make a significant economic contribution to the local community.

It has always been this council's view that as long as premises management strive to act responsibly; run safe, well managed venues and facilities; and work together with the local community; they can make a positive contribution toward building community cohesion and cultural development.

The council accepts that the adult entertainment industry forms a legitimate part of the leisure and entertainment industry but, through the establishment of this separate complimentary licensing regime and policy, would wish to recognise that there are special considerations to be had in the licensing of adult entertainments.

These include the potential linkages between poorly run adult entertainments and organised crime (such as people trafficking, prostitution, touting and clipping); the negative impact overall on the community's sense of safety (particularly that of women) through fear of heightened criminal and disorderly behaviour, conduct amounting to nuisance and increases in lewd behaviour and sexual offences; and also the impact on local regeneration and development projects by way of the deterrent effect on visitors.

Thereby, while any application made for sex establishments licences will be considered upon it's own merits with all relevant matters taken into account, this new complementary licensing regime and policy look to ensure that any premises licence that may be granted will have had had full and proper consideration given to whether the location is appropriate; the premises well run; and proper protections put in place for local residents, customers and employees.

Part C of our policy provides an introduction to our borough. Part D sets out the purpose and scope of this policy. Part E establishes the arrangements made for administering the processes, including the arrangements for public consultation. Part F concentrates on the transitional arrangements from the old licensing regime into the new.

At the heart of this policy, however, is part G which deals with locality. It sets out this council's criteria for determining appropriate location. Part H establishes the standard conditions for each category of licence; and part I deals with our enforcement protocols.

This policy will be subject of regular review. We welcome your thoughts on its content and the manner in which we undertake our responsibilities under it.

Part C – All about Southwark



1. Alongside the City of London, Southwark is one of the oldest areas of London, with a history stretching back to Roman times. Southwark's population reached 274,000 in 2007 and is believed to be growing by as much as 4,000 per year, with a projected population of over 310,000 by 2016. The population has a young demographic profile and demonstrates rich ethnic and cultural diversity, with around one-third (90,600) of the population from black or ethnic minority communities. With this figure set to rise to 38% by 2011. Southwark is arguably one of the most diverse areas in the capital.
2. Southwark is made up of eight very distinctive urban neighbourhoods that extend along the river Thames and down into south east London. The borough also encompasses some of London's top attractions, creative hotspots, scenic villages and acclaimed green spaces.
3. Southwark has a wide-range of leisure and cultural opportunities; which make a significant economic and employment contribution to the local community. The north of the borough is recognized as one of London's fastest growing tourist quarters and a thriving business location.
4. Alongside the borough's rich vibrancy, Southwark has its fair share of challenges. The Index of Multiple Deprivation (IMD) 2007 shows Southwark as the 27th most deprived local authority nationally and 60% of the borough's wards are among the 10% most deprived in the country. Consequently, the borough faces many challenges associated with meeting the complex health and social needs of an inner-city population. Unemployment in Southwark (8.9%) is higher than the London average (6.7%) and the percentage of the working population claiming benefits in Southwark is 15.6% compared to 13.9% across London. Gross weekly earning for both men and women in Southwark is lower than the London average.
5. In terms of violent crime, Southwark records a significantly higher number of violence against the person and robbery incidents compared to the London average.
6. Whilst there have been improvements, the attainment rates for Southwark pupils at Key Stages 1 and 2, GCSE and A levels are below the national average. Teenage conception rates for Southwark are still one of the highest in England.
7. To meet our challenges, Southwark has a large number of physical regeneration programmes across the borough, alongside a wide range of initiatives aimed at improving educational standards, reducing crime and improving health, housing, social care and the environment.

Leading Southwark

8. Southwark is made up of 21 wards, with 63 councillors; three from each ward. These councillors sit on the council assembly, which is the "sovereign" body of the council. The assembly is chaired by the Mayor of Southwark and is responsible for approving the budget and policy

framework. Currently Labour holds 33 seats, the Liberal Democrats 25, the Conservatives 3 seats and independent 1 seat. At the time of writing there is one vacant seat.

9. The council operates a strong leader / cabinet model. The cabinet is headed by the leader and deputy leader, with a further nine members holding portfolios of:
 - Housing management;
 - Regeneration and corporate strategy
 - Health and adult social care;
 - Transport, environment and recycling;
 - Finance, resources and community safety;
 - Children's services;
 - Equalities and community engagement; and
 - Culture, leisure, sport and the Olympics
10. The cabinet is responsible for leading the community planning and consultation process, drafting the budget and policy framework, and taking most decisions on resources and priorities.
11. Scrutiny committees take a close look at council decisions and activities and call for the council to be open and accountable. They examine services provided by the council and review the council's budget and policies. Scrutiny can look at, or 'call-in' decisions made by the cabinet and recommend decisions are changed or reconsidered.
12. A licensing committee is established to consider licensing policy with contested licence applications being considered by sub-committees of the main committee. Licensing matters fall under the responsibility of the cabinet member for finance, resources and community safety.
13. Eight ward based community councils were established in April 2003 to take local decisions in key areas that have a direct impact on the local neighbourhoods.

Part D – Purpose and scope of the policy

Purpose of the policy

14. This policy has four main objectives:

- To reinforce to elected members on the licensing committee, the boundaries and power of the local authority and provide the parameters under which these licence decisions are made;
- To inform licence applicants of the parameters under which this authority will make licence decisions and how a licensed premises is likely to be able to operate within an area;
- To inform residents and businesses of the parameters under which licence decisions will be made and how their needs will be addressed; and
- To support licensing decisions that may be challenged in a court of law

Scope of the policy

15. The scope of this policy covers all categories of application for sex establishments licences. This includes new applications, renewal applications, transfers and variations.

Definitions

16. This policy applies to sex shops, sex cinemas and sexual entertainment venues. Relevant definitions provided in the Act are repeated below.

17. “**Sex shops**” are any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

18. “**Sex article**” includes

- a) Anything made 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; and
- b) Anything containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and to any recording of sound or vision, which:
 - Is concerned primarily with the portrayal or, primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

19. **“Sex cinemas”** are any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:
- a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity; or
 - b) Are concerned primarily with the portrayal of, or primarily deal with or relate to genital organs or urinary or excretory functions, but does not include a dwelling house to which the public is not admitted.
20. **“Sexual entertainment venue”** is defined as any premises at which relevant entertainment is provided before a live audience for the financial gain of the organizer or the entertainer. The category now incorporates venues that were formerly known as ‘sex encounter establishments’.
21. **“Relevant entertainment”** is any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths). “Relevant entertainment” will generally apply to the following types of activity:
- Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Strip shows;
 - Peep shows; and
 - Live sex shows.
22. However this list is not exhaustive and, taking into account that the exact nature of these descriptions may vary, each case will have to be dealt with on its own merits.
23. **“Audience”** includes an audience of one.
24. **“Display of nudity”** means:
- a) In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
 - b) In the case of a man, exposure of his pubic area, genitals or anus;
25. **“The organiser”**, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of:
- a) The relevant entertainment; or
 - b) The premises;

Exemptions

26. Premises may provide sexual entertainment on eleven occasions within a period of 12 months without a sexual entertainment licence as long as;
 - The sexual entertainment does not last for more than 24 hours; and
 - Sexual entertainment has not been provided at that premises for a period of one month.
27. Premises that provide infrequent relevant entertainment under this exemption will continue to be regulated under the 2003 Licensing Act and must have obtained the appropriate authorisations under that Act.
28. This exemption does not apply to sex shops or sex cinemas.

General information

29. The licensing authority may depart from this policy, if the individual circumstances of any case merit such a decision. Where such a decision is taken, full reasons for the departure from the policy will be given.
30. While this statement sets out the council's general approach to the making of licensing decisions, nothing in this statement overrides the right of any person to make an application or make objections to an application, as each will be considered on its own merits and according to the statutory requirements of the Local Government (Miscellaneous Provisions) Act 1982.

Part E – Administration, exercise and delegation of function

Applications

31. There are four types of application available to an applicant. These are applications for grant of a new licence; the variation of an existing licence; the renewal of an existing licence; and the transfer of a licence.
32. The following sections of this policy provide information on the application requirements set by this council for each type of licence application.
33. Applications for each type of licence shall only be accepted if made on the appropriate forms provided by Southwark council and accompanied by the appropriate fee. Forms must be completed in full or may be deemed invalid. Forms and details of current fees are available from the Southwark council web site or from the licensing section.

Application requirements for the grant of a new licence

34. An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state:
 - The full name of the applicant;
 - His permanent address; and
 - His age.
35. An application made by a body corporate or by an unincorporated body shall state:
 - The full name of the body;
 - The address of its registered office or principal office; and
 - The full names and private addresses of the directors or other persons responsible for its management.
36. An application relating to premises shall state the full address of the premises.
37. An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
38. Additionally, the following information must also be submitted with each application. This information is sought in order that the council and other responsible authorities, for example the police, may determine whether the applicant and staff members involved with the application are fit and proper to hold a licence; that the premises meets health and safety requirements; and that there are no crime and disorder issues relating to the business.
 - If the applicant is an individual, a birth certificate;
 - If the applicant is an individual, a passport size photograph which must be dated and have the name of the person identified in the photograph printed on the back;

- If the applicant is a company, a passport size photograph of each of the directors, the company secretary, or any other person responsible for the management of the company which must be dated and have the name of the person identified in the photograph printed on the back;
- A passport size photograph of each person responsible for the management of the premises which must be dated and have the name of the person identified in the photograph printed on the back;
- A site plan at a scale of 1:1250;
- Scale plans of the premises at a scale of 1:100 showing all means of ingress and egress to and from the premises; internal and external layout arrangements; any parts used in common with other buildings and details of how the premises lie in relation to the street;
- Drawings showing the front elevation as existing and as proposed at a scale of 1:50;
- Duly certified documents of title;
- If the applicant is a company; a certified copy of the resolution authorising the application;
- Where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- If the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- If the applicant is a partnership, a certified copy of the Partnership Deed; and
- A set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.

39. The applicant is also required to publish notice of the application. See section 56.

Application requirements for a renewal application

40. Applicants must provide details of all changes to originally supplied information together with a set of audited accounts of the business for the two complete trading years immediately prior to the date of the application.

41. The applicant is also required to publish notice of the application. See section 56.

Application requirements for a transfer application

42. Applicants must provide the same information and documentation as is required at the time of making of a new application for licences.

43. The applicant is also required to publish notice of the application. See section 56.

Application requirements for a variation application

44. The applicant must provide full details of the proposed variation. Where the terms of the variation impact in any way on the approved arrangements at

the premises then new scale plans of the premises will be required to be submitted. These must be at a scale of 1:100 showing all means of ingress and egress to and from the premises; internal and external layout arrangements; any parts used in common with other buildings; and details of how the premises lie in relation to the street.

45. The applicant is also required to publish notice of the application. See section 51.

Fees

46. The current fees schedule for applications made under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is available online from the Southwark council web site or from the council's licensing section.
47. In setting the levels of fee chargeable upon application this council will have regard to requirements of the EU Services Directive which establishes that fees must be non-discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible.
48. Our fee calculations will be made having had particular regard to the work involved in administering the application process based on the likelihood of a large number of objections being received. The fee levels will also take into account the costs of necessary premises surveys and visits; third party costs; management costs; and local democracy costs.
49. A compliance cost is payable on initial application. However, as this relates to inspection of the premises and enforcement once the licence is granted this fee is refundable in the event that a licence is refused.
50. The additional compliance cost is not refundable if the licence is revoked.

Consultation arrangements

51. Applicants must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.
52. Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 day beginning with the date the applications was made.
53. It should be noted that the police are a statutory consultee for all applications. The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application.
54. Failure by the applicant to comply with any of the consultation arrangements set out above will invalidate the application.
55. The council will also consult directly with known residents and businesses within an approximate 100m radius of the application premises. This rule is established as an administrative arrangement being likely to include a

representative selection of the local community that is likely to be affected by the application. It should not be taken as this council's definition of 'locality' for the purposes of this Act. The definition of 'locality' will be considered on an application by application basis having had regard to the individual circumstances of that application. There will be no restriction on objections made from residents beyond this area.

56. The council will also consult directly with a range of relevant professional bodies, comprising:
- The metropolitan police service;
 - The London fire and emergency planning authority;
 - Trading standards;
 - Planning;
 - Occupational health and safety team;
 - Safeguarding children board; and
 - Environmental protection team.

Objections

57. Any person is entitled to object. Objectors may include residents, resident associations, trade associations businesses and ward councillors (providing they are not part of the licensing sub-committee dealing with the licence application) or MP's.
58. Objections can be made, in writing, within 28 days from the date of the application. The objection should be relevant to the grounds set out in paragraph 65-67 below for refusing a licence. Moral grounds or values will not be considered relevant. The licensing authority shall have regard to any observations submitted by police.
59. Where an objection is made by a representative body this authority will require evidence that the objection has been formally authorised by the body concerned. Such evidence may comprise the minutes of the meeting at which the objection was agreed.
60. Where petitions are submitted, the full personal and contact details of the person organising that petition must be provided. Each page of the petition must be headed with the purpose and grounds of the petition and the date the petition was collected. Each signatory should provide their name and full address.
61. Objections made by an electronic objections, for instance by email, are acceptable as long as the objection includes the name and address of the person making that objection.
62. Personal details of objectors will not be revealed to the applicant without their prior consent.
63. If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the

licensing sub-committee dealing with the licence application. If there are any doubts then please contact the licensing department.

Determination of Applications

64. Each application will be determined by the council's licensing sub-committee at a public hearing. The sub-committee will have regard to the case made by the applicant for the licence; all relevant objections; and the council's locations policy (see section G of this policy). A copy of the procedure to be followed at a public hearing is available upon request from the licensing section.

65. It should be noted, however, that authority must refuse to grant or transfer a licence to:

- A person under the age of 18;
- A person who is for the time being disqualified from holding a licence;
- A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
- A body corporate which is not incorporated in the United Kingdom;
- A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

66. This authority may also refuse to grant:

- An application for the grant or renewal of a licence on one or more of the following grounds for refusal; or
- An application for transfer of a licence on either or both of the first two grounds shown below.

67. The grounds for refusal are:

- a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality (an appropriate number can be nil); and
- d) That the grant or renewal of the licence would be inappropriate having regard to:
 - The character of the relevant locality;
 - The use to which any premises in the vicinity are put; or

- The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

68. Should the authority decide to grant a licence, standard conditions relevant to the category of licence sought will be imposed upon the licence together with any additional conditions that are shown to be necessary having regard to the specific application under consideration.
69. Each set of standard conditions is included within this policy (see section H of this policy).

Duration of Licences

70. Licences for sex establishments can be granted for up to one year.
71. A licence may be revoked at any time during the licence period. Any failure to comply with the terms, conditions or restrictions of a licence may result in revocation.

Appeals

72. In the event that the licensing authority refuses an application for the grant, renewal or transfer of a sex establishment licence, the applicant may appeal the decision to the magistrate's court, unless the application was refused under either of the reasons provided in parts c) and d) of section 67 above, in which case the Applicant can only challenge the refusal by way of judicial review. An appeal can also be made against the imposition of conditions.
73. Appeals must be made within 21 days from the date of written notification of the decision.

Waiver

74. Southwark council can issue a waiver notice for the requirement for a licence under the Act where this authority considers it to unreasonable or inappropriate to require such a licence.
75. The type of premises that may be granted a waiver will depend on the individual circumstances of each premises applying for the waiver.
76. Generally waivers will be considered where for educational purposes, for instance the sale of medical sex books.
77. Waivers will not be given to accommodate late applicants where an application for a licence could have been made in advance.
78. Applications for a waiver will be determined by the head of environmental health & trading standards

Part F – Transitional Arrangements

Dates

79. There are three dates applicable to the transitional period.
80. The first appointed date is 1 April 2011.
81. The second appointed date is six months after the first date.
82. The third appointed date is a further six months after the second date.

Sunset provisions

83. Applications for licences may be made from the first appointed day.
84. Applications for licences in respect of existing licensed sex establishment premises may be made up until the third appointed day. However, prior to the first appointed date there are no licensed sex establishments in the borough. Thereby no sex shops, sex cinema or sex encounter establishment will be able to use the transitional arrangements in this borough.
85. However, up until the advent of the amendments brought about by the 2009 Policing and Crime Act, any premises licensed under the Licensing Act 2003, has been exempt from the need to hold a licence for sexual entertainment, including lap or table dancing under the Local Government (Miscellaneous Provisions) Act 1982
86. Premises that hold exempt sexual entertainment activities within their premises, or who have undertaken propriety work to so use the premises as a sexual entertainment premises, and have the relevant authorised activities under the Licensing Act 2003, may continue to operate as such until the third appointed date.
87. Operators of such premises that wish to continue to use their premises as a sexual entertainment venue need to apply for a licence under the Local Government (Miscellaneous Provisions) Act 1982 on and following the first appointed date and on or before the second appointed date.
88. The Authority is not allowed to determine any applications until after the second appointed day by which time all transitional applications will be received.
89. Applications made after the second appointed date but before the third appointed date should not be determined until all the applications made within the first periods are determined.
90. Applications received after the third appointed day should not be determined until applications made within the first and second periods are determined.

Conditions from the transitional provisions

91. The conditions on the Licensing Act 2003 premises licence/club premises certificate that relate specifically to sexual entertainment will be treated as deleted where a premises providing sexual entertainment applies under the sunset provisions and that licence is granted.
92. This only applies where conditions on the sexual entertainment venue licence are applied and relate to a similar condition on the premises licence or where the condition on the premises licence is less onerous.
93. It is possible therefore that conditions that are provided to promote the licensing objectives cease to have power at the premises even when it is only operating under the premises licence. For instance the premises licence may have a condition for a “challenge 21” policy for the sale of alcohol and a condition for a “challenge 25” policy may be imposed on the sexual entertainment licence, the condition on the premises licence will be treated as deleted and when the premises is serving alcohol but not providing sexual entertainment there may be no condition in place.

Part G – Relevant Locality

Number of sex establishments in the relevant locality

94. Whilst each application will be considered on its own merits, applicants should be aware that following a public consultation no locations in Southwark were identified as suitable for a sex establishment of any kind.

Character of the relevant locality

95. Whilst each application will be considered upon its own merits, applications will not normally be considered appropriate for premises located:

- (a) Near residential accommodation;
- (b) Near places of worship, community facilities or public buildings;
- (c) Near schools, youth clubs, shops, parks, leisure and recreational establishments and any other similar premises directed at, or primarily used by children or families; Or
- (d) Within sight of pedestrian routes or transport nodes (such as stations or bus stops) serving categories (a), (b) or (c).

96. When considering applications the authority will have regard to levels of recorded crime and, should there be any current licensed premises within the locality at the time of the determination, the cumulative impact of those licensed premises.

Part H – Conditions

97. The licensing authority will impose standard conditions for categories of sex licences.
98. The licensing authority will also consider each application on its own merits and additional conditions may be placed on the licence where relevant and appropriate.

Standard opening hours

99. Standard opening hours shall apply to each category of premises as follows;
100. Sexual entertainment venue, from 09:00 to 23:00hrs on Monday to Saturday.
101. Sex shop, from 09:00 to 18:00hrs on Monday to Saturday.
102. Sex cinema, from 09:00 to 23:00hrs on Monday to Saturday.
103. Premises shall not open on Sundays, Christmas Day or Good Friday
104. The licensing authority reserves the right to adjust these standard opening hours for any particular premises.

Standard conditions on all licences

105. The following conditions will be standard on all categories of sex licence;
 - a) A copy of the sex establishments licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises in a position where they may easily read by the public;
 - b) Access must be afforded at all reasonable times to authorized officers of the council and the police and fire services;
 - c) 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 fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council;
 - d) The name of the person who has been approved by the council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
 - e) Every person employed on the premises in a capacity where he / she has or will have contact with members of the public in the course of carrying on any activity authorised by the licence, must have first been approved by the council;
 - f) An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of:
 - a criminal conviction certificate issued under section 112 or a criminal record certificate issued under section 113A of the Police

Act 1997 or the results of a subject access search under the data Protection Act 1998 of the Police National Computer by the National Identification Service that has been issued no earlier than one calendar month before submitting it to the council;

- a passport sized photograph in colour.
- g) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises;
- h) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management;
- i) The licensee shall notify the Council if at any time during the currency of this licence he or any person employed at the premises is convicted of an offence against Part II of the Local Government (Miscellaneous Provisions) Act 1982, the Obscene Publications Act 1959, the Protection of Children Act 1978, The Indecent Displays (Control) Act 1981 or any offence involving dishonesty, indecency or violence. Such notification shall be in writing within 14 days of the conviction being imposed. Where the licensee is a limited company it shall be the licensee's duty to notify the Council in the same manner of any such conviction recorded against any Director, Secretary or other officer of the company;
- j) Every person employed on the premises in the furtherance of the business shall wear a form of visible identification of a type approved by the council indicating his/her name and position;
- k) No person under the age of 18 shall be admitted to the licensed premises;
- l) All customers appearing to be under the age of 25 shall be required to provide proof of their age before being allowed access to the premises;
- m) No person under the age of 18 shall be employed by the licensee to work at the licensed premises;
- n) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes;
- o) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises;
- p) Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the council;
- q) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions in this licence for the display of notices;
- r) The council shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters;

- s) As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the council's approval;
- t) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop;
- u) There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order;
- v) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 "WARNING Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age";
- w) 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;
- x) The licensee shall make provision in the means of access, both to and within the premises, for the needs of members of the public visiting the premises who are disabled; and
- y) 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.

Sexual entertainment licence

106. The following conditions will be standard on sexual entertainment licences;

- a) On those days where the entertainment is by way of striptease, only those dancers engaged by the licence holder shall be permitted to perform striptease;
- b) A venue code of conduct for all staff and performers shall be compiled and provided to the authority;
- c) Tableside striptease shall only be performed in the area of the club as marked on the deposited plans;
- d) There shall be no physical contact between customers and the striptease performer except for the placing of money or moneys worth in a garter, or from the customer's hand to the hand of the performer at the beginning or at the conclusion of the performance;
- e) A notice outlining that there shall be no physical contact between customers and the striptease performer shall be clearly displayed at each customer's table and at the entrance to the premises;
- f) On any day when tableside striptease performances are taking place, no performer shall dance with or towards any other performer, and shall make no physical contact with another performer;
- g) Tableside striptease performers are to remain standing during a performance of striptease;
- h) Striptease performers are to re-dress at the conclusion of a performance and are to remain fully clothed whilst acting in the capacity of host or hostess;
- i) Striptease performers are to remain a minimum distance of one metre from customer;

- j) There shall be a minimum charge for entertainment by way of tableside striptease of £10 per music track;
- m) On those days when public entertainment is by way of any form of striptease, no person under the age of 18 years shall be allowed to enter or remain on the licensed premises. A clear notice shall be displayed in those terms in a prominent position at the entrance, so that persons entering can read it;
- n) On those days when public entertainment is by way of striptease, a minimum of (number) SIA registered door supervisors shall be employed on the premises during its opening hours. At least (number) permanently employed in the bar and at least (number) to be permanently employed at the entrance to the public toilets;
- p) The licence holder is to ensure that prior to employment, all performers provide documents proving that they are over 18 years of age. Such documents are to be copied and retained on the performer employment file;
- q) The licence holder is to ensure that prior to employment all performers provide documents proving that they are legally entitled to work in the U.K. Such documents are to be copied and retained on the performer employment file;
- r) All performer employment files are to be retained for a period of at least 6 months after employment is terminated. All files are to be made available to the statutory authorities upon request if required for investigative purposes;
- s) Where the licence holder employs performers from an agency, the performers must provide the relevant documentation as required in conditions above. Details of the agency providing the performers are to be made available to the statutory authorities upon request;
- t) The whole of the venue, excluding performer's locker areas, is to be monitored by CCTV. This system to be installed maintained and operated as agreed with a Police crime prevention officer. The recordings are to be retained for a period of 31 days. The tapes are to be made available to the statutory authorities upon request; and
- u) Prior to employment all staff and performers are to be given a copy of the venue code of conduct. This code of conduct is to be rigorously enforced by the venue management.

Sex Shop licence

107. The following conditions will be standard on sex shop licences;

- a) No sex article or articles, which are obscene, may be sold, lent, hired, stored, kept, or otherwise dealt with at the premises;
- b) No film may be exhibited on the premises unless the premises or the appropriate part thereof are licensed under the Licensing Act 2003;
- c) The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not;
- d) No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be

permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display;

- e) 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;
- f) 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 not subject to storage, for any period of time, on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc;
- g) All sex articles and other things displayed for ;supply, sale, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged;
- h) No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises;
- i) No part of the premises shall be used as a sex cinema;
- j) A record shall be kept of all mail order transactions (if any) in such form as agreed by the council; and
- k) The licensee shall forthwith notify the council of his ceasing to carry on the business.

Sex cinema licence

108. The following conditions will be standard on sex cinema licences;

- a) Neither sex articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema;
- b) 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;
- c) No fastenings of any description shall be fitted upon any booth or cubicle within the sex establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time;
- d) No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification 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. Any such film or video film shall comply with the Video Recordings Act 1984;
- e) The licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard;

- f) The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises shall be displayed externally;
- g) The licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machines whether for prizes or not; and
- h) 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.

Part I – Enforcement

109. The licensing authority will inspect licensed premises on a risk based method of inspection and as a result of complaints received.
110. All premises granted a licence under the Act will receive an initial inspection from a licensing officer. This initial visit is usually pre-arranged and will act as an induction for the licence holder/manager to assist with complying with conditions on the licence and other relevant issues.
111. Due to the need to inspect the operation the premises further inspections may take place when the premises is open to the public, during the evening or at the weekend, and without prior notice.
112. Premises inspections will involve the officer concerned checking that all licence conditions are complied with and assessing the operation of the premises. The results from this inspection will form the basis of a risk assessment for that particular premises where the risks of harm and nuisance are balanced against the management controls for the premises to achieve a risk score.
113. This risk score will then dictate the frequency of future inspections and assists officer in prioritising premises requiring more frequent inspections and reducing the burden of inspection on both the council and the premises operators where less frequent inspections are required.
114. In the event of an application to vary or transfer the licence or where a complaint has been made about the premises then the inspection program will be brought forward to assist the council in dealing with any issues arising.
115. Police officers also have the power to inspect licensed premises and may do so either accompanying council licensing officers or independently
116. Premises that are found to be non-compliant with the terms of their licence, or operating without the appropriate authorisations will be subject to appropriate enforcement action by the council or the police. The nature of the action taken will based on the merits of each case.
117. The primary role of the licensing inspection is to protect the public and gain compliance to the appropriate legislation.
118. Officers engaged in enforcement activities will endeavour to be:
 - **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny

- **Consistent:** rules and standards must be joined up and implemented fairly
- **Transparent:** regulators should be open, and keep regulations simple and user friendly
- **Targeted:** regulation should be focused on the problem, and minimise side effects

119. These principles are consistent with principles contained within the council's environmental health and trading standards service enforcement policy which has been drafted with full reference to the enforcement concordat and the provisions of the BERR Regulators' Compliance Code, the Police and Criminal Evidence Act 1984 (PACE) and the Regulation of Investigatory Powers Act 2000 (RIPA).

120. In exercising its enforcement role, the licensing authority will work in close partnership with the community, the police and all other authorities and relevant agencies.

121. It is an offence to obstruct authorised council or police officers from conducting their duties to inspect the premises.

Part J – Contact details

Southwark Licensing Service

You can contact the Licensing Service in a number of ways

By post or in person by appointment during office hours

Southwark Licensing Service
C/O Environmental Health and Trading Standards
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London
SE1 5LX

By telephone: (Via the Customer Contact Centre 24/7) 020 7525 4261

By e-mail: licensing@southwark.gov.uk

By visiting our web site at www.southwark.gov.uk/businesscentre/licensing

Commissioner of Police for the Metropolis

The Police Licensing Office
Walworth Road Police Station
12 – 28 Manor Place
London
SE17 3RL
Tel: 020 7232 6210