Sex Establishments Policy

For sex shops, sex cinemas and sexual entertainment venues
Foreword

Welcome to Camden's second Sex Establishment Policy.

This policy sets out our approach to the regulation of sex establishments within the London Borough of Camden.

We recognise that there are widespread views on the existence of sex establishments within our communities. We therefore need to strike a balance between the needs of our residents, businesses, visitors to Camden and operators of sex establishments. These needs may sometimes conflict and we must therefore ensure that we have a proportionate and responsive approach to regulating sex establishments. This approach includes mitigating the potential impact such premises may have on the wider communities that we have been elected to represent, by the careful exercise of a power to decide what the public interest requires.

This policy aims to ensure that operators of sex establishments run their premises well and in accordance with the general law, the Camden Plan and the terms and conditions of the licence. Our policy provides a fair but robust approach to regulation to ensure that Camden remains a safe place for everyone, our communities remain vibrant, whilst also encouraging responsible and positive investment and economic growth.

We are committed to working in partnership to achieve our aims and provide the responsive licensing approach set out in this policy. We hope this revised Sex Establishment Policy is clear and easy to understand and reflects the needs of all our communities.

We thank everyone who contributed their experience and knowledge in formulating this Policy, as we aspire together to enhance Camden's reputation as a safe and vibrant borough. Councillor Richard Olszewski, Cabinet Member for Finance and Transformation, Camden Council

Councillor Richard Cotton, Chair of Licensing Committee, Camden Council

Date
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Chapter 1

Introduction

1.1 This Policy sets out the London Borough of Camden’s approach to the regulation of sex establishments and the procedures relating to applications for sex establishment licences. It ensures we have an effective and appropriate licensing policy that responds to the borough’s unique characteristics while helping to deliver the Camden Plan and other local priorities.

1.2 This Policy covers the period from 2019 to 2024 and replaces our previous Policy, which we adopted on 7 November 2011.

1.3 We will review this Policy every five years and from time to time as the Council thinks appropriate.

1.4 The Policy applies to all ‘sex establishments’ as defined in the 1982 Act (as amended), and includes sex shops, sex cinemas and ‘sexual entertainment venues’.¹

Sexual entertainment venues

1.5 The Policing and Crime Act 2009 introduced a new category of sex establishment called a sexual entertainment venue (SEV). These will commonly include premises providing:

• Lap dancing
• Pole dancing
• Table dancing
• Strip shows
• Peep shows
• Live sex shows

1.6 On 28th February 2011, the council passed a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

¹ See appendix 4 for a glossary of terms used in this Policy
1.7 The effect of passing this resolution is that from 1st November 2011, sexual entertainment venues in Camden must obtain a licence under the 1982 Act.

**Other premises types**

1.8 This Policy will also apply to Sex Shops and Sex Cinemas. The relevant definitions are provided below.

1.9 A Sex Shop is an establishment such as a premises, vehicle, vessel or stall which is used for the selling, hiring, exchanging, lending, displaying or demonstrating anything defined as a sex article or other things under the Local Government (Miscellaneous Provisions) Act 1982. This includes but is not exhaustive to such articles as sex toys, books and restricted 18 films.

1.10 A Sex Cinema is an establishment such as a premises, vehicle, vessel or stall used for the exhibition of restricted 18 films or moving pictures which are concerned primarily with the portrayal, relate to or intend to stimulate or encourage sexual activity.

**The Camden Plan**

1.11 This Policy will play an essential role in the delivery of the Camden Plan, the Council’s vision for the borough. In particular it will support our objectives of creating conditions for harnessing the benefits of economic growth, investing in our communities to ensure sustainable neighbourhoods and delivering value for money services.

1.12 We will aim to deliver this by:

a) creating stronger partnerships with the ‘responsible authorities’ under the Licensing Act 2003 and other partners to deliver agreed outcomes for the borough

b) improving community involvement in relation to licensing decisions

c) working for businesses by providing easy access to appropriate advice and information and

d) ensuring Camden is a safe place for everyone by using our licensing functions to regulate sex establishments and maintain a night-time economy that is safe and vibrant
1.13 The diagram below shows the relationship between this Policy, the 1982 Act, Home Office Guidance, The Regulator’s Code, The Council’s Licensing Enforcement Policy and the Camden Plan.
1.14 This Policy applies to the whole of the London Borough of Camden, which covers approximately 22 square kilometres of inner London and extends from Hampstead Heath through Camden Town, Euston and Kings Cross to areas including parts of Holborn, St Giles and Covent Garden. The map below shows the geographical area to which this policy applies.

![Map of Camden Borough]

1.15 We are mindful of the possible concerns of the local community in respect of sex establishments and that there may be conflict between the wishes of applicants for licences and those who object to such applications. This Policy will therefore guide the Council when considering applications for sex establishment licences and seeks to balance the needs of residents, communities and other commercial interests with those of applicants, their customers and people who work in the licensed premises.

1.16 In preparing this Policy, we have had regard to the 1982 Act (as amended), the Guidance, the Regulators Code, The Provision of Services Regulations\(^2\) and European Services Directive\(^3\), the Council’s Licensing Enforcement Policy and the Camden Plan and responses to the consultation on this Policy. We seek

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\(^2\) SI 2009/2999

\(^3\) 2006/123/EC
through this Policy to contribute to a safe, sustainable and thriving economy, that people of all ages and from all sections of the community can enjoy.

1.17 We acknowledge that when we exercise our licensing functions under the 1982 Act, we must have regard to the documents mentioned above and apply the principles set out in this Policy. We acknowledge that this Policy cannot anticipate every possible scenario or set of circumstances that may arise. In some rare cases, the individual circumstances of a case may lead us to make exceptions to our Policy. If we do make an exception, we will give full reasons for doing so.

1.18 In deciding whether we should make an exception to this Policy, we will consider our reasons for the specific principle and determine whether we would undermine the licensing objectives and aims of this Policy by making an exception to it.

1.19 We make it clear that in establishing a policy we do not seek to undermine the right of any individual to make an application and to have that application considered on its individual merits, nor to override the right of any person to make representations about an application.

1.20 Information on sex establishment licensing, how to comment on an application and making a complaint about licensed premises or unlicensed activity are available on our website at www.camden.gov.uk/licensing. Persons wishing to make an application, comment on an application or make a complaint about a sex establishment or unlicensed activity may also contact us on 020 7974 4444 or visit our website.
Chapter 2

Licensing objectives and aims

2.1 The Council has broad experience of regulating entertainment venues and sex establishments in Camden. We acknowledge that sex establishments are a legitimate part of the retail, leisure and entertainment industry. However, due to the nature of the activities provided at sex establishments, special considerations will apply to all applications for sex establishment licences.

2.2 The Council recognises that proper management and scrutiny of sex establishments is essential in maintaining a vibrant but safe environment for people living in, working in or visiting the Borough. Consequently, we have set out the aims and objectives which will guide the Council when considering applications for sex establishment licence and when monitoring compliance with the terms and conditions of a sex establishment licence.

2.3 The Council has a wide discretion under the 1982 Act to grant or renew a sex establishment licence and considering the terms and conditions to which it should be subject. In doing so, we will take a rigorous approach to achieve our aims and to ensure proper and adequate monitoring and supervision of the activities that take place in such premises.

Aims

2.4 Our aims are to ensure that:

a) sex establishments are well run and operated in accordance with the general law and the terms and conditions of the licence
b) the welfare of persons living and working in, or visiting the vicinity of the sex establishment will be protected
c) the welfare of performers and other workers at the sex establishment will be protected
d) customers visiting the premises will be safe
e) the layout, character and condition of the venue is suitable for it to be operated as a sex establishment

2.5 The 1982 Act does not provide a list of statutory licensing objectives. However, this Policy seeks to promote four licensing objectives. The Council’s licensing objectives in respect of sex establishments are:

a) The prevention of crime and disorder
b) Customer and public safety
c) The prevention of public nuisance
d) The protection of vulnerable people from harm
Objective 1: The prevention of crime and disorder

2.6 When considering applications for sex establishment licences, we will always take into account the potential for the proposed activities to have a negative impact on crime and disorder. We will always aim to prevent the opportunity for prostitution, sexual offences, people trafficking, illegal working, touting for business and any other associated crime to take place at or to be associated with sex establishments in Camden.

2.7 In respect of licensed sex establishments, we will aim to ensure compliance with the general law and licence conditions and prevent the operation of the premises having a negative impact on crime and disorder.

Objective 2: Customer and public safety

2.8 When considering applications for sex establishment licences, we will always take into account the potential for the proposed activities to have a negative impact on customer and public safety. The measures that are appropriate to promote customer and public safety will vary between premises. However, we will always aim to prevent the opportunity for exploitation of the customer or potential harm to the general public associated with the operation of the sex establishment.

2.9 We will always aim to prevent members of the public feeling intimidated by touts operating on behalf of sex establishments and to prevent ‘clipping’\(^4\). We will aim to ensure all operators are open and transparent in respect of the prices they charge for products and services. We will also aim to ensure that the operator provides adequate supervision to safeguard customers who are visiting the premises, maintain and make available to officers (if required) accurate records of any incidents and has effective measures in place to manage those incidents.

2.10 In respect of licensed sex establishments, we will aim to ensure compliance with the general law and licence conditions and prevent the operation of the premises having a negative impact on customer and public safety.

Objective 3: The prevention of public nuisance

2.11 When considering applications for sex establishment licences, we will always take into account the potential for the proposed and supplementary activities to cause public nuisance.

2.12 We will always aim to prevent the operation of the premises and in some instances, the actions of its customers, from affecting the amenity and environment of persons living and working in, or visiting the vicinity of the sex

\(^4\) i.e. tricking customers into paying excessive amounts of money for low-grade goods or services. Even in situations where no law was broken, victims may be too embarrassed to seek legal recourse.
establishment. This can include but is not limited to the proximity to residential and other ‘sensitive’ premises, external visibility of the sex establishment, advertising and touting.

2.13 In respect of licensed sex establishments, we will aim to ensure compliance with the licence conditions and prevent the operation of the premises causing public nuisance.

Objective 4: The protection of vulnerable people from the risk of harm

2.14 When considering applications for sex establishment licences, we will always take into account the potential for the proposed activities to expose a vulnerable person to the risk of harm. In this context, a vulnerable person includes performers and other workers at any sex establishment.

2.15 We will always take the location of the premises into account and its proximity to residential and ‘sensitive’ premises where children and other vulnerable persons may be present.

2.16 We will also aim to ensure that the operator has adequate measures in place to protect the welfare of the performers and other workers at the sex establishment. We will expect proper and adequate monitoring and supervision of the licensed activities, to include but not be limited to facilities for performers, adequate welfare policies and codes of conduct and the prohibition on customers touching performers.

2.17 In respect of licensed sex establishments, we will aim to ensure compliance with the licence conditions and prevent the operation of the premises putting vulnerable people at risk of harm.

2.18 The Mayor of London’s Violence Against Women and Girls Strategy 2018-2021 has been considered when drafting this policy and we recognise that violence against women and girls manifests itself in many different ways and situations.

2.19 One of the focuses of this Policy is the protection of vulnerable people from the risk of harm and we are working to ensure that the women working at any of our licensed premises have the right to be respected and feel safe at work. Through the addition of a new set of standard conditions and the implementation of a code of conduct for management and dancers, we hope to achieve the aims of the Mayor of London and support this strategy.
Other statutory considerations

2.20 In writing this Policy and establishing our aims and objectives, we have had regard to the fact when making decisions to grant or refuse licences under the 1982 Act the Council must also take into account other legislation and rules.

Human Rights Act 1998

2.21 The Human Rights Act 1998 and in particular Article 6 (the right to a fair trial), Article 10 (the right to freedom of expression) and Article 1 of the First Protocol (protection of property) will be relevant to our licensing functions and processes for sex establishments.

2.22 The Policy allows sex establishments to operate in Camden under regulations and for all relevant parties to have a say in the process for considering licences. All parties are entitled to have their views heard and the Council’s decisions are open to public scrutiny and appeal. This Policy aims to balance the rights of all parties and we have had regard to those rights when formulating this Policy and establishing our aims and objectives.

Modern Day Slavery Act 2015

2.23 Camden Council understands the risk that all forms of modern slavery pose both to our own residents and visitors and internationally through the global nature of modern supply chains. The Council is fully committed to using all avenues open to us to tackle modern slavery by using our statutory powers, our role as a public procurer and through utilising the strengths of all our partnerships with the Police, the NHS and other organisations and through wider awareness-raising.

2.24 Camden Council has a zero tolerance approach to any form of modern slavery. We are committed to working with all our premises to ensure that they operate in an ethical manner, with integrity and transparency.
Equality Act 2010

2.23 The requirements of Section 149 of the Equality Act 2010 are relevant to the development of this Policy and the Councils licensing functions. The Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage & civil partnership, pregnancy and maternity, race, religion or beliefs, and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including licensing powers.

2.24 We have had regard to the Public Sector Equality Duty and completed an ‘equalities impact assessment’ to assess whether this Policy could have an avoidable adverse impact. We are satisfied that there is no identifiable adverse impact that this Policy may have on equality of opportunity for persons with a protected characteristic but will keep this under review during the life of this Policy.

The Provision of Services Regulations

2.25 The Provisions of Services Regulations\(^5\) amongst other things require that any refusal of a licence must be non-discriminatory, necessary and proportionate. The scheme must be based on criteria which preclude Camden as the competent authority from exercising its power of assessment in an arbitrary manner. We have had regard to the ‘Regulations’ when formulating this Policy and establishing our aims and objectives.

2.26 We are satisfied that this Policy and particularly our aims, objectives and requirements relating to applications, hearings, decisions and licence conditions satisfy the tests imposed by the Regulations. The Policy does not impose any restrictions with regard to the nationality of an applicant\(^6\). The Policy requirements are necessary to safeguard Camden’s communities and appropriate to attain the Council’s objectives and aims.

Crime and Disorder Act 1998

2.27 Section 17 of the Crime and Disorder Act 1998, requires the Council to have due regard to the likely effects of exercising its licensing functions and to do all it reasonably can to prevent crime and disorder in its area.

2.28 We have had regard to this requirement when formulating this Policy and a key aim of this Policy is to prevent crime and disorder, which includes anti-social

\(^5\) The Provision of Services Regulations 2009 (2009 No. 299)

\(^6\) Save that we will check that all new applicants and existing licensees meet the legal requirements of the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2016 and have in place a robust vetting service for employees.
behaviour. All four objectives complement each other in helping to achieve this aim.
Chapter 3

The appropriate number of sex establishments

3.1 The Council has discretion to refuse an application where the number of sex establishments in the relevant locality at the time the application is made, is equal to or exceeds the number it considers appropriate for that locality.

3.2 The Council also has discretion to refuse applications where the grant of a sex establishment licence would be inappropriate having regard to the character of the relevant locality or the use of other premises in the vicinity.

Relevant locality

3.3 The 1982 Act does not define ‘relevant locality’. For the purposes of this Policy, we will generally treat the ward in which the premises is situated as the relevant locality, although we may take a different view depending on the individual circumstances of the case; for example, where the premises is close to a ward boundary.

The appropriate number of sex establishments

3.4 In determining the appropriate number of sex establishments for the borough, the Council has taken the following factors into account when determining the character of the area:

a) All wards in Camden contain areas of mixed use, both within geographical areas and in individual buildings. The mix of family residential, retail, leisure, entertainment and cultural facilities and other business make up the general character of the area.

b) Within each ward there are a significant number of sensitive premises as listed in paragraph 3.5 below, which are a significant contributory factor in creating the general character of the area.

c) Camden is experiencing significant change and there is widespread regeneration within the borough and substantial population growth.

d) The Council has introduced two cumulative impact policies under the Licensing Act 2003. It recognises that in some areas the concentration of licensed premises can have a negative impact on the area. The addition of new premises such as a sex establishment could add to that negative impact in those areas and cause the character of the area to change.

e) Experience shows that the areas around sexual entertainment premises tends to attract touts and unlicensed mini-cabs. This can change the character of the area when the premises are operating
f) Public consultation on whether any locations in Camden are appropriate for sex establishments to be located. The use of other premises

3.5 We have identified that the following types of premises have sensitive uses for the purposes of this policy:

a) schools or other facilities frequented by children such as playgrounds and playgroups
b) cultural facilities such as museums, theatres and cinemas
c) facilities frequented primarily by women such as Well Woman clinics
d) places of worship
e) public leisure facilities such as leisure centres, parks and open spaces
f) community buildings such as community centres, libraries and drop in centres
g) places used by vulnerable persons such as hostels and other adult social care facilities
h) residential premises
i) hospitals and other medical facilities
j) other sex establishments

Vicinity

3.6 The 1982 Act does not define ‘vicinity’. For the purposes of this Policy and as a general guide we will use a radius of 250 metres around the sex establishment, although this is always subject to modification when we consider the issue on a case-by-case basis.

3.7 Mapping a radius of 250 metres around all existing premises ‘sensitive use’ premises located within the Borough of Camden listed in paragraph 3.5 above shows that all existing premises in the borough of Camden fall within such a radius.

The appropriate number of sex establishments in the locality

3.8 Having regard to the above factors we have therefore identified the character of the relevant localities in Camden and taken into account the location of sensitive premises within those areas. The Council has determined that the character of each locality is such that it is not appropriate for sex establishments to be located ‘in the vicinity’ of those premises. We have subsequently determined that the appropriate number of sex establishment to be located in Camden is nil.

3.9 This Policy therefore creates a presumption that we will normally refuse an application for a new sex establishment licence. However, we will consider
each case on its own merits so that applicants may overcome the presumption having regard to the facts of a particular case.

3.10 The presumption to refuse does not apply to the renewal or variation of an existing sex establishment licence. However, it does not follow that we will automatically renew a sex establishment licence. We aim to ensure that licence holders run their premises well and this is only possible by judging applications on their merits and not by granting a blanket exemption.

3.11 In addition, the character of a relevant locality may change with time, making the existing location of a sex establishment more or less appropriate. The Council will therefore monitor the character of each relevant locality and will consider the effect of any changes in the character when determining an application to renew or vary a sex establishment licence.
Chapter 4

The application process

4.1 We have set out below the procedures we expect applicants to follow when making an application for a sex establishment licence.

Planning consent

4.2 Although it is not an absolute rule, we will generally expect premises to meet relevant planning requirements before proceeding with an application for a sex establishment licence. We advise applicants to contact our Planning Service and details are available on our website at www.camden.gov.uk/planning.

The application process

4.3 Applicants must submit an application in writing using our prescribed application form, which is available on our website at www.camden.gov.uk/licensing.

4.4 The relevant application fee must accompany the application (see paragraph 8.18 below)

4.5 The following documents must be submitted with the application and comply with the requirements set out:

   a) a floor plan of the premises, vehicle, vessel or stall (see paragraph 4.6 below)
   b) a site plan showing the location of the premises, vehicle, vessel or stall
   c) a drawing showing the front elevation of the premises, vehicle, vessel or stall
   d) written consent of the lawful occupier of the premises which allows use of the premises as a sex establishment
   e) a personal details form (part 2 of the application form)
   f) a recent passport size photograph for each person who will at any time be responsible for management of the premises
   g) a Data Barring Service (DBS) certificate for each person who will at any time be responsible for management of the premises
   h) a copy of the newspaper advertisement relating to the application (see Chapter 5 below)
   i) a written declaration that the notice of the application has been displayed for 21 days beginning with the date of the application on or near the premises in a place where it can be conveniently read by the public
j) a written declaration that a copy of the application and all documents listed in this section have been duly served on the chief officer of police for Camden by the applicant not later than 7 days after the date of the application.

k) a code of conduct for dancers

l) a dancer's disciplinary policy

m) a dancer's welfare policy

n) a code of conduct for customers

The floor plan

4.6 The floor plan of the premises shall be drawn to scale and must show as a minimum, the following information

a) the boundary of the building, all external and internal walls of the building and, if different, the perimeter of the premises

b) all points of access to and egress from the premises including escape routes and emergency exits from the premises

c) the areas within the premises to which the public has access.

d) the areas within the premises to which only staff (including dancers) have access

e) the location of rooms containing toilets for public use

f) the location of fixed structures or objects such as a bar, furniture, stages and poles as well as any fixed or moveable items that will obscure or obstruct in any way the supervision by the licensee, staff or contractors of areas to which both the public and performers will have access

g) the location of all CCTV cameras. The plan must also identify each camera with a unique number and show the direction and extent of the range of view for all CCTV cameras

h) the location of any ramps, steps, stairs, elevators or lifts on the premises

i) any parts of the premises that may be inaccessible to people with a disability

j) the location of any fire safety and any other safety equipment (for example a first aid kit).

k) if the premises is a sexual entertainment venue, the areas within the premises where the applicant proposes to provide relevant entertainment (we expect this area to be different in some respects to c) above)

7 Save that where the application is made by means of a relevant electronic facility, by the appropriate authority not later than 7 days after the date the application is received by the authority.
l) the location of rooms used exclusively by dancers
m) the location of rooms containing toilets for the exclusive use by dancers

4.7 If a premises licence under the Licensing Act 2003 exists for the premises, the layout of the premises must reflect the authorised plan attached to the premises licence or club premises certificate.

DBS certificate

4.8 Any DBS certificate(s) must be issued no earlier than one calendar month before the date the application is submitted.

How to submit the application

4.9 Applicants must submit the correctly completed application form, relevant fee and all documents listed above either

a) through our online application service at www.camden.gov.uk/licensing or

b) in written form to:
   Contact Camden (Planning and Public Protection)
   London Borough of Camden
   Pancras Square
c/o Town Hall
Judd Street
London WC1H 9JE.

4.10 We will normally reject any application that does not comply with the requirements of this Policy and we may retain all or part of the administrative element of the fee.

4.11 If we reject an application in such circumstances, the applicant must then, in order to continue, submit a new and valid application in accordance with this Policy.

4.12 We will publish the details contained in the application form and accompanying documents in our online licensing register and in committee agendas and they will be public documents. However, we will not publish in respect of the applicant or any other person, personal details such as private addresses and other sensitive information.

4.13 We aim to determine the application within two months of the end of the statutory consultation period.
Renewal and changes to an existing licence

Renewal

4.14 Licence holders should submit their application to renew an existing sex establishment licence before the date on which the licence expires.

4.15 If the licence holder does not submit the application to renew the existing licence before the date on which the licence expires, the licence will lapse. If a licence lapses, the operator of the sex establishment must not operate the premises as sex establishment.

It is an offence for a person to knowingly use, or knowingly cause or permit the use of any premises as a sex establishment in Camden, except under and in accordance with the terms of a licence granted by the London Borough of Camden under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009). A person guilty of this offence shall be liable on summary conviction to an unlimited fine.

4.16 We will treat any application submitted after the date on which an existing licence has expired, as a new application. We therefore advise such applicants to read Chapter 3 above.

Variation

4.17 If a licence holder proposes to vary an existing sex establishment licence, they must follow the application and consultation procedures set out in Chapters 4 and 5 of this Policy.

4.18 The application must comply with the requirements set out in this chapter from paragraph 4.3 above.

4.19 A variation includes (but is not limited to) any of the following:

   a) Changes to the operating hours
   b) Removal or alteration of any licence condition
   c) Changes to the premises layout

4.20 We advise licence holders to contact us to discuss any proposed changes before submitting the application or making any changes to the premises.

4.21 An existing licence holder must continue to operate the premises under the terms and conditions of the existing licence until the Council has determined the variation application.
Transfer

4.22 If an applicant intends to have the licence transferred into their name, they must follow the application and consultation procedures set out in Chapters 4 and 5 of this Policy. The applicant must not operate the premises until the Council has determined the transfer application.
Chapter 5
Consultation and comments on applications

5.1 The 1982 Act requires applicants for sex establishment licences to carry out a statutory consultation. This requires the applicant to advertise the application in a local newspaper and to display a notice of the application at the premises.

Advertising the application

5.2 Applicants must place the advertisement in either the:

   a) Hampstead and Highgate Express; or
   b) Camden New Journal

5.3 The applicant must make a request to us, to use an alternative local newspaper. The applicant must submit the request in writing to Contact Camden in advance of submitting any application to avoid us rejecting the application. We will consider the proposal to help us consider whether the alternative newspaper provides sufficient and appropriate coverage of the Borough of Camden. We will provide our response in writing.

5.4 The newspaper advertisement must be published in the relevant newspaper within 7 days of the application being submitted and must contain as a minimum, the following information:

   a) the applicant’s name and address
   b) the date of the application
   c) the category of licence being applied for (sex shop, sex cinema or sexual entertainment venue)
   d) the proposed hours during which the premises will be used as a sex establishment
   e) the application type, e.g. grant, renewal, transfer, variation
   f) the last date for receipt of objections or comments
   g) the address to which objections must be sent

5.5 In addition the application must be advertised on the premises concerned. The notice to be displayed at the premises must be printed on a white background in black type, using a minimum font at least 16 point Arial or Helvetica and must be at least size A4.
5.6 The Notice must be displayed at the premises for a period of 21 days consecutive days beginning on the day the application is made. The Notice should be positioned where it can clearly be seen by passers-by in the street.

5.7 The notice displayed at the premises must contain as a minimum the following information:

a) the applicant’s name and permanent address
b) the full address of the premises
c) the category of licence being applied for, e.g. sex shop, sexual entertainment venue
d) the proposed hours during which the premises will be used as a sex establishment
e) the application type, e.g. grant, renewal, transfer, variation
f) the last date for receipt of objections or comments
g) the address to which objections must be sent
h) the date of the application
g) any such additional particulars as we may reasonably require in any individual case.

Additional consultation

5.8 In addition to the newspaper advertisement and notice at the premises required by the applicant, we will carry out further statutory consultation on applications by:

a) displaying details of the application on our website
b) informing the local ward councillors for the premises and the ward councillors of adjoining wards if the premises is situated within the vicinity of a ward boundary.
c) informing an adjoining borough if the premises is situated within the vicinity of the borough boundary.

Objecting to or supporting an application

5.9 Anyone wishing to object or support an application for a sex establishment licence must submit comments to us within 28 days of the date of the application.

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8 If a company, the full name of the body, the address of its registered or principal office.
5.10 The Council does have the discretion to consider comments received outside of the 28 day consultation period, provided that the applicant is given the opportunity to deal with those objections.

5.11 Objectors or supporters should not make comments on moral grounds and no weight will be given by the Council to objections made on moral grounds or that are, in the opinion of the Council, frivolous or vexatious. In this policy, ‘frivolous’ and ‘vexatious’ have their ordinary meanings. Otherwise comments can relate to any matter and must set out in general terms the grounds for objecting to or supporting the application.

5.12 Those making comments on applications should state whether they consent to any of their details being disclosed to the applicant, and, if so, what details they consent to sharing, such as their name or the name of the street in which they live. We will not provide any details to the applicant or any other person or organisation without first obtaining the objector’s or supporter’s consent.

5.13 We will publish the details contained in the application form and accompanying documents on our online licensing register and in committee agendas and they will be public documents. However, we will not publish personal details of the applicant or any other person such as private addresses and other sensitive information.

5.14 Before we consider the application, we will notify the applicant in writing of the general terms of any objections or supporting comments.

Address to which objections must be sent

5.15 Comments must be submitted either in writing or online at www.camden.gov.uk/licensing:

Contact Camden (Planning and Public Protection)
London Borough of Camden
5 Pancras Square
c/o Town Hall
Judd Street
London,
WC1H 9JE.
Chapter 6

The decision making process

6.1 This chapter sets out those matters that the Council will consider when deciding whether to grant a sex establishment licence.

6.2 The Council has delegated all functions for the regulation of sex establishments to The Licensing (Sex Establishment) Sub Committee (the Sub Committee).

6.3 The Sub Committee is entitled to exercise a broad evaluative judgment when considering an application. It is not necessary to demonstrate that something has changed since it last granted or renewed a licence. The Sub-Committee will therefore, consider each application on its particular merits when determining an application.

6.4 To assist it in making its determination, the Sub Committee may visit venues and form its own opinion on the suitability of individual premises to operate as a sex establishment.

Hearings

6.5 The Sub Committee will consider and determine at a public hearing

a) all applications for a new sex establishment licence, regardless of whether there have been objections to the grant of the licence

b) all applications for the renewal, transfer or variation of an existing sex establishment licence for a sexual entertainment venue, regardless of whether there have been objections to the grant of the licence

c) all applications to renew, transfer or vary a sex establishment licence for a sex shop or sex cinema if there have been objections to the grant of the licence.

6.6 An authorised officer of the Council will determine an application to renew, transfer or vary a sex establishment licence for a sex shop or sex cinema where there have not been objections.

6.7 The Sub Committee will consist of at least three elected Members of the Council who are also members of the Licensing Committee.

6.8 The Sub Committee will determine all applications for sex establishment licences in accordance with the Council’s Hearings Procedure for Sex Establishment Licences.
6.9 We will invite those who have made comments on an application to attend any hearing and state their case but the Sub Committee will only permit those people to speak on matters relevant to their written representation on the application.

The Sub Committee’s considerations

Mandatory grounds for refusal

6.10 The Sub Committee will always consider and determine whether any of the following mandatory grounds for refusal of the application exist:

a) that the applicant is aged under 18
b) that the applicant is disqualified from holding a sex establishment licence
c) that the applicant is not a body corporate, and is not resident or has not been resident in a European Economic Area state for six months immediately preceding the date of the application
d) that the applicant is a body corporate which is not incorporated in a European Economic Area state
e) that the applicant has in the period preceding the 12 months of the date of the application 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.

Discretionary grounds for refusal

6.11 The Sub Committee will also consider and determine whether the following discretionary grounds for refusal of the application exist:

a) the suitability of the applicant to hold a licence or any other reason
b) if the licence were to be granted, whether 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 of such a licence if he made the application himself
c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
d) the grant would be inappropriate, having regard:
   (1) to the character of the relevant locality;
   (2) the use of any premises in the vicinity;
Suitability of applicants

6.12 For all application types, the applicant must submit a Data Barring Service (DBS) certificate for each person who will at any time, be responsible for management of the premises. Each certificate must have been issued no earlier than one calendar month from the submission date of the application for a sex establishment licence.

6.13 We may require the applicant and each person who will be at any time, responsible for management of the premises, to attend for an interview with police and/or the Council’s officers to enable us to reach a decision on their suitability to hold a sex establishment licence.

6.14 We expect applicants to demonstrate that they have a good understanding of the conditions applicable to any licence granted to them through management competencies and enforcement of their internal rules and policies.

6.15 We expect applicants and licence holders to demonstrate that they will act in the best interest and welfare of their employees including performers. We will pay particular regard to policies, facilities and to the protection for performers, as well as their physical and psychological welfare.

6.16 We expect applicants to demonstrate that they have a transparent charging system so that users of the premises are completely clear as to the charges applicable for services and products inside the premises.

Number of sex establishments in the relevant locality

6.17 The Council has determined that the appropriate number of sex establishments for the Borough of Camden is nil. Therefore, we will normally refuse applications for new sex establishment licences. However, we will nonetheless consider each application on a case-by-case basis and on its own merits.

6.18 In such circumstances we advise applicants to explain in their application why they consider that the application should be an exception to the policy.

The character of the relevant locality and use of premises in the locality

6.19 The Sub Committee may use its discretion to refuse applications where it believes that the grant of a sex establishment licence would be inappropriate having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.
6.20 When it considers the character of the relevant area the Sub Committee will take into account

   a) proximity of the proposed sex establishment to sensitive premises
   b) whether there are any planned developments in the area that may render the locality unsuitable for a sex establishment
   c) whether the times the sex establishment is open coincide with the times nearby sensitive or potentially relevant premises are used.

6.21 The Sub Committee will usually refuse applications when the premises are situated ‘in the vicinity’ of sensitive premises listed in paragraph 3.5 above. However, we will consider each application on a case-by-case basis and on its merits.

6.22 The Sub Committee will also consider applications for existing premises with particular reference to paragraph 3.11. In deciding whether the character of the relevant locality has changed, the Sub-Committee will make an evaluative judgment and may consider any matters as it thinks fit.

Layout, character or condition of the premises

6.23 The Sub Committee may use its discretion to refuse applications, or impose relevant conditions, where it believes that the grant of a sex establishment licence would be inappropriate having regard to the layout, character or condition of the premises.

Exterior of premises

6.24 We expect the exterior of all sex establishments to be discreet and not to display any article or item that could reasonably cause offence. When determining the suitability of the exterior we will have particular regard to factors that include but are not limited to:

   a) the nature of any logo for the sex establishment
   b) the nature of any external images or advertisements at the sex establishment
   c) whether advertising inside the sex establishment can be viewed from outside
   d) whether the name of the sex establishment clearly indicates the nature of the activities that take place there
   e) whether planning consent exists for the proposed use
   f) accessibility to the premises for disabled persons
   g) whether the times the sex establishment is open coincide with the times nearby sensitive or relevant premises are used.
Interior of premises

6.25 We expect the interior layout of the premises to continue at all times to conform to the plan submitted with the application or the plan authorised by the Council when granting an existing sex establishment licence.

6.26 We also expect the premises layout to allow the premises management, staff, and CCTV cameras to have proper supervision at all times of all areas of the premises to which the public has access.

6.27 Licence holders may not use parts of the premises to provide products, services or relevant entertainment if they cannot at all times properly supervise in person that area from common parts of the premises, as well as monitor and record on CCTV such activities that may take place at any time.

6.28 The Council’s standard conditions set out all requirements but in particular, applicants should be aware of the following requirements:

Common parts of the premises

6.29 For the purposes of this Policy, “common parts” of the premises means those areas within the sex establishment to which any customer may have access. If the premises plan shows that an area is accessible to the public (see paragraph 4.6c) above), the Council expects that customers will be allowed access to that area, irrespective of whether they have purchased an exclusive dance or other service or product.

6.30 The Council aims to ensure that adequate supervision and monitoring of the premises shall be possible from all common parts of the premises by all persons within the premises. This policy is adopted in order to safeguard the welfare of performers and to reduce the possibility of inappropriate behaviour or touching on the part of the dancers and/or customers.

Lighting in the premises

6.31 The lighting level throughout the premises must be sufficient to enable adequate supervision and monitoring when the premises is operating as an SEV. We require as a standard condition that the lighting shall be pre-set so as to provide visibility throughout the premises and that the licence holder cannot reduced it below a set level agreed by an authorised officer of the Council. The method used to achieve the set level will be a matter for the operator and we will not
The use of CCTV systems

6.32 CCTV is just one tool used to assist licence holders and the regulatory authorities in monitoring Sex Establishment premises. However, licensees should be aware that Camden considers that the existence of CCTV alone is not sufficient to ensure compliance with the licence conditions or prevent inappropriate behaviour. We therefore expect proper and adequate supervision of the premises to involve a proportionate balance between the use of SIA registered door supervisors, other members of staff (including dancers), customers and use of the CCTV system.

6.33 We also expect an operator to monitor the CCTV when operating the premises. This is an active process and contrasts to monitoring CCTV footage only after an incident has occurred, or not at all. The method for monitoring the CCTV would be a matter for the operator and we will not seek to impose any condition on the licence to this effect unless the individual circumstances of the case means it is necessary to do so.

6.34 From time to time, the Council may request copies of specific CCTV recordings from the premises to observe the general management and operation of the premises and to check compliance with licence conditions.

6.35 We will make such a request in writing and will expect the licence holder to provide the recordings within a reasonable period and normally within seven days of the request. The Licence holder must provide the recordings in either MP4 or AVI format on a USB flash drive or CD/DVD. Failure to make such data available:

   a) for the entire period requested

   b) from all cameras (unless specific cameras have been requested) and

   c) promptly, or at all

may constitute grounds for non-renewal of a licence.

6.36 Each CCTV record must clearly identify the date, time, camera number and area to which the recording relates. The method for labelling the recordings will be a matter for the operator and we will not seek to impose any condition on the
licençe to this effect unless the individual circumstances of the case means it is necessary to do so.

The use of private booths

6.37 The Council has determined that booths or other similar cubicles or compartments will not be allowed in a sex establishment unless the booth satisfies all of the following requirements:

a) the booth shall be entirely open on at least one side
b) any flank walls (whether clear or opaque) to the booth shall not exceed one metre in height from the floor
c) the booth shall at all times be capable of direct supervision by any person
d) without prejudice to c) above, the visibility of the booth shall not at any time be obscured by fixtures, fittings, furniture, curtains, hangings or any other obstruction
e) the booth shall be lit so as to ensure adequate visibility from all areas of the premises to which the public has access and for the purpose of CCTV recordings

6.38 For the purposes of this Policy, this means:

a) At least one side of the booth shall not contain any vertical obstruction of any height between the floor and the ceiling.
b) One side only of the booth (i.e. which is not a ‘flank wall’) may be a vertical barrier of any construction that extends from floor to ceiling (for example the building’s structural wall). One of the sides to the booth must be open as described in 6.29 a) above. The remaining sides may be of any construction but must not extend vertically by more than one metre from the floor, irrespective of the materials from which they are constructed.
c) No arrangements shall be made to prevent the activities taking place within the booth from being observed from outside the booth
d) No item of any description, whether fixed temporarily or permanently to or in the premises, shall obstruct the view into the booth. This includes any partitions or similar walls or screens constructed of glass.
e) The level of illumination in the premises shall be sufficient to allow the interior of the booth to be observable from those areas that all customers can access (irrespective of whether they have purchased a private dance).

6.39 For the avoidance of doubt, the Council wishes to state that any booth not complying fully with these requirements will be considered ‘private’ and in breach of its policy, irrespective of management arrangements or procedures
which purport to provide compensating supervision by way of staff or CCTV. In the opinion of the Council there is no substitute in terms of compliance for the arrangements set out in the preceding paragraphs which ensure open access to all areas by members of staff (including dancers) and visiting members of the public.

6.40 The Council records that it has specifically adopted this policy excluding the use of private booths in sex establishments because it considers, based upon the evidence of previous events, that their use prevents proper and adequate monitoring and supervision of staff and/or customers. This increases the risk of harm and risk of inappropriate behaviour taking place within the booth.

Curtains, drapes, blinds, screens or other similar hangings

6.41 Unless specifically authorised by a condition of the licence, curtains, drapes, blinds, screens or other similar hangings and anything else that is reasonably similar in description, shall not be fitted to any areas of the premises to which the public has access.

6.42 Unless specifically authorised by a condition of the licence, curtain rails or anything similar that could be used to hang curtains, drapes, blinds, screens or other reasonably similar hangings, shall not be fitted to any areas of the premises to which the public has access.

6.43 The Council has specifically excluded the use of curtains and other similar hangings because their use prevents proper and adequate monitoring and supervision. This increases the risk of harm to performers and increases the risk of inappropriate behaviour taking place where curtains are used.

Any other reason

6.44 No policy can anticipate every possible scenario and the Sub Committee will therefore consider each application for a sex establishment licence on a case-by-case basis and on its own individual merits.

6.45 In addition to the matters outlined above in this policy the consideration by the Sub Committee may identify other reasons either to refuse an application or impose additional conditions and may include (but is not limited to):

   a) any comments received from persons about the potential effects of the grant of the licence
   b) any other matter coming to the attention of the Sub Committee during a visit by its members
   c) relevant recent case law or legislation

Existing premises
6.46 The presumption to refuse shall not apply to the renewal or variation of an existing sex establishment licence. However, where the presumption to refuse does not apply, it does not assume that the Sub Committee will automatically grant a sex establishment licence.

6.47 The Sub Committee will want to ensure that the locality in which the existing premises is situated has not changed to make the existing location inappropriate. If it is satisfied that the locality has changed and it is no longer appropriate for a sex establishment to be located in the area, it may refuse the application, or impose appropriate conditions.

6.48 The Council also wants to ensure that Licence Holders run their premises well. It is only possible for the Council to determine this by having regard to other information that demonstrates the manner in which the licence holder manages the premises. These factors may include (but are not limited to) whether:

a) the applicant or licence holder has had any enforcement action taken against them by the police, the Council or other bodies such as Her Majesty’s Inspectorate of Revenue and Customs

b) the applicant or licence holder has complied with the standard conditions applicable to all sex establishments and any special conditions attached to the existing sex establishment licence

c) noise or other nuisance has been caused by the operation of the premises

d) problems identified with dispersal of customers from the premises

e) queuing arrangements in place for persons wishing to gain admission to the sex establishment

f) there has been any instances of crime or disorder at the premises

g) there has been any instances of touting at or in the vicinity of the premises

h) staff are effectively managed at the premises

i) internal policies and procedures are implemented, managed and enforced by the licence holder

j) any relevant complaints have been received about the operation of the premises:

(1) how recently the complaint was made

(2) the licence holder’s willingness to resolve the complaint

(3) the complaint was justified (for example whether it was vexatious)

(4) the complaint related to a complaint that had already been made and was still undergoing investigation

(5) the complaint was resolved

(6) the management of the premises has changed since the complaint was made
6.49 The Sub Committee may decide on the facts of the case that it is not reasonable and appropriate to refuse the application but instead we may impose additional conditions for existing premises.

**The Sub Committee’s decision**

6.50 The Sub Committee may not always announce its decision at the end of the hearing. In such cases, we will notify the relevant parties in writing of the Sub-Committee’s decision and we will give reasons for the decisions within 28 days of the date of the hearing.

**Granting a licence**

6.51 Where the Sub Committee grants an application following objections, it will provide the reasons for doing so in writing and set out any additional conditions that the Sub Committee has attached to the licence within 28 days of the date of the hearing.

**Licence conditions**

**Standard conditions**

6.52 The Council has passed regulations adopting standard conditions that we will apply to all sex establishment licences. We have published these regulations at Appendix 1 of this Policy.

6.53 The standard conditions shall apply to all sex establishment licences issued by the Council, unless the Sub Committee specifically excludes them or substitutes them with different conditions. The council may change these conditions from time to time and if this occurs it will inform all licence holders of the changes in writing.

**Additional or special conditions**

6.54 Where it is reasonable and necessary to do so, the Sub Committee may impose additional conditions, amend or remove some of the standard conditions on a sex establishment licence depending on the circumstances of the individual case.

**Duration of the licence**

6.55 The 1982 Act allows the Council to grant a sex establishment licence for any period up to a maximum of one year.
6.56 The Sub Committee will normally grant a sex establishment licence for a period of one year. When it grants a licence on renewal, the Sub Committee will normally grant the licence for a period of one year from the date of expiry of the existing licence.

6.57 On occasion, the Sub Committee may grant a licence for a shorter period if it deems it appropriate to achieve any of the Council’s aim or objectives. This will depend on the individual circumstances of the case but could include (but is not limited to) occasions where there are concerns over the operation of the premises that require monitoring over a shorter period than one year.

Sexual entertainment venues also licensed under the Licensing Act 2003

6.58 The council will treat any condition attached to a premises licence (granted for the premises under the Licensing Act 2003), as deleted from the day on which the sex establishment licence granted under 1982 Act has effect if the condition:

a) relates expressly and exclusively to the regulation of ‘relevant entertainment’ authorised under any licence granted under the 1982 Act at the premises, or

b) conflicts with the conditions attached to the sex establishment licence granted under the 1982 Act

Refusing a licence

6.59 The Sub Committee must refuse an application where the mandatory grounds for refusal in paragraph 6.10 apply.

Discretionary grounds for refusing an application

6.60 In all other instances where the Sub Committee refuses to grant an application, or imposes additional conditions, it will provide the applicant with the reasons for doing so in writing within 28 days of the date of the hearing.

Revocation

6.61 The licensing authority may revoke a sex establishment licence at any time on any of the grounds listed in paragraph 6.11 above, excluding those relating to the character of the premises and locality or the number of sex establishments in a locality.

6.62 The council may receive information from a third party, such as a member of the public, the police or a ward Councillor that prompts it to consider revoking a
licence. However, the 1982 Act does not require such an approach and it may act on its own information.

6.63 However, the council will not take any steps to revoke a sex establishment licence without first giving the licence holder details of its reasons for considering revocation. It will provide such details to the licence holder in writing at least 28 days before it intends to hold a hearing to consider the revocation of the licence.

6.64 In all cases, the applicant will be entitled to appear before the Sub Committee making the decision. If the Sub Committee decides to revoke the sex establishment licence, it shall give the reasons for its decision to the licence holder in writing within 28 days of making its decision.

6.65 Where a Sex Establishment licence has been revoked, the Licence Holder will be disqualified from holding or obtaining a Sex Establishment Licence in the Borough for a period of 12 months from the date of revocation.
Chapter 7

Appeals against decisions

7.1 An applicant or licence holder may appeal against the decision of the Sub Committee in the following circumstances:

a) refusal to grant a new sex establishment licence
b) refusal to renew an existing sex establishment licence
c) refusal to transfer an existing sex establishment licence
d) refusal to vary an existing sex establishment licence
e) imposition of conditions on a sex establishment licence
f) revocation of a sex establishment licence

7.2 Objectors and other statutory authorities may not appeal against the decision of the Sub Committee under the 1982 Act. However, an applicant or licence holder may not appeal under the 1982 Act against the decision of the Sub Committee where its decision has been made on the basis that:

a) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality or
b) the grant is inappropriate, having regard to the:
   (1) character of the relevant locality
   (2) use to which any premises in the vicinity are put
   (3) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

7.3 The applicant or licence holder must appeal to the Magistrates' Court within 21 days from the date on which that person became aware of the condition. Where the Sub Committee has given an oral decision with reasons at the end of a hearing, the time limit for lodging an appeal will start on that date.

7.4 Where the applicant or licence holder lodges an appeal the sex establishment licence will remain in force until the appeal is determined or abandoned. Where that person appeals against conditions applied to a sex establishment licence, the conditions shall not to come into force until the determination or abandonment of the appeal.

7.5 There is a further and final right of appeal from the Magistrates Court to the Crown Court. This appeal is available to the applicant or licence holder or the
Council. The Council is not obliged to give effect to any order of the Magistrates Court until the time limit for the bringing an appeal to the Crown Court has expired and, if such an appeal is brought, until the abandonment or determination of the appeal.

7.6 An applicant or other party aggrieved by a decision made by the Council that has no right of appeal, may be able to seek a judicial review of the Council’s decision in the High Court. This would have to be on the basis that the Council when making its decision, has made an error of law, has acted perversely, has not considered a material consideration or has considered immaterial considerations. Strict time limits apply and legal advice should therefore be taken promptly.
Chapter 8

Inspection, compliance and enforcement

8.1 This chapter outlines in general terms, our approach to monitoring the operation of sex establishments to check compliance with licence conditions and the law, and our approach to enforcement for non-compliance.

8.2 The primary aim of enforcement is to achieve compliance. Enforcement means the formal approach, but also includes advice and support to business to achieve compliance.

8.3 The Council may achieve compliance through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information, and initiatives that educate, inform and encourage partners and stakeholders to work together efficiently and effectively. Our principal objective in taking a holistic approach to managing sex entertainment premises is to prevent problems from occurring before they begin.

8.4 However, the Council recognise that we cannot always achieve such aims, and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to us:

a) verbal or written advice
b) verbal warning
c) written warning
d) mediation between licensees and residents
e) simple caution
f) prosecution
g) Revocation

8.5 These actions are not mutually exclusive and it may be that one course of action follows another, depending on the individual circumstances.

8.6 The Council operate a partnership approach to dealing with enforcement matters concerning sex establishments. This may include working with the police or other Council colleagues or outside agencies.

8.7 The Council will have regard to the Council’s Licensing Enforcement Policy currently in force\(^9\) under which all of our monitoring and enforcement practices operate.

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8.8 The Council will also have regard to the Regulator’s Code\(^\text{10}\) under which we should:

a) carry out our activities in a way that supports those we regulate to comply and grow  
b) provide simple and straightforward ways to engage with those we regulate and hear their views  
c) base our regulatory activities on risk  
d) share information about compliance and risk  
e) ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply  
f) ensure that our approach to their regulatory activities is transparent

8.9 One of the key mechanisms we use to manage licensed activity in Camden is the Communities Tasking Group (CTG).

8.10 The CTG consists of representatives from all the responsible authorities under the Licensing Act 2003. It meets monthly. The Meetings focus on operational matters and partners provide and share intelligence in the form of crime statistics, complaints and any other relevant information relating to licensed activities. The CTG agrees tasks for the partner that is best equipped to deal with the particular problem. The relevant partner reports outcomes from that task back to the group at the following meeting and we decide on further action as necessary.

8.11 The Council need to be satisfied that premises are complying with the law and licence conditions. To achieve this, we make full inspections of premises, undertake covert visits and engage in general monitoring of known problem areas.

8.12 The Council will base our inspections and enforcement activity on the principles of risk assessment, adopt a graduated response and the targeting of problem premises. We will not routinely carry out full premises inspections and the frequency of inspections will be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low public safety, crime and disorder or public nuisance risks.

8.13 The Council will rate fully compliant premises as lower risk. We will rate non-compliant premises as higher risk.

8.14 The Council will take appropriate enforcement action against those responsible for unlicensed premises or unlicensed activity. We will take any action in accordance with our enforcement policy.

\(^{10}\) [https://www.gov.uk/government/publications/regulators-code](https://www.gov.uk/government/publications/regulators-code)
8.15 Before deciding which course of action to take, we will consider the following matters:

   a) the history of the premises
   b) the history of the offender
   c) the offender’s attitude
   d) the circumstances of the offence
   e) whether the offender has a statutory defence to the allegations
   f) the impact or potential impact of the breach on the public
   g) the quality of the evidence against the offender
   h) the likelihood of achieving success in a prosecution
   i) the likely punishment that will be incurred if the case goes to Court
   j) whether the course of action proposed is likely to act as a deterrent
   k) whether the course of action, if it is publicised, is likely to have a beneficial effect on the behaviour of others

8.16 Additionally, responsible authorities and interested parties under the Licensing Act 2003 may seek a review of a premises licence if they feel the premises are not properly upholding the licensing objectives.

**Inspection**

8.17 When the Council carry out inspections of licensed premises, we shall have regard to our Licensing Enforcement Policy and to the Legislative and Regulatory Reform Act 2006 and the statutory principles of good regulation. We will ensure that we carry out our licensing functions in a way that is

   a) transparent
   b) accountable
   c) proportionate
   d) consistent
   e) Focused

**Licence fees**

8.18 The Council will calculate and collect fees from applicants for sex establishment licences to meet the costs of carrying out our licensing functions under the 1982 Act. The intention of the government is that fees will cover our costs for administration (including hearings and appeals), inspection and enforcement of the licensing regime.
8.19 We have provided a list of the current fees on our website.

Exchange of information

8.20 We may exchange information with other persons or bodies such as (but not restricted to) those listed below for use in the exercise of the Council’s functions under the 1982 Act.

a) a constable or police force  
b) an enforcement officer  
c) a licensing authority  
d) HMRC

8.21 If we establish protocols with any of these bodies relating to the exchange of information, we will make them available on our website.

8.22 When we exchange information with other persons or bodies, we will act in accordance with the provisions of the Data Protection Act 2018 and General Data Protection Regulations. We will also have regard to any guidance issued by the Information Commissioner.
Chapter 9

General information

Premises used infrequently for sexual entertainment

8.23 Premises providing sexual entertainment under circumstances shown below are exempt from licensing as a sex establishment under the 1982 Act. However, these premises must obtain a premises licence, club premises certificate or temporary event notice under the Licensing Act 2003 where the premises are used:

   a) on not more than eleven occasions in a twelve month period and where
   b) each occasion is greater than one month apart and
   c) each event lasts for not more than 24 hours

8.24 We expect operators intending to provide infrequent sexual entertainment as defined above to comply with our current Statement of Licensing Policy under the Licensing Act 2003 as regards the use of those premises.

8.25 Where the operator of premises licensed as a sex establishment under the 1982 Act uses the premises infrequently for this purpose, we will still treat the premises as a sex establishment licensed under this policy unless the licence holder surrenders the sex establishment licence. If the licence holder surrenders the sex establishment licence for any reason, we will treat any future application to license the same premises as a new application.

Burlesque

8.26 This Policy may apply to some forms of burlesque performances. A decision on whether or not the entertainment provided is relevant entertainment for the purposes of the Act shall depend on the content of the entertainment and not the name it is given. Therefore, we will make any decision as to whether entertainment is relevant entertainment on a case-by-case basis.
Appendix 1

Regulations prescribing standard conditions for sex establishment licences

London Borough of Camden


Regulations Prescribing Standard Conditions for Sex Establishment Licences

In these regulations, the expressions "sex cinema", "sex shop", "sex article", and "sexual entertainment venue" have the meaning ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. “The Council” means the Council of the London Borough of Camden. “Licence holder” means the person or organisation named as the holder of the sex establishment licence for the premises granted by the London Borough of Camden for the time being in force. “Licensed premises” means the premises licensed by the London Borough of Camden to be used as a sex establishment.

In the event of any conflict between these regulations and any special conditions contained on a licence relating to a sex establishment, the special conditions shall prevail.

Standard Conditions

1. The licence holder shall retain control over all areas of the premises as defined on the approved premises plan.

2. The public shall not be permitted to have access to any area or areas of the licensed premises other than those which have been approved by the London Borough of Camden in accordance with the plan submitted to and approved by the Council at the time the licence was granted.

3. No person under the age of eighteen shall be admitted to the licensed premises whilst the sex establishment licence is being used. Prominent notices shall be displayed at each entrance to the premises to this effect.

4. No person aged under eighteen (including dancers) shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
5. No part of the licensed premises shall be used by any person for the purpose of prostitution or solicitation.

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 shall be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of any new director, secretary or manager are to be provided within 14 days of any written request by the Council.

7. The premises layout shall allow all public areas of the premises to be supervised by premises management, staff, door supervisors, and performers 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.

8. 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.

9. No access shall be permitted through the licensed premises to any other premises adjoining or adjacent, except in the case of emergency.

10. No alterations or additions, either internal or external, and whether permanent or temporary, shall be made to the structure, lighting or layout or CCTV system of the licensed premises except with the prior written approval of the Council.

11. The windows and openings of the licensed premises must be appropriately covered so that it will render the interior of the premises unseen to passers-by.

12. The external doors to the licensed premises shall be fitted with a device to provide automatic closure and such devices shall be maintained in good working order.

13. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently displayed at the premises in a position where it can be clearly seen by persons using the venue. 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, appropriately signed and dated with the date the copy was certified.

**Touting for Business**

14. There shall be no touting for business for the premises by way of flyer, persons holding advertising boards, branded vehicles, personal solicitation or by any other means.
**Premises Appearance**

15. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.

16. No display or advertisement of the activities permitted by the sex establishment licence shall be visible from outside the premises unless the Council has given its prior consent in writing that such a display or advertisement may be used, except for:

   a) any notice required to be displayed by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
   b) the name of the premises as specified in the sex establishment licence
   c) the hours of opening of the premises
   d) notice of any admission charge to the premises

**CCTV Conditions**

17. A CCTV system shall be installed and working to the joint satisfaction of the Police and the Council. It will be a minimum requirement of this condition that it must be possible to identify from at least one camera the identity of persons located in any area of the premises to which the public might have access (other than toilet cubicles).

18. Sufficient CCTV cameras shall be installed so that CCTV covers all parts of the premises without obstruction, other than inside the toilet cubicles. This shall include external areas of the premises including the area immediately outside any entrance to, or exit from, the premises.

19. CCTV monitors covering the premises shall be available where they can immediately be viewed by Police and Council officers during an inspection of the premises.

20. Notices shall be displayed at the entrance to the premises, and in prominent positions throughout the licensed premises, advising that CCTV is in operation.

21. CCTV shall record continuously the entire time that any member of the public is present in the licensed sex establishment.

22. Every CCTV camera shall provide a HD (high definition) resolution recording.

23. Recordings shall be retained for a minimum period of 31 days.
24. Copies of recordings from all or specific cameras for the precise dates and times requested shall be made available promptly to the Police and the Council on request and in any event within 7 days.

25. 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.

**Licensees should be aware that defective CCTV identified following a request by a police or licensing officer, but not previously notified, may be taken as grounds for non-renewal.**

26. All CCTV works must be inspected and approved in writing by an authorised Council officer before being considered compliant with these conditions.

27. 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.

**Additional conditions for sexual entertainment venues**

28. The layout of the premises shall be such that performers cannot be seen from outside the premises.

29. Performers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

30. 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.

31. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so that persons using the venue, as well as police and authorised Council officers can easily view the name when carrying out an inspection of the premises.

32. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.

33. The Duty Manager shall remain on the premises as much as reasonably possible while they are responsible for the premises save in the event of an emergency.
34. Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers as agreed by the Metropolitan Police Service and Council:

   a) A minimum of (**) SIA registered door supervisors shall be present at each entrance and exit to the premises used by the public at all times when the premises are open and operating as a sexual entertainment venue.

   b) A minimum of (**) SIA registered door supervisor shall be present on each floor where relevant entertainment is taking place.

   c) All public areas of the premises to be continually monitored to ensure compliance with the licence conditions and the Dancers’ and Customers’ Codes of Conduct.

**Conditions in relation to the welfare of dancers**

**Dancers Welfare Policy**

35. The licence holder shall assess all risks to the welfare of dancers and shall devise, implement and maintain a policy for the protection of their welfare while on the premises and when they leave the premises.

36. The Licence holder shall monitor the effectiveness of the welfare policy and keep written risk assessments and monitoring records.

37. The licence holder shall make the dancer’s welfare policy, risk assessments and monitoring records available for inspection at all times by an authorised officer of the Council.

38. The dancer’s welfare policy shall as a minimum provide for the following:

   a) Dancers shall be given a full and detailed induction upon their commencement of working at the venue. This will include all club rules, codes of conduct, fire and safety evacuation procedures, health and safety and include the measures taken by the licence holder to mitigate the risks to the welfare of performers, including potential assault by customers.

   b) The licence holder shall ensure that full details of the dancer’s induction shall be documented in writing and attached to the dancer’s file.
c) Dancer's shall comply with the dancer's code of conduct at all times

d) Dancer's shall be provided with a designated dressing room area, to which the public may not have access, for their exclusive use

e) The dancer's dressing room shall be secured so as not to be accessible to customers and shall be sufficient to enable dancers to change and dress privately.

f) The licence holder shall provide private, secure and lockable storage units for each dancer for the safekeeping of valuables and clothing

g) Dancer's shall be provided with sufficient 'sitting out' space for rest breaks that are not accessible to customers

h) Dancers shall be provided with their own sanitary facilities separate from those used by customers.

i) Dancers shall be provided with free drinking water on request

j) Dancers shall not be required to drink alcohol

k) Dancers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.

l) Any customer behaving inappropriately in the opinion of a dancer or any member of staff or SIA registered supervisor will be ejected from the venue

m) A secure external area shall be provided for dancers to smoke without coming into contact with customers.

n) Any dancer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager or a door supervisor who shall take immediate action to resolve the matter. The duty manager must be informed as soon as possible.

o) All 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 dancer.

p) Dancers shall be provided with a copy of the disciplinary procedure for dancers.
q) Any disciplinary action relating to the behaviour of dancers by way of fines or other pecuniary penalties shall not be permitted.

**General Provisions in relation to staff members including dancers**

39. The licence holder or its parent company shall obtain a photocopy of the passport of each member of staff including dancers that work 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.

40. The licence holder or its parent company shall undertake reasonable checks to ensure each member of staff including dancers are eligible to work in the United Kingdom and shall not allow those who are ineligible to work in the UK to work at the premises.

41. The licence holder or its parent company shall maintain written records of all members of staff and dancers working at the premises. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. The records shall show

   a) The member of staff’s or dancer’s full name, home address, date of birth and a certified photocopy of their passport.

   b) A record of the member of staff’s or dancer’s induction and the date they received the premises policies and procedures relating to their job title.

   c) Any instances of staff members or dancers breaching the premises policies and procedures shall be recorded showing the date and time of the incident, and details of the breach that occurred.

   d) Any disciplinary action taken against a staff member or dancer and the outcome of that action. This record shall contain the date and time it is completed and the name, job title and signature of the person taking the disciplinary action and the offender. If the offender refuses to sign the document, a record shall be made on the document to that effect.

42. The licence holder or its parent company shall retain records for at least 12 months after the member of staff or dancer has stopped working at the premises.
Requirements for a Code of Conduct for Dancers

43. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the Council.

44. No change shall be made to the Dancer’s Code of Conduct without the prior written consent of the Council.

45. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer’s Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.

46. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer’s Code of Conduct and Disciplinary Procedure as described above.

47. A copy of those sections of the Dancer’s Code of Conduct relevant to the behaviour of customers shall be prominently displayed in each area of the premises to which the public have access, including toilet areas.

48. The full Dancer’s Code of Conduct shall be prominently displayed in any area used as a changing/dressing room for dancers.

49. The premises management and staff (including security staff) shall be trained in respect of and aware at all times of the content of the Dancer’s Code of Conduct and shall ensure compliance with it.

Sexual Entertainment Venues - Code of Conduct for Dancers

50. The Dancer’s Code of Conduct shall as a minimum include the following conditions:

a) Dancers may not intentionally touch a customer during a performance.

b) Dancers may not permit a customer to touch them during a performance.

c) Dancers may not straddle the customer.

d) If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the dancer shall stop the performance and inform premises management immediately.
e) Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts.

f) Dancers shall not solicit for gratuities or payment for sexual favours.

g) Dancers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.

h) Dancers may not perform any act that simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.

i) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.

j) Dancers may not be in the company of a customer unless it is in an area of the premises that is open to and visible by members of the public in the immediate area of the premises.

k) Dancers shall not perform if under the influence of alcohol or drugs.

l) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.

m) Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.

n) Dancers shall only use the smoking area provided specifically for their use.

o) Dancers shall only use the sanitary facilities specifically provided for their use.

p) Dancers 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.

q) All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which has been provided to each dancer.
Disciplinary Procedure for all staff

51. A disciplinary procedure shall be in place to deal with members of staff including dancers who breach the premises policies and procedures. The Disciplinary Procedure shall be detailed in writing and a copy of it provided to each member of staff and dancer who works at the premises.

52. The licence holder shall require all members of staff and dancers to sign an acknowledgement that they have been provided with a copy of the house Disciplinary Procedure and have read and understood its contents.

53. The disciplinary procedure shall set out a comprehensive list of matters for which a member of staff or dancer may be disciplined.

54. The disciplinary procedure must clearly set out the penalties that may arise for breaching premises policies and procedures. This may include verbal or written warnings, temporary suspension to work at the premises, or termination of employment.

55. The Disciplinary Procedure shall not include provision to “fine” dancers or otherwise impose pecuniary penalties or deductions from payments otherwise due.

Incident logs

56. The licence holder shall maintain an incident log at the premises. The incident log must not contain loose sheets and each page must be numbered sequentially. The following incidents must be recorded in the incident log:

a) Any incident that could constitute a breach of any licence condition or codes of conduct for the premises.

b) Any ejection from the premises

c) Any refused admissions to the premises

d) Any refused sales

e) Any inappropriate behaviour by guests

f) Any failure of the CCTV system

g) Any incidents of crime and disorder

h) Any complaints made by the public, guests or dancers

i) Any visit to or inspection of the premises by an authorised Council Officer or police officer

57. Each incident must be recorded on the next available and sequentially numbered page and must contain the following information:
a) The name and full postal address of the premises
b) The name and job title of the person completing the record
c) The date and time the incident log was completed
d) The date and time the incident occurred
e) The exact location of the incident within the premises
f) A detailed description of the incident
g) The full name and job description of any person who was involved in or witnessed the incident
h) A detailed description of the action taken by staff
i) A detailed description of any proposed action to be taken by staff at a future date

58. Every incident shall be recorded in the incident log as soon as reasonably practicable after an incident has occurred.

59. The incident log must be kept in a place where it is easily accessible to staff working at the premises. All staff must be aware of the location of the incident log and the requirements of conditions 1 and 2 above.

60. The licence holder shall ensure the incident log is checked periodically and at least at monthly intervals to ensure staff are completing the log in accordance with conditions 1 and 2 above.

61. The licence holder shall report each incident other than refused admissions, refused sales and visits by police or council officers in writing to the licensing authority within 24 hours of the time of the incident and shall forward a copy of the incident log containing the information as set out on condition 2 above.

62. The incident log shall be made available for inspection to Police or authorised Council officers on request.

**Protection of customers**

63. A legible and comprehensive tariff of fees, charges and prices, for all products and services available on the premises shall be prominently displayed:

   a) In the foyer or reception within the premises where it can be easily read by customers before paying any fee for admission to the premises
   b) At each bar in the premises
   c) On each table at the premises
64. The licence holder shall ensure that procedures are in place to draw the customer’s attention to the tariff before the customer pays any fee or charge.

65. No charge shall be made to the customer

a) except for an amount shown on the tariff

b) for any drink provided for a dancer unless the customer has specifically ordered it having first been made aware of the cost

Requirements for a Code of Conduct for Customers

66. 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.

67. As a minimum, the Code of Conduct shall contain the conditions set out in the section below entitled “Sexual Entertainment Venues - Code of Conduct for Customers”.

68. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.

69. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council and the Metropolitan Police.

70. 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.

71. The premises management and staff (including security staff) shall be aware of and trained in respect of the content of the Customer’s Code of Conduct and shall ensure compliance with it.

72. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident log.

73. If management are made aware of a customer repeatedly breaching the rules of the Customers Code of Conduct, they shall eject that customer from the premises and bar him or her from future entry on a permanent or temporary basis.
Sexual Entertainment Venues - Code of Conduct for Customers

74. As a minimum, the Customers Code of Conduct shall include the following conditions:

   a) Customers may not touch dancers during a performance.

   b) Customers may not make lewd or offensive remarks to dancers or other members of staff.

   c) Customers may not harass or intimidate dancers or other members of staff.

   d) Customers may not ask dancers or other members of staff to perform any sexual favour.

   e) Customers may not perform acts of masturbation or indulge in other sexual behaviour.

   f) Any customer failing to adhere to the Customers Code of Conduct will be immediately ejected from the premises.
**Additional Conditions for Sex Shops**

27. No sex articles shall be displayed in such a manner that they can be seen by persons outside the sex establishment.

28. The licensee shall ensure that no employee or any other person shall seek to obtain custom for the sex establishment by means of touting or personal solicitation outside or in the vicinity of the premises.

29. Any change of staff employed at the licensed premises shall be notified in writing to the Council within 14 days of the change.

30. 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).

31. 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.

32. The licence holder or its parent company shall obtain a photocopy of the passport of each member of staff that work 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.

33. The licence holder or its parent company shall undertake reasonable checks to ensure each member of staff is eligible to work in the United Kingdom and shall not allow those who are ineligible to work in the UK to work at the premises.

34. The licence holder or its parent company shall maintain written records of all members of staff working at the premises. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request. The records shall show

   a. The member of staff’s full name, home address, date of birth and a certified photocopy of their passport.

   b. A record of the member of staff’s induction and the date they received the premises policies and procedures relating to their job title.

   c. Any instances of staff members breaching the premises policies and procedures shall be recorded showing the date and time of the incident, and details of the breach that occurred.

   d. Any disciplinary action taken against a staff member and the outcome of that action. This record shall contain the date and time it is completed.
and the name, job title and signature of the person taking the disciplinary action and the offender. If the offender refuses to sign the document, a record shall be made on the document to that effect.

35. The licence holder or its parent company shall retain records for at least 12 months after the member of staff has stopped working at the premises.

Additional Rules for Premises Used as Sex Cinemas

36. No film shall be exhibited unless:
   
a) 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
   
b) the film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18) with the London Borough of Camden being the name of the Council.

37. If the Council notifies the licence holder in writing that it objects to the exhibition of a film specifying the grounds of the objection, the licence holder shall not exhibit the film.

38. 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.

39. 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.

40. 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.

41. 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.

42. 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.
43. 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.

44. 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.

45. The licence holder shall ensure that an incident log is maintained at the premises. The log shall, as a minimum, give details of:
   
a. any ejections from the premises
b. any refused admissions
c. any refused sales
d. any inappropriate behaviour by guests
e. any failure in the CCTV system
f. any incidents of crime or disorder
g. any complaints made by the public or guests

46. 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.

47. The incident log shall be completed as soon as reasonably practicable after any incident has occurred.

48. The incident log shall be kept in a place where staff working at the premises can easily access it 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.

49. 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.

50. The incident log shall be made available for inspection to Police or authorised Council officers on request.

51. The licence holder or its parent company shall obtain a photocopy of the passport of each member of staff that work 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.

52. The licence holder or its parent company shall undertake reasonable checks to ensure each member of staff are eligible to work in the United Kingdom and
shall not allow those who are ineligible to work in the UK to work at the premises.

53. The licence holder or its parent company shall maintain written records of all members of staff working at the premises. Such records shall be kept on the licensed premises and produced for inspection by Police and authorised Council officers on request.

54. The licence holder or its parent company shall retain records for at least 12 months after the member of staff has stopped working at the premises.
Appendix 2

Consultation and Approval of the Sex Establishment Policy

1. In reviewing this Policy, we consulted widely with licence holders, local residents and many other groups or organisations with interest in Camden or with sex establishment licensing. We carried out the consultation between (TBC) and (TBC).

List of consultees

2. We consulted the following responsible authorities:
   a) The Chief Officer of Police
   b) Camden’s Safeguarding Children Board
   c) Camden Residents
   d) Resident associations
   e) Ward Councillors
   f) Trade Associations and businesses who hold Premises Licences
   g) Responsible Authorities
   h) Community and faith organisations and those working with young people; and
   i) Neighbouring Licensing Authorities.

3. We consulted the following groups:
   a) community associations
   b) ethnic group associations
   c) faith groups
   d) neighbouring licensing authorities
   e) relevant Council teams
   f) all responsible authorities under the Licensing Act 2003
   g) Camden Lesbian, Gay, Bisexual and Transgender Forum
   h) Camden Community Safety Partnership Board
   i) Mayor’s Office for Policing and Crime
   j) Any others
Consideration

4. The following Committees considered the draft Policy before approval by the full Council on (TBC)

Culture and Environment Scrutiny Committee  TBC
Licensing Committee  TBC
Cabinet  TBC
Appendix 3

Changes to the draft Policy

1. After considering the responses to the public consultation, we made the following changes to the draft policy:
   
a) corrected typographical errors and grammar throughout the document
b) included a number of substantive changes as shown in the table below

<table>
<thead>
<tr>
<th>Chapter / paragraph</th>
<th>Summary of changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2:</td>
<td>This new chapter details a set of licensing objectives which have been modelled on those from the Licensing Act 2003 but with the inclusion of the protection of vulnerable people. It also details the aims of the Policy and the Council, including how it fits with the Camden Plan and the direction of the borough. This section furthermore allows for the Policy to link in with any specific policies that focus on the protection of women within the borough such as the GLA’s Violence Against Women and Girls programme and Amy Lame’s Women’s Night Safety Charter</td>
</tr>
<tr>
<td>Chapter 4:</td>
<td>Explains the application process in much more detail than the current/previous policy. It is extremely comprehensive and should be used as a guide for applicants and/or their agents. Details of what we require on the submission of an application are clearly set out and specific details which differ from the current policy are: o Types of applications that can be applied for o The details required on the Floor Plan o Supporting documents</td>
</tr>
</tbody>
</table>
| Chapter 5: | Consultation and commenting on an application. Specific changes include:
|           | - The requirements of the applicant and the Council on how to ensure the application is appropriately advertised for the statutory consultation periods.
|           | - Ward Councillors in which any type of Sex Establishment is located be notified of any application received.
|           | In addition, the Policy also sets out how members of the public or any other person can make a comment on an application whether that be in support or against. |

| Chapter 6: | Main body of the Policy and sets out the decision making process. The key changes set out in this section are:
|           | - The grounds for refusal and options available to Licensing Panel
|           | - Suitability of applicants and premises.
|           | - The considerations we will have as a council when determining an application such as CCTV, layout, visibility of premises, operation style and so on are clearly defined within this section.
|           | - Details of standard conditions and suggested conditions.
|           | - Appeals.
|           | This allows for better understanding and transparency on the decision making process for both applicants and interested parties. |
## Chapter 8:
Addresses inspections, compliance and enforcement of sex establishment premises.

## Chapter 9:
Any other general information that all parties need to be aware of and specifically addresses the exemptions to infrequent sexual entertainment and burlesque.

Once consultation has been undertaken other issues may be highlighted that can sit under this heading. (It allows for scope).

## Appendix 1:
Encompasses all the conditions that can be attached to a sex establishment licence (both mandatory and discretionary).

Significant changes have been made to the regulations prescribing standard conditions, in particular:
- CCTV
- Curtains
- Lighting
- Greater emphasis on the welfare of dancers and the requirement for a robust dancer’s welfare policy
- Incident logs – changes to the required information to be recorded
- Greater emphasis on the protection of customers

Previous Sub-Committee decisions and Appeal decisions have also been taken into consideration when drafting these conditions.

2. A copy of the responses to the consultation is included in the agenda papers considered by the Council and is available on or website.
Appendix 4

Terms used in this Policy

We have tried to make this Statement easy to read and understand. We recognise that some terms may be unfamiliar to some people or groups and we have clarified the meaning of those terms below:


The Council means the Council of the London Borough of Camden.

The Policy refers to the Camden Sex Establishments Policy.

Relevant locality means the area in which the premises, vehicle, vessel or stall is situated.

Character of the relevant locality means the characteristics of the area in which the premises, vehicle, vessel or stall are situated, including the primary use of premises in the area and any purposes that may require persons to use that locality, for example transport hubs.

The premises means the building, vehicle, vessel or stall that is the subject of the sex establishment licence or of the application for a sex establishment licence.

Sex cinema means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures. The moving pictures must relate to, or intend to stimulate or encourage, sexual activity, acts of force or restraint associated with sexual activity, or be concerned primarily with the portrayal of or primarily deal with, or relate to, genital organs or excretory or urinary functions. Premises does not include a dwelling house to which the public is not admitted.

Sex shop means any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

(1) sex articles; or
(2) other things intended for use in connection with, or for the purpose of stimulating or encouraging
   a) sexual activity; or
   b) acts of force or restraint that are associated with sexual activity.
Sex articles include written or visual material such as sex magazines or books, or visual or audio recordings. The material must be concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

Sexual entertainment venue means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment means any live performance or live display of nudity that is of such a nature that (ignoring financial gain) it must be reasonably assumed that the performance is to be provided solely or principally for sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (for example, where the entertainment takes place in private booths).

Display of nudity means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.

The organiser means any person involved in the organisation or management of relevant entertainment.

Significant degree in the context of sex shops, the Council will consider this on a case-by-case basis. In considering significant degree, the Council will consider, amongst other things:

(1) the amount of shelf space devoted to relevant articles
(2) the annual turnover in relation to relevant articles and other things
(3) the way the business is marketed and advertised and
(4) the primary intention of the majority of customers in visiting the shop

Permitted hours are the hours of activity and operation that have been authorised by the Council under the sex establishment licence.

Clipping is obtaining money through deception by the apparent offer of sexual services for entertainment.