

ASSEMBLY

20 November 2019

Title: Sex Establishment Licensing Policy 2019 - 2022	
Report of the Cabinet Member for Enforcement and Community Safety	
Open Report	For decision
Wards Affected: None	Key Decision: No
Report Author: Theo Lamptey, Service Manager, Public Protection	Contact Details: Tel: 020 8227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director for Enforcement and Community Safety	
Accountable Strategic Leadership Director: Fiona Taylor, Director of Law and Governance	
<p>Summary</p> <p>The Council currently acts as the local licensing authority for sex establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Greater London Council (General Powers) Act 1986. The present local licensing regime covers sex shops, sex cinemas and sex encounter establishments.</p> <p>Adoptive provisions established under Section 27 of the Policing and Crime Act 2009 extended the potential scope of the Act to also include sex entertainment venues. To date, these provisions have not been adopted locally.</p> <p>While enquiries to the Authority concerning the licensing of such venues have been few in recent years, it is considered prudent, in the light of the ongoing regeneration of the borough, to now adopt these provisions. This will help to ensure that any future proposal to establish a sex entertainment venue within the borough may receive full and proper consideration and, in the event of any licence being granted, to enable such premises to be properly regulated.</p> <p>Any decision to adopt the amended provisions is required by law to be subject of public consultation. Public consultation on both the adoption of the amended provisions and, also, on the content of a draft revised, supportive sex establishments licensing policy has been carried out over the summer months.</p> <p>The consultation responses have now been collated and considered. This report summarises and presents those consultation responses and asks Assembly to adopt the amended provisions and the revised policy document accordingly.</p> <p>Full copies of the report on the consultation responses; the draft revised sex establishments licensing policy and associated standard licensing terms, conditions and restrictions, are appended for information.</p>	

<p>This report was considered and endorsed by the Cabinet at its meeting on 15 October 2019.</p>
<p>Recommendation(s)</p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none"> (i) Adopt the provisions contained in Section 27 of the Policing and Crime Act 2009 extending the local sex establishments licensing regime to also include sex entertainment venues; and (ii) Adopt the Sex Establishment Licensing Policy 2019 as set out at Appendix 2 to the report, including the associated Standard Licensing Terms, Conditions and Restrictions for Sex Establishments as set out at Appendix 3 to the report.
<p>Reason(s)</p> <p>The adoption of the amended licensing provisions and the revised licensing policy will best place the Council to give proper consideration to any future proposal to establish a sex entertainment venue within the borough and to properly regulate any venue that might be granted a licence.</p> <p>Such a step would support the Council's visions and priorities in empowering people; and promoting both inclusive growth and citizenship and participation.</p>

1. Introduction and background

- 1.1 Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 established a national regime for the licensing of sex establishments, under adoptive provisions covering:
- Sex shops; and
 - Sex cinemas.
- 1.2 This Authority adopted the provisions of the Act on 27 October 1982.
- 1.3 The scope of the Act was broadened in those areas of Greater London where the Act applied, through adoptive provisions contained in the Greater London Council (General Powers) Act 1986. This added an additional category of 'sex encounter establishments.
- 1.4 In 2008, this Council adopted a Sex Establishments Licensing Policy together with standard conditions applicable to all categories of licensed sex establishment. The policy is intended to set out the Council's approach to licensing; how licence applications will be determined; the Council's expectations of any licensed operator; and make clear the terms, conditions and restrictions under which any licensed premises may operate.
- 1.5 In order for the Council to properly fulfil its licensing functions and responsibilities and ensure proper protections are afforded to the local community, the Council must be able to deploy the full range of regulatory powers available to it.

- 1.6 Section 27 of the Policing and Crime Act 2009 then sought to further extend the scope of the Act. Its primary effect was to remove 'loopholes' in the licensing of sex establishments that existed by way of the alcohol and entertainment licensing regime established under the Licensing Act 2003 by replacing the category of 'sex encounter establishments' under Schedule 3 with a new category of 'sex entertainment venues'. Local licensing authorities that adopt these provisions are able to additionally regulate lap dancing and similar venues. Note: '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, such as lap dancing and striptease venues. 'Relevant entertainment' is defined as any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably be assumed to be provided solely or principally for purpose of sexually stimulating any member of the audience whether by verbal or other means.
- 1.7 This Authority has not adopted the provisions of Section 27 to date. Enquiries to this Authority around sex establishments in recent years have been few. However, it is considered prudent, in the light of the ongoing regeneration of the borough, to now adopt these provisions so as to ensure that the Council is able to make use of all the regulatory powers available to it and be able to afford proper protections to local residents; responsible business operators; and premises users.
- 1.8 Without this adoption taking place, the Council's sex establishment licensing powers are limited mainly to sex cinemas and sex shops. The only licensing control that can be exerted are lap dancing and similar venues, through alcohol and music and dancing licensing legislation, which means that many of the real issues relating to such venues will not be matters of consideration.
- 1.9 It is important therefore that the new licensing provisions are adopted, and that the Council's sex establishments licensing policy is updated to be able to consider the new category of venues.
- 1.10 In order to pursue the adoption of the Section 27 provisions, the Council is required by law to firstly conduct public consultation on the matter. A public consultation exercise was carried out through the Summer of 2019 accordingly.
- 1.11 The consultation considered not only the adoption of the amended provisions but also the adoption of a supporting revised sex establishments licensing policy that considered the broadened remit of the licensing regime.
- 1.12 The consultation responses have been collated and considered. A summary of the consultation responses has been prepared and a copy is provided at Appendix 1 to this report. Some 'headlines' are provided in this report.
- 1.13 A copy of the revised draft policy document is provided at Appendix 2. A brief outline of the draft policy is provided in this report with some of the most important matters dealt with in more detail. Appendix 3 provides the associated revised standard licence terms, conditions and restrictions.

2. Proposals and Options

The response to the public consultation

- 2.1 The public consultation exercise ran through June to August 2019. At the heart of the consultation an online questionnaire providing multiple-choice answers was made available. The consultation sought views on whether the Council should use available adoptive provisions to extend the current sex establishment licensing regime to also include sex entertainment venues and, subject to this, on the content of a supportive draft revised sex establishment licensing policy.
- 2.2 Some 136 responses were received in total. Respondents were asked to select from multiple choice answers to the questions asked. Many respondents provided further additional comments.
- 2.3 The consultation response provided strong support for a local licensing scheme for sex entertainment venues.
- 91.9% of respondents supported the proposal;
 - 92.6% of respondents believe that the Council should be able to determine the matters to be taken into account when determining licence applications;
 - 91.9% of respondents believe the Council should be able to determine the locations that are suitable for a licence to be granted;
 - 95.5% of respondents believe that the Council should be able to determine the terms, conditions and restrictions under which any licensed premises might operate;
 - 75% of respondents did not agree that applications should be considered upon their own merits;
 - 80.5% of respondents believe that no area of the borough is suitable for a licensed sex entertainment venue to operate; and
 - 72.1% of respondents support a licensing establishing 'nil' as the appropriate number for local licensed sex establishments (a 'nil' policy).
- 2.4 When questioned about whether any area of the borough is suitable for a sex entertainment venue, 19 respondents provided views. These offered a number of different locations without any degree of strong support being demonstrated for any particular location.
- 2.5 Views were also sought on the draft revised sex establishments licensing policy and licence conditions:
- 91% of respondents considered the policy and conditions to be clear and easy to understand;
 - 73% of respondents considered the policy and conditions to be fair and reasonable;
 - 76% of respondents considered the policy and conditions to be proportionate;
 - 77% of respondents supported the proposed approach to determining licence applications;
 - 73% of respondents believe that the policy and conditions give appropriate consideration to equality issues; and
 - 43.1% of respondents consider the standard conditions to be appropriate.

- 2.6 Respondents were asked what they considered to be the most important issues to be taken into account when deciding whether a sex establishment licence should be granted. In total 103 respondents offered their views. Around 100 different issues were raised in response.
- 2.7 The most common issue raised was that of location. Particular concern was shown around the proximity of venues to residential accommodation and schools.
- 2.8 Other matters commonly raised were
- Impact on local residents;
 - Impact on image of the borough / local area;
 - Crime and anti-social behaviour;
 - Security and safety;
 - Exploitation of workers;
 - Operating hours;
 - Noise nuisance; and
 - Parking.
- 2.9 Around 20% of those who commented emphasised that they do not believe any licences should be granted.
- 2.10 A further 49 additional comments were given at the end of the questionnaire. Again, many different matters were raised. Most commonly (circa 40%) respondents emphasised their opposition to the grant of any licences.

3. The draft revised sex establishment licensing policy

- 3.1 The Local Government (Miscellaneous Provisions) Act 1982 enables a local licensing authority to:
- Grant, transfer and renew a licence to any applicant, on such terms, conditions and restrictions as may be so specified;
 - Establish a licensing policy, as long as this does not prevent any individual application from being considered on its own merits;
 - Determine the number of sex establishments that are considered appropriate in a relevant locality (and that number may be nil);
 - Determine where the grant or renewal of a licence would be inappropriate having regard to
 - The character of the locality;
 - The use to which any premises in the locality are put; and
 - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
 - Revoke licences; and
 - Carry out enforcement actions.
- 3.2 The draft policy not only provides for the inclusion of the new category of sex entertainment venues but represents a thorough rewrite to bring the Council up to date with latest local authority approach on licensing. It does not change existing licensing process and practice, but it does clarify how licence applications will now be determined.

- 3.3 It will continue to protect the right of any person to make a representation against an application and it establishes that applications for licences will continue to be considered on their own merits but against a new policy stance that the Council does not consider any area of the borough to be suitable location for sex establishments. A 'nil' policy. This is supported by new 'policy presumptions' setting out criteria or situations where sex establishment licences will not be granted (e.g. near schools, places of worship, hospitals and medical facilities etc).
- 3.4 The draft policy also establishes that any application made will be subject of very thorough consideration and that a very broad and diverse range of issues are relevant matters for consideration. These range from the days, times and hours of operation; to the premise's external appearance and advertising; the location; protections afforded to customers, staff and performers; potential for anti-social behaviour and crime and disorder and more. It places particular focus on matters such as preventing sexual exploitation and protection of children and young adults.
- 3.5 It also incorporates a newly revised set of standard terms, conditions and restrictions to be attached to any licence application that might be granted. These are broken down into a general section applying to all sex establishments and with new specific additional conditions which relate to sex shops, sex cinemas and sex entertainment venues.
- 3.6 The section on sex entertainment venues is especially detailed and gives particular attention to matters such as a code of conduct for both customers and performers; performers welfare; use of booths and more. The draft policy also includes a more detailed section on the council's approach to enforcement.
- 3.7 The draft policy has been compiled having regard to the content of the Act. It comprises of five main sections, with further information provided in appendices, as follows:

Section One – Introduction

- 3.8 Section One sets out the Council's Vision and Priorities.

Section Two - Purpose and Scope of the Policy

- 3.9 The aim of the policy is:

- To reinforce to elected members on the Licensing and Regulatory Committee, the powers available to the Council as licensing authority
- To inform licence applicants how this Council will make licensing decisions and how licensed premises are likely to be able to operate within its area
- To set out how this Council intends to support responsible operators and take effective actions against irresponsible operators
- To inform residents, business and licensed premises users, the protections afforded to the local community within the Act and by this Council
- To support licensing decisions that may be challenged in a court of law

- 3.10 The scope of the policy applies to all categories of sex establishment.

Section Three – Procedure and Principles

- 3.11 This section explains the processes around licence applications; public consultation; objections; and public hearings.

Section Four – Licensing Decisions and Conditions

- 3.12 This section deals with the decision-making process. It sets out the reasons for refusal, as established by statute, and details the range of matters that this Authority will take into account when determining licence applications. In particular:

Numbers of premises that are appropriate for a locality

- 3.13 Section 12(3)(c) of Schedule 3 of the Act establishes that one reason for refusal of a licence is that ‘the number of sex establishments 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’. The appropriate number may be set at nil.
- 3.14 ‘Locality’ is not defined within the Act. For the purpose of this draft policy, ‘locality’ has been interpreted as being the ward in which the premises that is subject of the application is situated, although a different view may be taken following representations raised in individual cases (for example, where a premises subject of an application borders another ward).
- 3.15 While the policy acknowledges that every application for a licence is required by law to be considered upon its own merits, it proposes, that having had regard to the considerations set out in the policy document (including the responses to the public consultation) that no ‘locality’ within the borough is identified as being appropriate for sex establishments. The appropriate number for each locality (or ward) is thereby set as nil.

The character of the locality and the use to which any premises in the vicinity are put

- 3.16 Section 12(3)(d) of Schedule 3 of the Act establishes that a reason for refusal is that ‘the grant or renewal of the licence would be inappropriate for that locality, having regard –
- To the character of the locality; or
 - To the use to which any premises in the vicinity are put; or
 - To the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.17 For the purposes of consultation, the draft policy takes the position that there should be a general policy presumption against permitting further licensed sex related activities either adjacent to or in the vicinity of premises in the following defined categories, irrespective of location:
- Schools and other facilities used primarily by children and young persons, including playgroups and playgrounds;
 - Facilities used primarily by vulnerable adults and adult social care facilities;
 - Facilities used primarily by women;
 - Places of worship;

- Hospitals and medical facilities;
- Community facilities or public buildings;
- Community leisure facilities and open spaces;
- Cultural facilities, including cinemas, theatres and galleries;
- Residential accommodation; and
- Another licensed sex establishment.

Section Five – Enforcement.

3.18 This section details the Council’s and partner services approach to enforcement. It is prepared to be consistent with the Council’s Enforcement Policy which sets out the principles for effective enforcement.

4. Consultation

4.1 The public consultation took place over 10 weeks between 17 June and 24 August 2019. It comprised of:

- Direct notifications sent to:
 - Interested partner services;
 - Local licence holders and trade representative groups;
 - Representatives of local resident and known local interest groups;
 - Ward councillors; and
 - Neighbouring licensing authorities.
- An online questionnaire made available through the resident’s engagement forum, together with a copy of the policy and supporting information;
- Awareness raising through use of: Social media; and
- An article in the Council’s e-newsletter.

4.2 All responses have been collated and considered in preparation of this report.

4.3 This report was considered and endorsed by the Cabinet at its meeting on 15 October 2019.

5. Timetable for progression

5.1 Any decision to adopt the provisions of Section 27 of the Policing and Crime Act 2009 must be taken by the Assembly.

6. Legal Implications

Implications completed by Dr Paul Feild, Senior Corporate Governance Lawyer

6.1 As outlined in the body of this report, the 2009 Act inserted a new category of “sex establishment” called a “sexual entertainment venue” into Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 bringing the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the Local Government (Miscellaneous Provisions) 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas

6.2 The report explained the need for the Council to prepare for such applications as may be made by having a Policy. By having a comprehensive policy which has

been open to proper consultation the Council as a licensing authority is enabled to set clear operating criteria in terms of what will be permissible and what will not with emphasis against such establishments being within the vicinity of other identified premises such as for example, but not limited to schools and other facilities used primarily by children and young persons, furthermore it will enable standard conditions to be understood by all.

- 6.3 As mentioned in the body of this report as a licensing body and local authority the Council is subject to the Public Sector Equality duty and this must inform the policy and licensing of the activities. Furthermore, such arrangements must be open to review for effectiveness over time.
- 6.4 After the Consultation response has been considered, the final policy will need to be approved by the Assembly

7. Financial Implications

Implications completed by Katherine Heffernan, Finance Group Manager

- 7.1 This report seeks approval to regulate licensing decisions and ensures an adopted policy will ensure consistency in licensing practices and processes.
- 7.2 There are no direct financial implications arising from the implementation of this draft policy.

8. Other Implications

- 8.1 **Risk Management** – The adoption of a sex establishments licensing policy will both support good decision making and strengthen the Council’s position in the case of any relevant future decision being appealed.
- 8.2 **Corporate Policy and Customer Impact** – The draft policy acknowledges and supports the broader Council vision and priorities. It provides for openness in decision-making and benefits all interested parties by making the licensing process clear and transparent.
- 8.3 **Safeguarding Children** – A primary concern in the preparation of this policy has been around safeguarding and the prevention of child sexual exploitation. It has been compiled with the assistance of the Child protection team.
- 8.4 **Health Issues** - Although public health is not a specific licensing objective, the draft policy recognises the broad range of relevant issues that must come into consideration when determining licence applications and controlling licensed premises. The draft policy intends to ensure that adequate protections are provided for vulnerable persons.
- 8.5 **Crime and Disorder Issues** – Similarly, the draft policy recognises that crime and disorder issue are also relevant and takes these into account. The development of the policy is being carried out in conjunction with expert responsible authorities.

8.6 **Property / Asset Issues** - None directly. Any licensable activity provided on Council owned or operated venues would be subject to the same controls as other commercially run venues or facilities.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

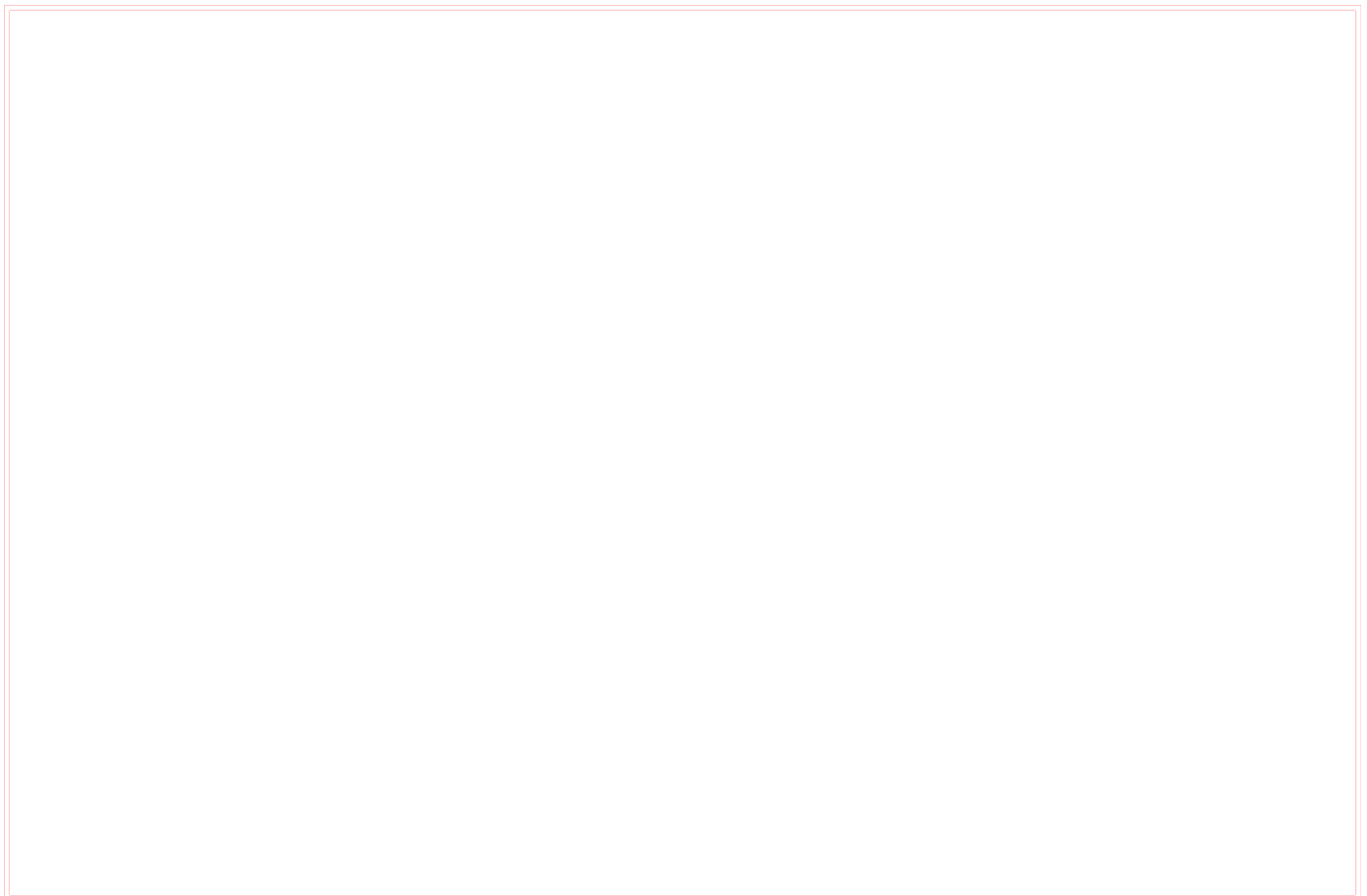
- Appendix 1 – Summary of consultation responses
- Appendix 2 - Draft Sex Establishment Policy
- Appendix 3 – Standard Licence terms, conditions and restrictions

Survey Report

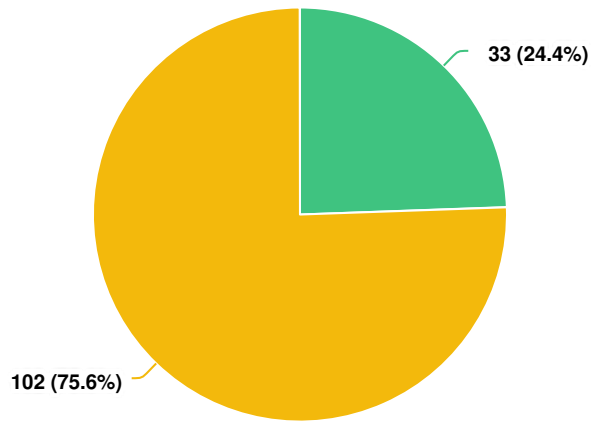
August 2019

Sex Establishment Policy Consultation Questions

PROJECT: Sex Establishment Policy



Q1 | Should the policy set no limits on the number of sexual entertainment venues, but allow any application to be determined on...

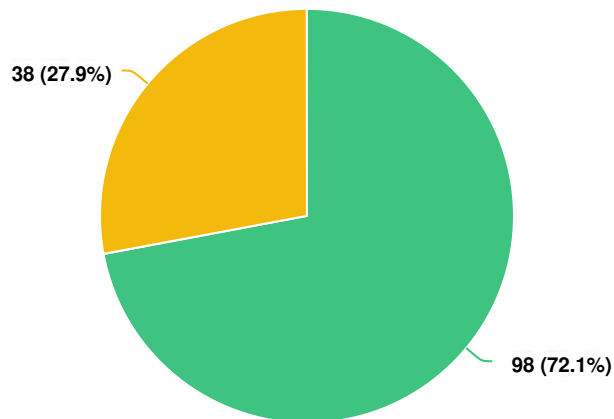


Question options

● Yes ● No

Optional question (135 responses, 1 skipped)

Q2 | The Council can set the number of sexual entertainment venues it will grant licences to as nil. Do you think this is appro...

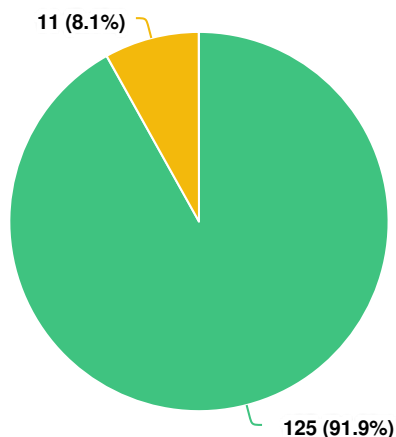


Question options

● Yes ● No

Optional question (136 responses, 0 skipped)

Q3 | Should a licence be required to operate a sex entertainment venue in Barking and Dagenham?

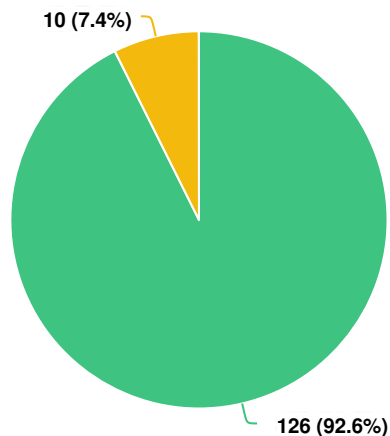


Question options

- Yes
- No

Optional question (136 responses, 0 skipped)

Q4 | Should the Council be able to determine the matters to take into account (such as location and nature of surrounding area) ...

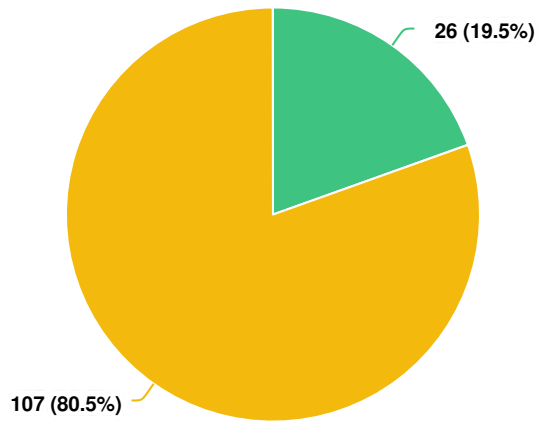


Question options

- Yes
- No

Optional question (136 responses, 0 skipped)

Q5 | Is there any area in the borough where you think a sexual entertainment venue could be situated?



Question options

- Yes
- No

Optional question (133 responses, 3 skipped)

Q6 Please state

Anonymous 7/17/2019 01:53 PM	Chadwell heath near tollgate where the old pub use to be
Anonymous 7/17/2019 02:26 PM	Chequers lane
Anonymous 7/17/2019 03:17 PM	Wantz Road estate
Anonymous 7/17/2019 06:38 PM	I do not agree for it to be in built up area or near schools
Anonymous 7/17/2019 08:23 PM	Industrial areas - minimum 1/2 mile from any residential housing.
Anonymous 7/18/2019 08:27 AM	Barking Town centre
Anonymous 7/18/2019 09:53 AM	barking cntre
Anonymous 7/18/2019 06:22 PM	Any commercial area
Anonymous 7/19/2019 04:16 PM	Bamber house bin shed
Anonymous 7/19/2019 04:58 PM	Dagenham Leisue Park/Vue cinema area
Anonymous 7/19/2019 05:06 PM	Town centres or industrial areas as opposed to residential neighbourhoods
Anonymous 7/19/2019 05:43 PM	Anywhere away from homes and schools
Anonymous 7/20/2019 07:27 AM	A13 corridor
Anonymous 7/20/2019 01:53 PM	As long as there are appropriate protections for near schools, residential areas and places that generally attract anti-social behaviour, and with appropriate licence conditions, no where should be specifically ruled out.
Anonymous 7/22/2019 07:45 AM	Somewhere in the centre of town
Anonymous 7/22/2019 10:04 AM	Dagenham - PArsløes Avenue, Fanshawe, Lodge Avenue
Anonymous	Dagenham dock

7/22/2019 03:39 PM

Anonymous

Chequers Lane

7/22/2019 11:52 PM

Anonymous

For sex entertainment, In the industrial areas along the river roding and around DagenhamDock. Foe sex shops, where no entertainment happens, on every parade of shops! why is the borough being so puritanical?

7/23/2019 10:24 AM

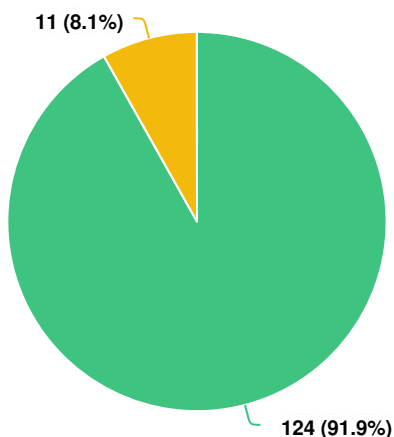
Anonymous

Not known of any areas as my geographical knowlege of borough is limited but i am of the view it is better that there is one that is known and can be monitored

8/19/2019 11:20 AM

Optional question (20 responses, 116 skipped)

Q7 | Is it important that the Council can decide the locations where it would not be appropriate to grant a licence?

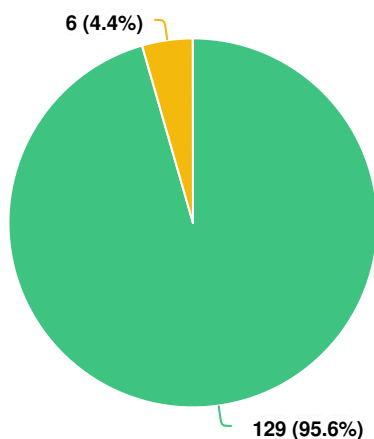


Question options

- Yes
- No

Optional question (135 responses, 1 skipped)

Q8 | Should the Council be able to set the terms, conditions and restrictions of any licence granted?

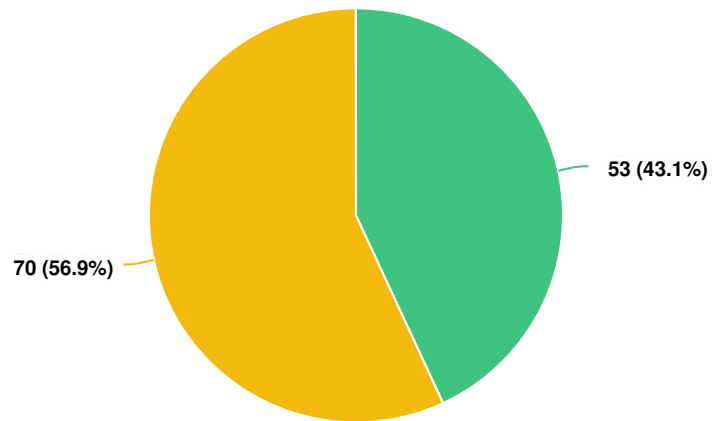


Question options

- Yes
- No

Optional question (135 responses, 1 skipped)

Q9 Do you think the proposed standard conditions are appropriate?



Question options

- Yes
- No

Optional question (123 responses, 13 skipped)

Q10 | What do you believe are the most important issues to consider when deciding whether a sex entertainment venue licence should be granted?

- Anonymous
7/08/2019 10:56 AM
noise and opening hours. traffic of visitors. parking.
- Anonymous
7/17/2019 01:48 PM
There shouldn't be any
- Anonymous
7/17/2019 01:53 PM
Opening Hours of the business, is it near schools and are there alot of houses nearby.
- Anonymous
7/17/2019 02:26 PM
Must be located in non residential street. And not near schools.
- Anonymous
7/17/2019 03:17 PM
Client type, sexual services offered, enforcement, location, vested interest of individuals involved, affected residents should have the final say... currently I would not trust the council to decide as everything they seem to decide lately is solely for the benefit of the council not the residents I.e. the 100 road CPZ Parking. Closure times. Opening hours. No adverts.
- Anonymous
7/17/2019 03:20 PM
- Anonymous
7/17/2019 05:08 PM
How this would impact the local area and what image this promotes to people from outside of Barking.
- Anonymous
7/17/2019 05:13 PM
All I want to say is this is I dont agree with this being done b&d should not allow these to operate in our local area
- Anonymous
7/17/2019 05:53 PM
Location, age restrictions, security
- Anonymous
7/17/2019 06:10 PM
No matter what restrictions or terms the council put in place these will always be broken and the rules bent, allowing exploitation and harm.
- Anonymous
7/17/2019 06:25 PM
That it should be away from any schools , main shopping etc
- Anonymous
7/17/2019 06:28 PM
Venues should not be allowed in a residential area. There is enough going on in b and d without this.
- Anonymous
7/17/2019 06:38 PM
That all workers in that industry should be tested for STI and that they are protecting themselves Also security is a key factor for the working girls or men,
- Anonymous
7/17/2019 08:23 PM
Safety of staff. Minimum distance from residential areas of half a mile. Transport links. Parking. Integrity and accountability of owner - DBS checked.
- Anonymous
7/17/2019 10:56 PM
Where they are and not to be to many
- Anonymous
There are so many schools in barking and dagenham, we have enough knife

7/18/2019 12:08 AM

crime going on without a sex entertainment venue being here, there is enough drunks as it is, and drugs in the area are at a high so how about we tackle all that before you even consider a sex entertainment shop, I think its absurd

Anonymous

Human traffic (sex workers)migrants from Eastern Europe.

7/18/2019 07:48 AM

Anonymous

Are all the girls legal, sex trafficking is happening all the time we hear in news, this will not help

7/18/2019 08:37 AM

Anonymous

Near to schools Detrimental effect on the neighbourhood Impressions of the borough Anti social behaviour

7/18/2019 09:11 AM

Anonymous

We shouldn't encourage publicised sex entertainment and I'm afraid by granting licenses, this would just bring the wrong crowd into the borough and wouldn't tackle the issue of sex trafficking.

7/18/2019 09:21 AM

Anonymous

Deprivation if local area, proximity of schools, number of young people

7/18/2019 09:48 AM

Anonymous

Impact on local communities. Safety and Security. Perception of the Borough more widely.

7/18/2019 11:09 AM

Anonymous

If you want to protect women and the vulnerable particularly eastern European women that maybe trafficked across the continent to work in the sex industry then go ahead you will be actively supporting modern slavery. We have no decent shops, barking town centre has no cinema, barking has no A&E hospital all you're bothered about is something that you can licence to make money off of. There is no where in Barking and Dagenham where this will be applicable to set up a lap dancing club. This will bring even more and unsavoury men to the local area. And yes it is only men that would be going to these so-called gentlemen's clubs. If you give any such a venue a licence then you actually have all your priorities wrong. I will make sure all my neighbours know about this.

7/18/2019 11:28 AM

Anonymous

Location and the impact on the community

7/18/2019 11:54 AM

Anonymous

It should NOT be allowed in the first place.

7/18/2019 02:38 PM

Anonymous

where they are based not near residential areas after all we are having an increased amount of issues as it is and do not want any other unwelcome problems in the area

7/18/2019 02:54 PM

Anonymous

Not in a residential area

7/18/2019 06:22 PM

Anonymous

Protection of dancers.

7/19/2019 08:49 AM

Anonymous

An SEV should be considered in exactly the same way as any other night-time entertainment venue, with claims by feminist groups being treated with a

7/19/2019 10:03 AM

Anonymous

7/19/2019 04:11 PM

great deal of scepticism. Such claims have been proven to be based on false data and on amateurish research that has since been debunked.
The safety of those involved and those around it would be a paramount consideration. The tone of the establishment would be important too.

Anonymous

7/19/2019 04:15 PM

Not near schools. LBBB is trying to promote itself as a family friendly area- having sex entertainment does not fit into this. LBBB would be better off putting the pressure on NELFT to commission school nurses t be able to provide contraceptive services to students in educational settings.

Anonymous

7/19/2019 04:16 PM

Area should not be not residential or close to schools. Unless it is Bamber House bin shed

Anonymous

7/19/2019 04:32 PM

I don't think these entertainment venues are good at all, the council should not be entertaining such ideas.

Anonymous

7/19/2019 04:33 PM

I don't believe the area should consider, or does it need such establishments. You should consider: * Wishes of local residents (especially those with Children) * The proposed area should be NON-RESIDENTIAL * Hours of opening * Noise pollution * Issues with cleaning caused by the establishments * Emergency services requirements and any drain on these services. * Any issues caused on the local infrastructure (Parking, Roads etc)

Anonymous

7/19/2019 04:35 PM

Should be in a town centre or high street with high footfall and not in a residential street. Licensing hours should not be during the day.

Anonymous

7/19/2019 04:38 PM

The locations Licence shouldn't be granted near schools, Religious places, libraries, youth zone or community centres, near vulnerable centres / hostels and residential areas.

Anonymous

7/19/2019 04:41 PM

This borough has enough crime and anti social behaviour - sec entertainment venues would bring further anti social behaviour to an area overcrowded with families - no licenses or permits of any kind should be granted to Barking and Dagenham regardless of any conditions no mater how strict - the borough should be concentrating on family orientated facilities and not be known for this - we have enough of prostitution and brothels here as it is

Anonymous

7/19/2019 04:41 PM

The area has enough problems it doesn't need further sleezy degrading places where local vulnerable people will be used and abused

Anonymous

7/19/2019 04:42 PM

Location

Anonymous

7/19/2019 04:44 PM

I dont think licences should be granted. The borough claims to be pro-women, has signed a gender charter, and is carrying out work to try and prevent violence against women and girls. These type of venue exploit vunerable women (regardless of what people might say) and will set the borough back in its work of empowering.

Anonymous

7/19/2019 04:50 PM

Location away from family home schools or business which could have a negative impact from having such establishment near their vicinity

Anonymous

7/19/2019 04:57 PM

Where the premises is situated

Anonymous

7/19/2019 04:58 PM

Location, quality, standards, well managed, more fun not sleezy

Anonymous

7/19/2019 04:58 PM

It should not be granted on the basis that it is unlikely to be a key priority for any resident of this borough and there are bigger things to worry about. The only people that are most going to benefit are the owners of these establishments and it sends out the wrong message to the community as you could argue that we would be encouraging and supporting the exploitation of vulnerable people if we were to grant a license to operate such a business.

Anonymous

7/19/2019 04:59 PM

That any daughters,sisters or wives do not have to walk past these entertainment venues to be harrassed, hounded by groups of men who think it is funny to walk up to women and pass seedy comments. It is bad enough to feel uncomfortable walking out of Barking station any time of day. There is no security, no police around, nothing. Oh accept transport police trying to catch ticket evaders.

Anonymous

7/19/2019 05:05 PM

Safety of residents especially younger residents is paramount and the reputation of the borough and the principles we stand for. Also the types of people which will be attracted to the borough if these licences are allowed.

Anonymous

7/19/2019 05:06 PM

Is the licensee a fit and proper person to hold the licence eg free from a criminal record

Anonymous

7/19/2019 05:12 PM

exploitation of young females being coerced/forced to participate - how can this be governed? It's a seedy world that should not be encouraged

Anonymous

7/19/2019 05:24 PM

Effect on local residents

Anonymous

7/19/2019 05:24 PM

Are there schools, and children in the immediate surrounding area. What benefit and value will an establishment like this bring to Barking and Dagenham?

Anonymous

7/19/2019 05:43 PM

Location. Signage and advertising. Parking control. hours of trade. Checks on the workers welfare and standard of the establishment.

Anonymous

7/19/2019 05:44 PM

Proximity to schools, nurseries, places of worship and residential houses

Anonymous

7/19/2019 06:28 PM

Location away from towns

Anonymous

7/19/2019 06:58 PM

The most important is that it isn't near residential homes or where families with children live. Also people who use the sex entertainment facilities should have to use a bank card so should any foul play occur the police have information to go on. The establishment and its sex workers/dancers should also be taxed, using bank cards would be able to stop "cash in hand" transactions and tax dodging

Anonymous

7/19/2019 07:08 PM

There should be no sex entertainment in this borough at all. Do not make this borough into soho.

Anonymous

7/19/2019 08:05 PM

A sex establishment should not be considered in any circumstances as far as I am concerned

Anonymous

7/19/2019 08:24 PM

The neighbourhood and surrounding stores and businesses. Whether schools are nearby and people walking home from school and work. Would such a venue create late night noise and disruption and would it create more mess within the neighbourhood.

Anonymous

7/19/2019 08:26 PM

Closeness to schools and places of worship

Anonymous

7/19/2019 08:44 PM

Whether the owners of the establishment are responsible and follow set guidelines. I would prefer if no such establishments were allowed to be set up in the borough.

Anonymous

7/19/2019 08:56 PM

The affect on people in the surrounding area.

Anonymous

7/19/2019 08:58 PM

Views of the local and people residing in the area. How are these establishments controlled and regulated - could it create more crime, discourage people from moving into the area. I for one would not like to have these kind of establishments in the area - enough reason for wanting to move away!

Anonymous

7/19/2019 09:02 PM

Check no. Of Young's residents in the area and check the drug situation locally. No one wants to live where's there drugs and this kind of shit going on.

Anonymous

7/19/2019 09:05 PM

The affect on the immediate community. How will it be policed. CCTV to monitor external behaviours and the potential for it to become a trouble hotspot.

Anonymous

7/19/2019 09:13 PM

I do not think such a venue would be appropriate for the Borough - organised crime, these days of the overseas variety, seems to follow closely on the heels of such establishments

Anonymous

7/19/2019 09:40 PM

Men sexually exploiting women.

Anonymous

7/19/2019 09:47 PM

I don't think there should be any licences at all. If Barking wants to grow up it needs to not be a sex shop hub.

Anonymous

7/19/2019 10:30 PM

Barking is going through a regeneration at the moment with a lot of new homes being built and therefore new tenants/owners. This will include many families and couples planning on having children. I think it is vital that the Council focuses on family values for the future and to make Barking a safe place to live. There are plenty of sex entertainment venues in other parts of London, we don't need any more, and I truly believe that the Council should not allow these establishments in Barking. Please let's start planning for a safe future in Barking!

Anonymous

7/19/2019 10:41 PM

Sex establishments are a scourge. Please do not introduce this antisocial practice into the area.

Anonymous

7/19/2019 10:56 PM

Noise, houses or other public places near by, parking

Anonymous

7/19/2019 11:13 PM

The type of people it will attract to the borough.

Anonymous 7/19/2019 11:16 PM	Should not be any venue for sex entertainment as it's destroy family values, break up marriage, destroy everyone
Anonymous 7/19/2019 11:19 PM	What the local residents think is the most important thing. I don't think that this is the sort of establishment we want in Barking and Dagenham.
Anonymous 7/20/2019 07:27 AM	Location
Anonymous 7/20/2019 07:43 AM	Liberty, freedom of choice. Freedom to work.
Anonymous 7/20/2019 09:31 AM	Location, away from residential areas
Anonymous 7/20/2019 10:05 AM	moral impact in areas populated by families perverts approaching women trying to solicit, women and children should be able to feel safe
Anonymous 7/20/2019 01:53 PM	That it doesn't attract anti social behaviour eg late night noise, loitering and public drinking.
Anonymous 7/20/2019 01:56 PM	Not appropriate near built up residential areas , schools or other areas where there may be young children
Anonymous 7/20/2019 07:49 PM	No No No!!!!'
Anonymous 7/21/2019 11:03 AM	This is not something that will benefit the local community We have so many schools and nurseries etc this means sex venues will be in close proximity and this is not appropriate
Anonymous 7/21/2019 11:24 AM	Consideration of local residents and impact on family life. Consideration of the impact on increase in criminality, potential drug dealing and drug use. Consideration on anti social behaviour e.g. noise and vomiting
Anonymous 7/21/2019 01:47 PM	They should not be granted as there is no where that I can think of that does not have homes within a close vicinity. Even the industrial estates have housing near by. I do not agree with places like this being anywhere near families. When you say lap dancing this has been proven over the years to lead to prostitution. If you are going to have a club like this then you may as well have a legalised brothel where girls are not forced/trafficked to do this type of work. They could have regular sexual disease screening and obtain certificates stating they are free from transmittable infections. I believe they do this in other countries. When I think of this sort of a club it just makes me think of sexually frustrated men who may have had one to many to drink. This is why I feel there is no appropriate place for such a club locally.
Anonymous 7/21/2019 09:19 PM	Kind of material shown - effect on those partaking. How to protect consumers from harm
Anonymous 7/21/2019 09:23 PM	there are issues of child sexual exploitation in the area. these venues would need to be kept away from schools and hotspots for child sexual exploitation.

Anonymous

7/22/2019 07:45 AM

The locality and effect it will have on the area.

Anonymous

7/22/2019 09:35 AM

Exploitation of all staff involved - especially dancers.

Anonymous

7/22/2019 10:04 AM

Secret access, near a Police station or hotspot for any safety concerns and away from a School

Anonymous

7/22/2019 12:10 PM

I think it's a disgrace that this topic is even being considered. Why on earth would we require a sex entertainment business in Barking or any other place come to that. Is no consideration being given to children and older people who live in Barking and the surrounding area.

Anonymous

7/22/2019 03:39 PM

Nowhere near where children would go. Not in any town centre. It should be a in a totally remote location so no one should have to walk past it. They should not be advertising at all.

Anonymous

7/22/2019 04:14 PM

that we do not endanger children as this has the potential to remove the seriousness of crimes like child sex exploitation or even rape under the disguise of entertainment

Anonymous

7/22/2019 04:42 PM

The location and the impact that this can have on young and vulnerable people and how this can cause a rise in anti social behaviour if not properly managed and how this can impact the moral standard of young people location, timing, parking, exploitation of workers

Anonymous

7/22/2019 08:52 PM

Local area, noise nuisance and opening hour's

Anonymous

7/22/2019 11:52 PM

Anonymous

7/23/2019 09:23 AM

As dancers are self employed licensing creates a framework of expectations they will look for when choosing where to work. A gold standard will become the norm. Dancers welcome this. As do club owners. Workers in any industry naturally welcome regulations designed to bring up the standards of any working environment. These venues are no different. Having a gold standard imposed means workers get real value when renting their work space and the public can be reassured venues they visit are a safe environment not a shady back shop. Win - win really.

Anonymous

7/23/2019 10:24 AM

For sex entertainment: I think that the timings are the key, a sex entertainment establishment could be near a school, if its not open anywhere near school opening times. So the usual rules about noise and neighbourhood respect by patrons are the key factor. As to sex shops, there is sufficient Laws to protect children and the uninterested public from offence. There is an Anne Summers shop in the Liberty shopping centre in Romford !!!! get out of the Victorian era!

Anonymous

7/23/2019 10:31 AM

never

Anonymous

7/23/2019 03:54 PM

Do not allow them in the borough, full stop. Let's bring the standard of the borough up, not drag it down to gutter level.

Anonymous

7/23/2019 07:30 PM

There should not be anywhere in the borough

Anonymous

7/24/2019 09:45 AM

The impact on local residents and the surrounding area.

Anonymous

7/24/2019 02:14 PM

There are enough establishments within London. There is no need for these types of places in lbbd.

Anonymous

7/30/2019 01:44 PM

I don't favour running any sex related business in my borough. This would make the borough an inappropriate place to live in and raise my kids. If someone want to enjoy such business, have it in some isolated area.

Anonymous

7/31/2019 12:33 PM

not in my borough

Anonymous

8/03/2019 09:34 AM

Location / crime rate in that particular area / level of similar venues in the area I.e clubs and bars

Batemanjh

8/12/2019 02:52 PM

Nearby schools churches and pre school venues

Anonymous

8/19/2019 11:20 AM

Safety of workers Facilities Location Hours of business

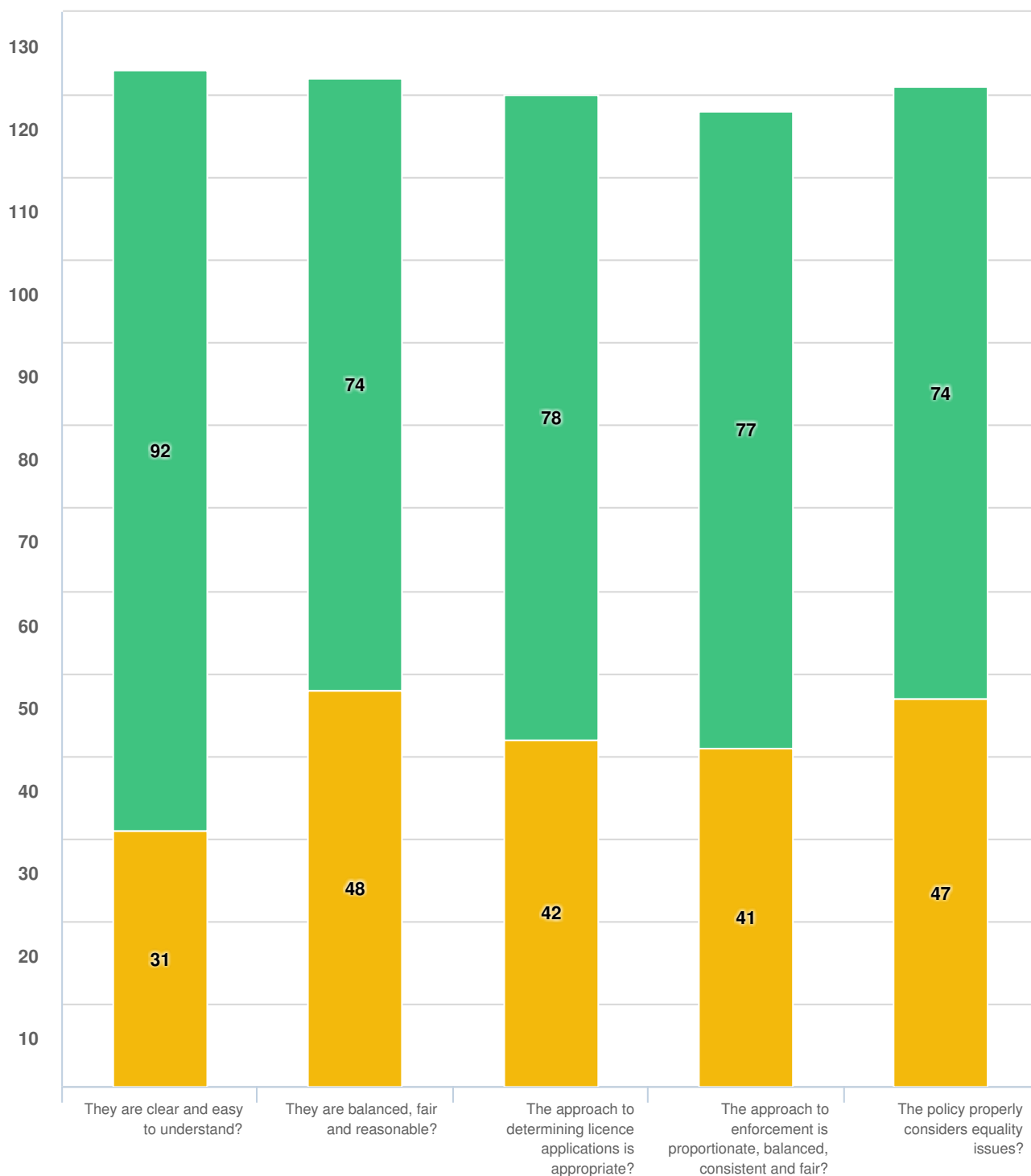
Anonymous

8/19/2019 12:12 PM

i think its should not be granted at all, the borough is already faced with alot of crimes. this will add more crime to the borough!

Optional question (106 responses, 30 skipped)

Q11 Having read the draft policy and conditions, do you think that:



Question options

● Yes ● No

Optional question (123 responses, 13 skipped)

Q12 | Please provide any further comments below.

Anonymous

7/17/2019 03:17 PM

What equality issues?

Anonymous

7/17/2019 05:08 PM

The draft policy and conditions seems to be too lenient

Anonymous

7/17/2019 05:13 PM

I dont agree with such a thing being operated in our area

Anonymous

7/17/2019 06:10 PM

The council will have no control over these places no matter what is put in place.

Anonymous

7/17/2019 06:28 PM

Totally against it.

Anonymous

7/17/2019 06:38 PM

I think that this is a great idea many European country's are doing the same and Barking and Dagenham should be to

Anonymous

7/18/2019 12:08 AM

This entertainment will only bring more drunks drugs and violence to an area where we have enough crime already thats only getting worse

Anonymous

7/18/2019 09:11 AM

Regeneration is going to make the borough a place people want to live and work in Bringing in the sex industry will drag the borough down and encourage the negative aspects of society into the borough

Anonymous

7/18/2019 09:21 AM

I am not in agreement with point 46 regarding the council taking the position that there should be a policy presumption against permitting licensed sex establishments either adjacent to or in the vicinity of premises in the following categories, regardless of location. As a resident of Barking, there is no guarantee with this approach that a license would be refused near my flat as I live in the Town Centre which is a mix of residential and commercial units so potentially a license could be granted to one of these sexual entertainment premises.

Anonymous

7/18/2019 11:09 AM

The policy doesn't specify enforcement details i.e. how checks and measure will be carried out; how frequently etc. There is also no system for ensuring communities are regularly consulted to ensure there are no issue/compliance of the venue with regards to conditions. Its too vague in my opinion

Anonymous

7/18/2019 11:28 AM

You mention the word "him" under the section management and conduct when you refer to the licensee. You are assuming that a man would be the licensee. You do realise this is 2019.

Anonymous

7/18/2019 02:38 PM

Barking and Dagenham is becoming a derelict, dirty, and an undesirable area to live in and this would only enphersize the state the area is becoming.

Anonymous

7/19/2019 08:49 AM

The equality issue was to protect employment for women, not to deny women opportunities.

Anonymous

I as a resident would not like such venues in my borough.

7/19/2019 04:32 PM

Anonymous

I don't believe the radius on 250M to be far enough. That's 22-24 secs in Usain Bolt language!

7/19/2019 04:33 PM

Anonymous

Ensure the entertainers are protected/safeguarded. Unless it's right next door to a church/mosque try not to cave in to religious zealots. Good luck.

7/19/2019 04:35 PM

Anonymous

Please instead of thinking about money generated think about the family values and morals and refuse any application for an adult entertainment venue - you cannot cope with the illegal ones here as it is you have brothers operating in many of your pubs ie the thatched house and nothing is done about it

7/19/2019 04:41 PM

Anonymous

Zero tolerance on such establishments locally

7/19/2019 04:41 PM

Anonymous

I think some licenses (ie sexual entertainment venues) should not be appropriate at all. The code of conduct for dancers seem unrealistic when you consider what actually goes on in a venue of this type and it would be difficult to enforce if the management team and security of these establishments say one thing and do another as has been the case with similar establishments in the past despite having a transparent code of conduct in place.

7/19/2019 04:58 PM

Anonymous

Question 1 - Didn't make any sense. The answer could have been yes and no. Stop confusing people with jumbled questions. If you want honest answers ask straight forward questions.

7/19/2019 04:59 PM

Anonymous

Barking & Dagenham borough has one of the highest rates of young children and many residential areas I do not feel such establishments would be appropriate in this borough.

7/19/2019 05:05 PM

Anonymous

It's just sick that in this day and age the council is even considering such establishments

7/19/2019 05:12 PM

Anonymous

Despite the safeguards in the policy I wouldn't want this on my doorstep!

7/19/2019 05:24 PM

Anonymous

I want to reiterate, when considering an establishment like this in Barking and Dagenham, what value or benefit does it bring if any? Would it not be better to start thinking of establishments that benefit the wider community?

7/19/2019 05:24 PM

Anonymous

There should not be any in barking and Dagenham! There is not suitable area to have one for such venue, we have big problems with underage drinking as a result of licences given to corner shops and gambling in the borough (licensing spot checks, once year if your lucky) why would you add this to the list.

7/19/2019 05:42 PM

Anonymous

I feel we haven't got the environment for this kind of business in Dagenham and would not support activities such as in Ilford Lane, Ilford.

7/19/2019 05:44 PM

Anonymous

I don't think we need this sort of establishment in the Burrough

7/19/2019 06:28 PM

Anonymous

Strongly recommend do not make this borough into soho. There should be

7/19/2019 07:08 PM

NO sex entertainment at all.

Anonymous

7/19/2019 08:44 PM

As I said I would prefer that the borough did not allow such establishments to be set up in the first place.

Anonymous

7/19/2019 08:45 PM

I think, in general, the draft policy is rather too restrictive and fussy.

Anonymous

7/19/2019 09:05 PM

I am assuming that any alcohol license for a sex establishment would need to be applied for separately?

Anonymous

7/19/2019 09:40 PM

Sex establishments are a blot on society and do nothing but harm.

Anonymous

7/19/2019 09:47 PM

I think it's highly likely that the women in these establishments are from underprivileged backgrounds - probably trafficked - and that this type of business should not be encouraged

Anonymous

7/19/2019 10:30 PM

We should be focusing on more positive venues for Barking, not sex establishments, there are already plenty of them here and in other parts of London. I would like to see the Council planning on more positive and safer things for children and families to do in the future.

Anonymous

7/19/2019 11:13 PM

I think it would be a grave mistake to allow this in the borough. We need to encourage more up market places in the borough not sleazy sex clubs to lower the tone even further.

Anonymous

7/19/2019 11:16 PM

If we destroy family values then what is the purpose of welfare society? What is the point of having children, getting married etc.?

Anonymous

7/19/2019 11:19 PM

We should not have any such establishments in Barking. There's already enough illegal prostitution happening around the train station and in the gambling arcades. The area needs cleaning up, not making worse. Please do not encourage this behaviour.

Anonymous

7/20/2019 07:43 AM

Nil policy is unfair!

Anonymous

7/20/2019 08:42 AM

If the town is mostly residential, that should be taken into account in determining individual applications. There is no need for a nil policy.

Anonymous

7/20/2019 10:05 AM

Barking area is multi cultural. Issues of a sexual nature have been shown previously to cause misunderstandings and offence in mixed communities leading to very serious backlash.

Anonymous

7/20/2019 07:49 PM

No to sex entertaining in Barking and Dagenham.

Anonymous

7/21/2019 11:24 AM

The proposals need to more clearly assess the benefit of granting no licenses at all and the potential negative impact to a locality due to opening sex establishments.

Anonymous

7/21/2019 01:47 PM

Did not read all of the policy but enough to get an understanding of it.

Anonymous

7/22/2019 09:35 AM

The policy is not succinct. The policy requires establishments to set their own anti exploitation policies and staff welfare policies. This is not strict enough.

Anonymous

7/23/2019 09:23 AM

These ought to be imposed by the Council or Government.

licensing is important to improve standards of clubs for their majority female workers - it's important we respect this and don't just shut them down completely. For failing to mainstream and license these clubs will result in underground, unsafe institutions that put sex workers into even greater dangers such as trafficking.

Anonymous

7/23/2019 10:24 AM

This consultation and the proposed policy, is probably worded that with all the restrictions, that when they are plotted onto a map of the borough, that no area is considered suitable, and therefore fudging the issue, by putting too many restrictions in the policy which look benign, when added up, actually prevent any sex establishments from opening, which is obviously the Councils opening position. I would say that this policy is loaded in favour of the Councils position and not open and fair.

Anonymous

7/24/2019 02:14 PM

There is no standard policy for this type of establishment. Asb and nuisance are bedfellows to these places. Better to keep lbbd positive.

Anonymous

7/30/2019 01:44 PM

Having an objective question on few areas of implications is not fair. It is just like another referendum which doesn't explain what implications if I select yes and what if I select no.

Anonymous

7/31/2019 12:33 PM

do you want to be a borough that promotes sexual exploitation regardless of licence or not, this consultation is a joke, come on, there is freedom and then there is just ridiculousness

Anonymous

8/19/2019 12:12 PM

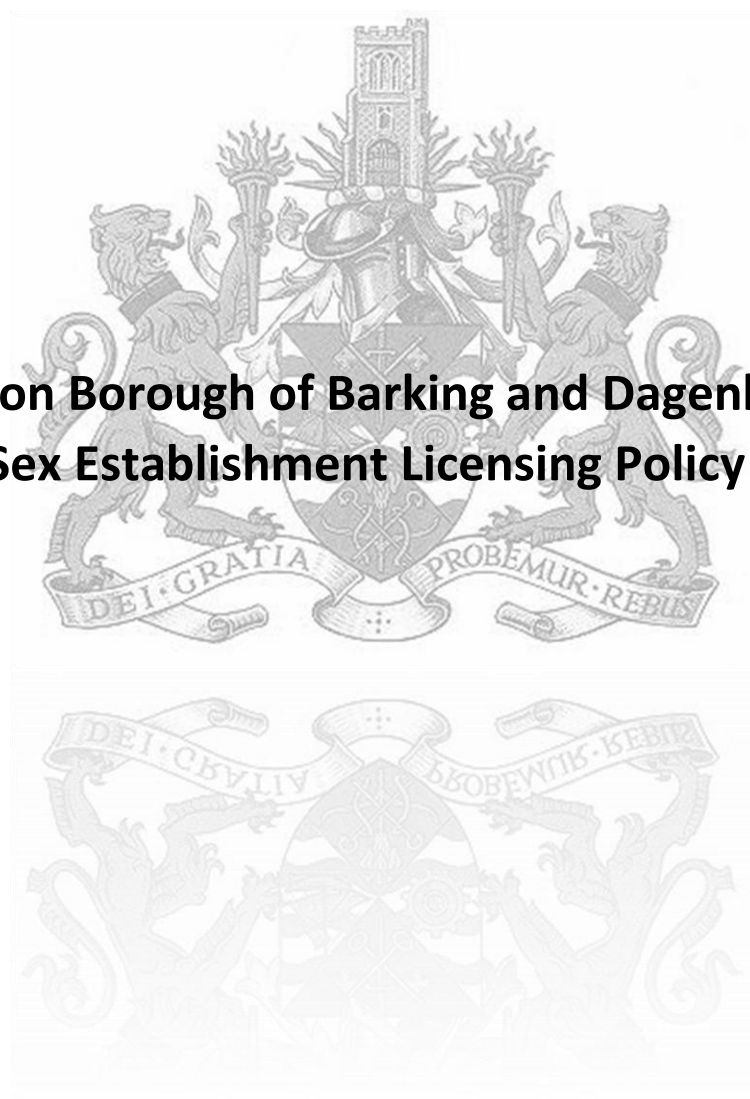
there should be no sex licence in LBBB

Optional question (50 responses, 86 skipped)

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

**London Borough of Barking and Dagenham
Sex Establishment Licensing Policy**



Legal Notes

The provision to adopt local authority licensing of sex establishments, defined as sex shops and sex cinemas, was created under Part II of the Local Government (Miscellaneous Provisions) Act 1982¹ (the Act) and the basis of such licensing regimes prescribed in Schedule 3 to the Act.

On 27 October 1982 this Council passed a resolution under Section 2 of the Act adopting Schedule 3 within the London Borough of Barking and Dagenham.

Section 27 of the Policing and Crime Act 2009² amended the definition of sex establishment in the 1982 Act to include sex entertainment venues.

This Council's first Sex Establishments Licensing Policy was produced in 2008. This revision has been prepared to reflect the inclusion of sex entertainment venues within the licensing regime.

This policy has been compiled with regard to the Act, secondary legislation and the Home Office Guidance, "Sex Entertainment Venues", issued to local licensing authorities in England and Wales.

Nothing in this policy is intended to prevent any individual application from being considered on its individual merits at the time the application is made.

¹ <http://www.legislation.gov.uk/ukpga/1982/30/part/II>

² <http://www.legislation.gov.uk/ukpga/2009/26/contents>

Executive Summary

This policy is divided into five sections.

Section 1 - provides demographic information about the borough and sets out this Council's vision and priorities.

Section 2 - sets out the purpose of the policy and describes the categories of premises and the licences covered by the Act.

The function of the policy is to describe the Council's role as licensing authority and inform prospective applicants how their applications will be considered. The policy deals with the grant, renewal, variation and transfer of licences in respect of sex shops, sex cinemas and sex entertainment venues.

Section 3 - deals with procedure and matters of general principle.

The grant or otherwise of sex establishment licences will be determined by sub-committee of the Council's Licensing Regulatory Board at a public hearing where applicants and objections will be heard. No licence will be granted for a period greater than one year.

Section 4 – sets out how licence applications will be determined.

Every application for a licence will be subject to detailed consideration of all relevant issues. Mandatory grounds for the refusal of a licence are provided by the Act but this Council also adopts a presumption against the grant of a licence in a number of specified circumstances. Whilst any application will be considered on its merits, the Council has determined that the appropriate number of sex establishments within any locality in the borough is nil.

Section 5 - explains this Council's approach to regulation and enforcement.

The Council seeks to ensure that all of its enforcement activities are undertaken in a clear, fair, consistent and transparent manner. We support responsible business operators and take effective actions against irresponsible operators. We aim to ensure that all licensed premises are well managed, providing a safe environment for staff, clientele and the local community.

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Section 1 – Introduction

Vision and priorities

1. Our vision for the borough is “One Borough; One Community; No-one left behind”.
2. The Council’s Corporate Plan sets out how we will deliver this vision by working across four themes:
 - A new kind of council
 - Build a well-run organisation
 - Ensure relentlessly reliable services
 - Develop place-based partnerships
 - Empowering people
 - Enable greater independence and protect the most vulnerable
 - Strengthen our services for all
 - Intervene earlier
 - Inclusive growth
 - Develop our aspirational and affordable housing offer
 - Shape great places and strong communities through regeneration
 - Encourage enterprise and enable employment
 - Citizenship and participation
 - Harness culture and increase opportunity
 - Encourage civic pride and social responsibility
 - Strengthen partnerships, participation and a place-based approach

Section 2 – Purpose and Scope of this Policy

The purpose of the policy

3. The purpose of this policy is –
 - To set out the powers and responsibilities of the Council as licensing authority
 - To inform sex establishment licence applicants how the Council will make licensing decisions
 - To set out how this Council intends to support responsible operators and take effective actions against irresponsible operators
 - To inform local residents, business and licensed premises users, about the protections afforded to the local community

The scope of the policy

4. Under the Local Government (Miscellaneous Provisions) Act 1982 as amended by s27 of the Policing and Crime Act 2009 the Council is responsible for determining sex establishment licences within its area.
5. This policy is concerned with the grant, renewal, variation, and transfer of sex establishment licences.
6. Licensable sex establishments fall into one of three categories:
 - sex shops
 - sex cinemas
 - sex entertainment venues

Definitions

7. Sex shops may sell, hire, exchange, lend, display or demonstrate sex articles or other things that are intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
8. Sex cinemas may show films that are primarily for the portrayal of sexual activity or acts of force or restraint which are associated with sexual activity with the intention of sexually stimulating customers.
9. Sex entertainment venues may provide sexual entertainment (e.g. lap dancing, peep show, live sex show, strip show, etc.) to a live audience for the financial gain of the organiser or the entertainer.

Premises Providing Occasional Striptease

10. The Licensing Act 2003 allows for limited, occasional striptease and/or similar performances to be given under a premises licence authorising alcohol on sales without the need for a sex entertainment venue licence.
11. Any person providing striptease or similar performances under a licence issued under the Licensing Act 2003 will have appropriate conditions attached to that licence.

Section 3 – Procedure and Principles

12. This policy should be read in conjunction with the Council's statutory Statement of Licensing Policy³ made under the Licensing Act 2003. In cases where a premise may

³ <https://www.lbbd.gov.uk/sites/default/files/attachments/Licensing-Act-2003-Policy-2017-22.pdf>

be licensed under, and regulated by, both Acts, the licensing objectives under the 2003 Act will apply, namely:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

13. Notwithstanding any presumptions indicated below, nothing in this Policy is intended to undermine the right of any individual to make an application in accordance with the 1982 Act and to have that application considered on its individual merits.
14. The Council may make exceptions to its policy where it is appropriate to do so and will give reasons for any such exception.

The Licensing and Regulatory Board

15. The Council's Licensing and Regulatory Board will form Licensing sub-committees to perform all functions relating to licensing.
16. The Council will annually appoint 10 members to sit on the Licensing and Regulatory Board. From this overall membership, any 3 members may sit as a licensing sub-committee to determine applications. Only councillors who have received relevant licensing training will take part in decisions on licensing matters.
17. Members of the Licensing and Regulatory Board will not take part in any licensing decisions concerning premises in which they have an interest. A member of the Licensing and Regulatory Board may not hear an application that is in their own ward, but they may observe the meeting as a member of the public.
18. All decisions in respect of applications for sex establishment licences will be made by the Licensing Sub-Committee, although Licensing Officers may determine that an objection received is frivolous or vexatious and may not refer it for the sub-committee's consideration.

European Convention on Human Rights

19. When determining any licence application, the Sub-Committee will have regard to relevant Convention rights, including:
 - Article 1, Protocol 1 concerning a person's entitlement to the peaceful enjoyment of his/her property.
 - Article 6 concerning the right to a fair and public hearing

- Article 8 concerning the right to respect for private and family life
- Article 10 concerning the right to freedom of expression

Equality Duty

20. In taking licensing decisions, the Sub-Committee will also be mindful of the Council's public sector equality duty under the Equality Act 2010⁴.
21. Decisions will be taken with due regard to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not

Applications for licences

22. The Council may grant to any applicant, and from time to time renew, a licence for the use of any premises, vehicle, vessel, or stall specified for a sex establishment, on such terms and conditions and subject to such restrictions as may be specified.
23. Any application for the grant, renewal or transfer of a sex establishments licence must be made either in writing or electronically, on the form provided by the Council.
24. The application form must be fully completed, signed and dated by the applicant or their representative, and submitted together with the appropriate fee and all other required documentation to the Council's Licensing Team. No application will be deemed complete or be processed until all information requested is received in full.
25. Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.
26. Where the application relates to premises, a notice must also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning the date the applications is made.

⁴ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

27. A notice of the application will also be placed on the Council's website.
28. Any person may object to the grant or renewal of a sex establishment licence.

Guidance on the licensing process

29. This policy document does not intend to set out the steps of the licensing process. Detailed information on the licensing process is provided in the Council's separate ['Guidance Note for Applicants and Objectors under the Local Government \(Miscellaneous Provisions\) Act 1982'](#).

Public hearing of applications

35. All applications for the grant, renewal or transfer of sex establishment licences will be determined by a sub-committee of the Licensing Regulatory Board at a public hearing if the application is opposed.
31. All applicants will be required to appear before the sub-committee when their application is heard.
32. Whilst the Act does not make provision for objectors to be heard in person, the Council is under a duty to consider any objections made within 28 days of the application and has deemed that registered objectors will be given the opportunity to appear before and be heard at the licence determination hearing. The Council reserves the right to hear late objections provided that the applicant is given the opportunity to respond to them.
33. Where the Council refuses the grant, renewal or transfer of a licence, a written statement of the reasons for the decision will be provided to the applicant or holder of the licence, if required, within 7 days.

Duration of licence

34. Unless previously cancelled or revoked, any licence issued shall remain in force for one year or for such shorter period specified in the licence.

Waivers

35. Although the Council is permitted to waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate, the Council does not consider it would be appropriate to waive the requirement to hold a sex establishment licence in respect of sex shops and sex cinemas, except in the most exceptional circumstances.
36. The Council does not consider it would ever be appropriate to waive the requirement to hold a sex establishment licence in respect of sexual entertainment venues.

Section 4 – Licensing Decisions and Conditions

Statutory reasons for refusal of licences

37. Mandatory grounds for refusal are set out in Section 12 of Schedule 3 to the 1982 Act. Any refusal of an application must be in reference to one or more of the stated grounds.
38. A licence may not be granted to —
- (a) a person under the age of 18; or
 - (b) a person who has had a previous licence revoked; or
 - (c) a person who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date of the application; or
 - (d) a body corporate which is not incorporated in the United Kingdom; or
 - (e) a person who has, within a period of 12 months immediately preceding the date of the application, been refused the grant or renewal of a licence for the premises in respect of which the application is made, unless the refusal has been reversed on appeal.
39. An application for the grant or renewal of a licence may also be refused where —
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the Council considers to be appropriate for that locality;
 - (d) the grant or renewal of the licence would be inappropriate, having regard to
 - (i) the character of the relevant locality; or
 - (ii) the use to which any premises in the vicinity are put; or
 - (iii) the layout, character or condition of the premises in respect of which the application is made.
40. Similarly, an application for the transfer of a licence may be refused on either or both of grounds (a) and (b) above.

Appropriate numbers of licensed sex establishments

41. The Council is permitted under s12(4) to determine that the appropriate number of sex establishments in any relevant locality is nil.
42. Barking and Dagenham is highly residential and has a young and growing population. No area of the borough has a recent association with the provision of sexual entertainment. In that context the Council considers it inappropriate to allow the introduction of sex entertainment venues in any locality because of the impact that they and their customers may have on the locality.
43. Accordingly, the appropriate number of licensed sex establishments of any category in any area of the borough is determined to be nil.
44. The Council will continue to consider applications and to consider each application upon its own individual merits, but it is expected that this policy will be strictly applied and licences will therefore only be granted in exceptional circumstances. The ability of an applicant to demonstrate that they are of good character and could provide a high standard of management will not alone constitute exceptional circumstances.

Assessment of 'relevant locality'

45. In general, this Council will treat the ward in which the premises that is subject of the application is situated as the relevant locality, although a different view may be taken following representations raised in individual cases (for example, where a premises subject of an application borders another ward).

Presumptions against the grant of licences in specified circumstances

46. This Council takes the position that there should be a policy presumption against permitting licensed sex establishments either adjacent to or in the vicinity of premises in the following categories, regardless of location:
 - Schools and other facilities used primarily by children and young persons, including playgroups and playgrounds
 - Facilities used primarily by vulnerable adults and adult social care facilities
 - Facilities used primarily by women
 - Places of worship
 - Hospitals and medical facilities
 - Community facilities or public buildings
 - Community leisure facilities and open spaces

- Cultural facilities, including cinemas, theatres and galleries
- Residential accommodation
- Another licensed sex establishment

47. The meaning of “in the vicinity” will be determined on the circumstances of each case, however for the purposes of general guidance a radius of 250 metres will be considered.

Other considerations

48. In all cases, there are further issues that this Council considers to be relevant and will take into account when determining applications for sex establishment licences, namely:

- The position of the premises in respect of popular access routes to the categories of premises identified above
- The nature of any logo for the sex establishment
- The nature of any external images, advertisements or displays
- Whether advertising positioned inside the sex establishment could be viewed from outside of the premises
- Whether the name of the sex establishment clearly indicates the nature of the activities that would take place upon the premises
- The operating hours of the premises and their relationship to the operating hours of nearby premises
- The scheme of management
- Proposed front of house controls and security arrangements, both external and internal
- Queueing arrangements for customers wishing to gain admission
- Age verification procedures to prevent admission of under-age persons
- The layout and condition of the premises
- Arrangements for ensuring the safety of customers, staff and performers on the premises
- Whether planning consent has been obtained for the proposed use
- Whether there are any planned developments in the area that may render the locality unsuitable for a sex establishment
- The potential for local crime and disorder and/or anti-social behavior that may arise from the operation of the premises
- Whether the applicant has had any relevant enforcement action taken against them by the Police or any other regulatory body
- Whether the applicant can comply with the relevant standard conditions for the category of sex establishment

- Accessibility to the premises for disabled persons

Licence conditions

49. Where the Council decides to grant a licence it will do so subject to standard conditions. It may also impose specific conditions and/or restrictions applicable to an individual licence.
50. This Council has prescribed standard conditions applicable to all sex establishments and additional standard conditions applicable accordingly if the premises is a sex shop, a sex cinema or a sex entertainment venue
51. The relevant standard licence conditions will be attached to every licence granted, renewed or transferred by the Council unless expressly excluded.
52. The standard licence conditions are detailed in full in the separate document “Sex Establishments – Standard Licensing Conditions”⁵.

Protection of Children and Young People

53. No person under the age of 18 years may be admitted to any sex establishment while the premises is in use under its licence. No person under the age of 18 years may be employed at any sex establishment.
54. To ensure that no child or young person is exposed to any licensable activity, it is important that a rigorous age verification scheme is established. This Council promotes the principles of ‘Challenge 25’.
55. Anyone who appears to be under 25 years of age will be asked for ID and admission will be refused to any person appearing under 25 years of age who cannot provide valid ID establishing they are over 18. Notices to this effect must be displayed in a clear and prominent position at the premises. Valid ID would comprise a photo driving licence, passport or other approved photographic ID bearing the PASS hologram.
56. No licensable activity or related material may be visible from the street and passersby may not be subject to touting.

⁵ <https://www.lbbd.gov.uk/sex-establishment-licence>

Sexual Exploitation

57. To help prevent the exploitation of any person at any time, no dancer or performer employed at a sex entertainment venue may be under 18 years of age; and no performer or dancer may be permitted to perform under the influence of alcohol or drugs. The licence holder will be required to undertake reasonable checks to ensure that all dancers or performers are eligible to work in the UK and obtain a certified photocopy of the passport of each performer together with their personal details.
58. Performers and dancers must be subject to a Code of Conduct and allied disciplinary procedure for failure to comply with the Code (which must not include monetary fines).
59. A Customers' Code of Conduct must also be devised, together with a means of ensuring that it is communicated to all customers on or soon after entering the premise. Repeated or serious failure to comply should result in the ejection, and potentially barring, of the customer from the premises.
60. Performers and dancers must be provided with adequate changing and sanitary accommodation, and there must be an appropriate welfare policy.

Prevention of Crime and Disorder and / or Anti-Social Behaviour

61. The Council will seek to ensure that no licensed premises contributes to levels of local crime and disorder or anti-social behavior.
62. Accordingly, the Council will expect high standards of management at all times.
63. The Council will expect the premises management to maintain a good working relationship with the police and the Licensing Team.
64. The Council will require all licensed premises to have good CCTV coverage. All sex entertainment venues must have adequate door supervision (registered with the Security Industry Authority) and good internal security and monitoring arrangements.

Variation of licences

65. The holder of a sex establishment licence may apply at any time to the Council for a variation of any term, condition or restriction.

66. Where such application is made the Council may
- Make the variation specified in the application; or
 - Make such variations as it thinks fit (including variations other than those specified in the application); or
 - Refuse the application.

Revocation of licences

67. The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the grounds specified above for the refusal of a licence.
68. Where a licence is revoked, the Council will provide a statement in writing of the reasons for the decision within 7 days of the revocation.
69. Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the borough for a period of 12 months from the date of revocation.

Cancellation of licence

70. In the event of the death of the holder of a licence, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death. The licence shall then expire, unless extended by the Council upon application by the representatives.
71. The Council may extend the licence upon application, if it is satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.
72. The Council may, at the written request of the holder of a licence, cancel the licence.

Appeals

73. Where this Council refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused for the reasons given below, in which case the only means of challenge is by way of judicial review.
- That the number of sex establishments 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;

- That the grant or renewal of the licence would be inappropriate, having regard to
 - the character of the relevant locality; or
 - the use to which any premises in the vicinity are put; or
 - the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

Section Five – Enforcement

74. The Council's enforcement services aim to safeguard the local community and environment and provide a level playing field on which businesses can trade fairly.
75. Council officers are subject to the provisions of the Regulators' Code⁶, which is designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open, transparent, and consistent manner.
76. Our resources will be 'intelligence led' and directed to where they are needed most. Responsible business operators, with proven operating history, can expect a light touch enforcement approach, enabling resources to be directed to supporting new operators and dealing with irresponsible and illegal operations.
77. The 1982 Act empowers both police constables and authorised Council officers to take enforcement actions.
78. Licensed premises may be subject to 'during performance' or 'during operation' visits conducted on a risk-assessed basis, having regard to the premises previous operating history and regulator confidence in management.
79. Where it is necessary to take enforcement action officers will:
 - be clear about the issue(s) that have made enforcement action necessary
 - for action short of licence revocation and/or prosecution, provide a clear explanation as to what remedial action is necessary and a reasonable timescale for completion
 - advise the licensee of any right of appeal
80. The Council and partner agencies recognise the interests of both citizens and businesses and will work together to assist licence holders to comply with the law and the licensing objectives.

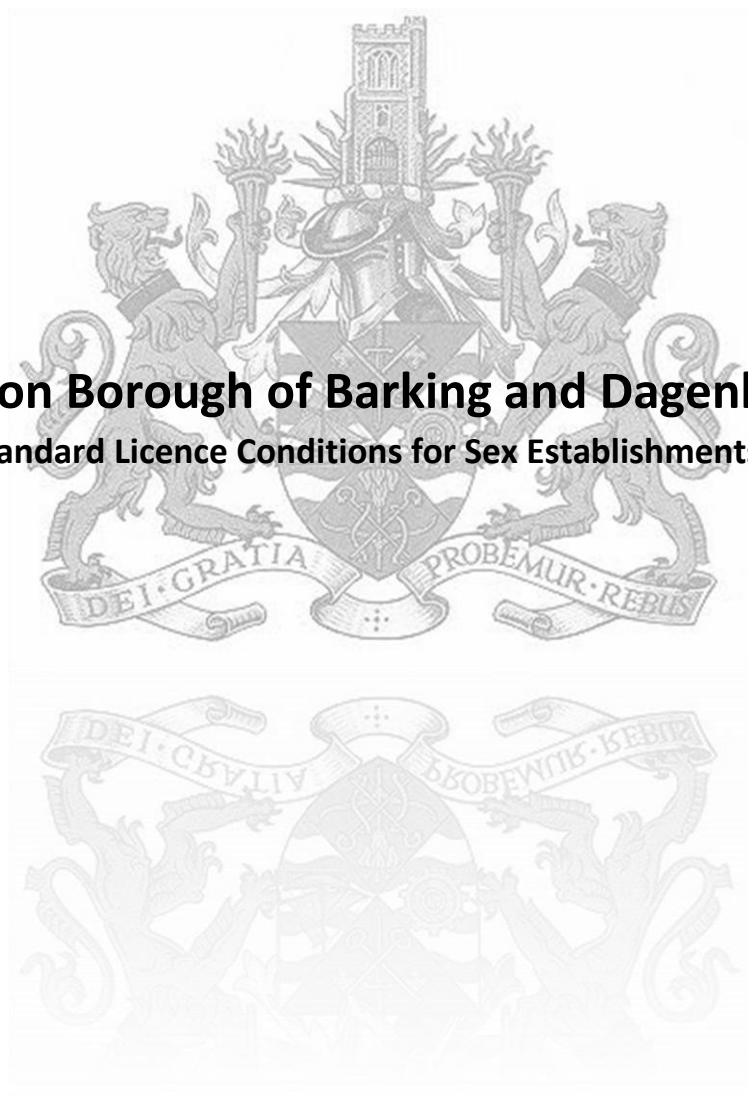
⁶ <https://www.gov.uk/government/publications/regulators-code>

81. The Council has set clear standards of service and performance that the public and businesses can expect. We have an Enforcement Policy, which sets out our principles for effective enforcement.

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

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



Section A – General conditions applicable to all premises

Section B – Additional conditions applicable only to sex shops

Section C – Additional conditions applicable only to sex entertainment venues

Section D – Additional conditions applicable only to sex cinemas

Special Licence Conditions

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

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

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

Management and conduct

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

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

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

Touting for Business

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

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

CCTV Conditions

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

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

Section B - Additional Conditions applicable only to Sex Shops

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

Section C - Additional Conditions applicable only to Sexual Entertainment Venues

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

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

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

Requirements for a Code of Conduct for Performers

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

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

Requirements for a Code of Conduct for Customers

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

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

Disciplinary Procedure

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

Sexual Entertainment Venues - Code of Conduct for Performers

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

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

Sex Entertainment Venues - Code of Conduct for Customers

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

Private Booths

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

Performers' Private Work Areas

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

Performers' Welfare Policy

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

General Provisions

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

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

Section D - Additional Conditions applicable only to Sex Cinemas

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

81. When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.
82. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
83. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
84. Immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
85. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

LONDON BOROUGH OF BARKING AND DAGENHAM

(Here insert title of film)

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

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

LONDON BOROUGH OF BARKING AND DAGENHAM

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

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

(+Here insert the category of the film)

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

- Any failure in the CCTV system
 - Any incidents of crime or disorder
 - Any complaints made by the public or guests
89. The record shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved where appropriate and brief details of the incident and any action taken by the staff.
90. The incident log shall be completed as soon as reasonably practicable after any incident.
91. The incident log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the location of the incident log and the need to complete it in the case of any of the circumstances described above.
92. The licence holder shall ensure the incident log is checked periodically and at least on intervals of one month apart to ensure that staff are completing the incident log.
93. The incident log shall be made available for inspection to Police or authorised council Officer.