



**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982 (as amended)**

**POLICY ON THE LICENSING
OF SEX ESTABLISHMENTS**

1 March 2012

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GLOSSARY

<i>The Council</i>	The Royal Borough of Kingston upon Thames
<i>The Appropriate Authority</i>	The capacity in which the Council acts when performing its roles and duties set out in the Local Government (Miscellaneous Provisions) Act 1982. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy.
<i>The 1982 Act</i>	Local Government (Miscellaneous Provisions) Act 1982
<i>Sex Establishment Category</i>	For the purposes of this policy, a category of premises for which a licence is required under the Act, as set out in Schedule 3 of that Act: <ul style="list-style-type: none">• Sex Shop• Sex Cinema• Sexual Entertainment Venue
<i>Sex Shop</i>	Defined in the Act as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating— <ul style="list-style-type: none">(a) sex articles; or(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—<ul style="list-style-type: none">(i) sexual activity; or(ii) acts of force or restraint which are associated with sexual activity.
<i>Sex Cinema</i>	Defined in the Act as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which— <ul style="list-style-type: none">(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—<ul style="list-style-type: none">(i) sexual activity; or(ii) acts of force or restraint which are associated with sexual activity; or(iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.
<i>Sexual Entertainment Venue</i>	Defined in the Act as any premises at which <i>relevant entertainment</i> is provided before a live audience for the financial gain of the organiser or the entertainer.
<i>Relevant Entertainment</i>	any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

ROYAL BOROUGH OF KINGSTON UPON THAMES
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
POLICY ON THE LICENSING OF SEX ESTABLISHMENTS

PREFACE

The Royal Borough of Kingston upon Thames lies to the South West of London with a population of around 160,000. The Borough plays a major role as a commercial and employment centre serving a wider catchment of South West London and North East Surrey, in particular through Kingston Town Centre's role as a major shopping hub and source of night time entertainment.

The Borough is bordered to the West by the River Thames and the County of Surrey to the South, and is neighbour to the London Boroughs of Richmond, Sutton, Merton and Wandsworth. The Borough has a long and rich history as a historic market town, benefitting from royal charters dating back to the 13th Century. The Borough's administrative boundary includes the suburban areas of Surbiton, New Malden, Old Malden, Coombe, Tolworth, Chessington and Worcester Park.

In addition to a substantial residential population, the Borough attracts an estimated quarter of a million shoppers every week. Kingston Town Centre provides a range of cultural and entertainment attractions including a cinema, ten pin bowling, theatre, health and fitness clubs, 3 large nightclubs plus smaller clubs, pubs and entertainment venues. The borough also houses a number of leisure centre's, libraries, a museum, theme park and zoo, university halls of residence and numerous hotels.

The Borough is a significant higher and further education centre with Kingston University and Kingston College both located close to the town centre. The University employs some 1800 academic professional and support staff and has around 17,000 students.

The Council is justifiably proud of the development of the Borough as a whole and, in particular, the facilities that are provided in Kingston Town Centre. The development of the Town Centre has also included increased residential accommodation so as to encourage a mix of activity during the day and at night, and seen the completion of new housing developments fronting the River Thames.

The town centre has a vibrant evening and late night economy with a total capacity of over 15,000, and regularly attracts an average of 10,000 visitors a night, from a wide catchment area.

In exercising its powers under the Local Government (Miscellaneous Provisions) Act 1982 the Appropriate Authority will be particularly mindful of the character of the individual wards and Neighbourhoods that make up the Borough.

The borough is divided up into four Neighbourhoods, each covering a different part of the Borough. All Councillors from the local area are members of their Neighbourhood Committee, which is usually chaired by a Councillor from the party with most members on the Committee. The Neighbourhoods are responsible for local issues and decisions are made by local Councillors who know the area, in meetings held in local venues, with the involvement of local people.

The Neighbourhood system allows the Council to address different priorities in different part of the Borough, and makes it easier for local people to influence the decisions that affect them. In recognising this, and in developing this policy, the Appropriate Authority has extensively consulted with the Neighbourhood Committees.

In 2010, Kingston town centre became one of the first areas in the country to be awarded a prestigious 'Purple Flag' in recognition of the efforts it has made in becoming a safer and more pleasant place to be after dark.

The Council expects and encourages those engaged in operating premises subject to licensing under the Local Government (Miscellaneous Provisions) Act 1982 in to carefully examine how they operate and how what they do may affect residents and businesses.

PART 1 - INTRODUCTION

1. Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 established a licensing scheme for 'sex shops' and 'sex cinemas'. The Royal Borough of Kingston upon Thames adopted Schedule 3 on 23rd October 1982 in respect of Sex Shops.
2. The Policing and Crime Act 2009 came into effect in England on 6th April 2010 and introduced an amendment to the 1982 Act, which had the effect introducing a new category of sex establishment, the 'sexual entertainment venue'.
3. On 1st March 2011, the Royal Borough of Kingston upon Thames adopted the provisions of The Policing and Crime Act 2009 as they apply to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, with effect from 1st April 2012.
4. In doing so, the Council determined that the local authority should agree and publish a policy relating to the licensing of sex establishments.
5. As such, this policy has been approved by the Royal Borough of Kingston upon Thames in accordance with its responsibilities and powers as *the Appropriate Authority* under Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 [hereafter referred to as "*the 1982 Act*"].
6. This Statement of Licensing Policy sets out the arrangements the Appropriate Authority will normally apply and consider in carrying out its licensing functions under the 1982 Act, particularly when making decisions on relevant licence applications.
7. The policy also sets out the Authorities standard conditions that it would apply any granted licence.
8. In determining its policy for this three-year period, *the Council* has undertaken an extensive consultation process involving in particular its local Neighbourhood Committee's, a range of relevant authorities and organisations together with the general public and representatives of resident associations. A general consultation period was held between 1st July 2011 and 30th September 2011, and the Council consulted specifically with:
 - The Council's Neighbourhood Committees
 - The Metropolitan Police
 - Kingston Crime and Disorder Reduction Partnership
 - London Fire and Emergency Planning Authority
 - Resident Associations
 - Current licence holders whose operation is likely to fall within the provisions of the legislation
 - Representatives of local businesses, Chambers of Commerce & Trade Associations
 - Kingston Town Centre Management Board
 - Kingston NHS Trust

9. This policy will remain in force from 1st March 2012 until the 28th February 2015. Within this period, the Policy will be subject to annual reviews. The Appropriate Authority will consult on its annual review with the organisations listed in paragraph 2 above, and take into consideration any comments they may have to make regarding the continued suitability of the Policy.

Purpose of the policy

10. The policy sets out:
- the process under which applications for sex establishment licences can be made and determined
 - to inform licence applicants, and interested parties, of the parameters under which the Authority will make licence decisions,
 - outline the conditions to be applied to any granted licence

Scope of the policy

11. The policy relates to all applications for a new licence, to renew an existing licence, to transfers a licence and any application to vary a licence in respect of defined categories of sex establishment.
12. The defined categories of sex establishment to which this policy relates are:
- Sex Shop
 - Sex Cinema
 - Sexual Entertainment Venue
13. Definitions of each of these categories can be found in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and are summarised in the glossary at the front of this policy.

Exemptions

14. It should be noted that any premises may provide sexual entertainment on eleven occasions within a period of 12 months without a sexual entertainment licence, provided that:
- The sexual entertainment does not last for more than 24 hours; and
 - Sexual entertainment has not been provided at that premises within a period of one month preceding the date of the current entertainment.
15. Premises opting to provide infrequent relevant entertainment under this exemption are reminded that the provisions of the Licensing Act 2003 still apply, and as such premises must ensure that they have obtained the appropriate authorisations under that Act.
16. This exemption does not apply to sex shops or sex cinemas.

PART 2 - ADMINISTRATION

17. This part of the policy outlines the process by which applications may be made, the ability and right of individuals to comment upon the application and the decision making process.
18. In determining applications the Appropriate Authority may decide to depart from this policy if the individual circumstances of any case merit such a decision. Where this is the case, full reasons for the departure from the policy will be given.
19. While this statement sets out the council's general approach to the making of licensing decisions, nothing in this statement overrides the right of any person to make an application or make objections to an application. Each application will be considered on its own merits and according to the statutory requirements of the 1982 Act.

APPLICATIONS

20. The following applications are the only permitted applications in respect of Sex Entertainment Licences:
 - The grant of a new licence;
 - The renewal of an existing licence
 - The variation of an existing licence, and
 - The transfer of a licence
21. Applications will only be accepted if made on the forms supplied by the Council for this purpose, and where appropriate, are accompanied by the full fee and the submission of any supplementary documentation required by the Council's process. The Authority accepts applications made online using the portal provided for this purpose on the Councils website.
22. Forms must be completed in full or may otherwise be deemed invalid. Forms and details of current fees are available from the Council's website or by contacting the licensing team (see paragraph 81 for contact details).
23. Where it is the case that the Appropriate Authority requires the submission of information supplementary to the completion of an application form, it does so in order so that it, and the authorities it has designated for this purpose, may determine whether the applicant is fit and proper to hold a licence; that the premises meets requirements of the policy with regard to layout and operation, to ensure relevant health and safety requirements can be met; and to identify whether the premises may impact upon crime and / or disorder.
24. Application requirements for the **grant of a new licence**
 - **Completion of the application form provided by the Council for this purpose**

- Payment of the current fee
- Submission of a plan (at scale of 1:50, 1:100 or 1:250) showing:
 - the layout of the premises
 - the location of areas where activities carried out under the licence will be provided (i.e. any shelving, tables, booths, stages, poles etc)
 - the location of all entrances and exits from the premises, showing clearly those intended for use only as emergency exits
 - The nature and location of fire safety equipment
- A map showing the location of the premises at scale 1:1250
- Drawings showing the proposed elevation, including sign-writing and advertisements, of any external elevation visible to members of the public (slate to be such that drawings are clearly visible on A3 paper).
- Proof of public liability insurance and, where appropriate, employers liability insurance.

25. Application requirements for the **renewal of a licence**

- Completion of the application form provided by the Council for this purpose
- Payment of the current fee
- Submission of a plan (at scale of 1:50, 1:100 or 1:250) showing:
 - the layout of the premises
 - the location of areas where activities carried out under the licence will be provided (i.e. any shelving, tables, booths, stages, poles etc)
 - the location of all entrances and exits from the premises, showing clearly those intended for use only as emergency exits
 - The nature and location of fire safety equipment
- Proof of public liability insurance and, where appropriate, employers liability insurance.

26. Application requirements for the **variation of a licence**

- Completion of the application form provided by the Council for this purpose
- Payment of the current fee
- Where the variation relates to changes in the layout or external appearance of the premises, submission of a plan or drawings in the format specified in the requirements of applications for a new licence

ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

27. With exception of applications for the transfer of a licence, applicants are required to:

- Publish a notice, in the format specified by the Council for this purpose, in a local newspaper circulating in the Authorities area no later than 7 days after the date of the application
 - Display a notice at the premises for which the licence is required for 21 days beginning with the day on which the application is made. Where this is not possible due to the nature or location of the premises, and by agreement with the Licensing Team, a notice may be displayed in a location close to the premises where it can be conveniently read by members of the public.
28. Notices must be displayed in such a manner that they can be clearly read by members of the Public, and for this purpose, must not be displayed behind frosted glass or be obscured by railings, bars or other such matters.
29. Licensing Officers will undertake regular checks on the display of notices, and in situations where these requirements are not met, shall instruct the applicant / licence holder to readvertise their application in the correct manner for a further period of 21 days.
30. Applicants are required to serve a copy of their application on the Chief Officer of Police no later than 7 days after the date the application is made to the Council. The relevant address for the service of a copy of the application on the Police is:
- The Licensing Unit
Kingston Police Station
High Street
Kingston upon Thames
KT1 1LB
31. Failure by the applicant to comply with any of the consultation arrangements set out above will invalidate the application.
32. Aside from the requirement of the Act for applicants to advertise their application, the Council has determined to undertake further notification of applications received.
33. Properties falling within a 50 metre radius of the boundary of the application premises will be notified in writing of any application for a new, renewal or variation of a licence. Where an applicant's premises does not front directly onto a public road or footway (i.e. accessed via a private driveway), properties within 50 metres of where the entrance point of the access road meets the public highway will also be notified of the application

34. The Appropriate Authority will also consult directly with a range of relevant professional bodies, comprising:
- The London fire and emergency planning authority;
 - Trading standards;
 - Planning;
 - Health and Safety enforcing authority
 - Pollution control officers

APPLICATION FEES

35. The current fees applicable to applications made under the 1982 Act are available on the Council's web site or from the Council's licensing team.
36. In setting the levels of fee chargeable upon application this council has had regard to requirements of the EU Services Directive, and as such are non-discriminatory, justified, proportionate, and transparent.
37. Fee calculations have been in consideration of the work involved in administering and enforcing the licensing regime.

MAKING OBJECTIONS

38. Any person is entitled to object to any application for a new, renewal or variation of a licence. Only the police may object to applications for the transfer of a licence, and may only do so on the basis of the Mandatory Grounds outlined at paragraph 47, or discretionary grounds (a) and (b) given at paragraph 49 below.
39. Objections must be made in writing (including email and via the Council online portal), within 28 days from the date the application is made to the Appropriate Authority. Objections must state the name and full address of the person making the objection.
40. Objections will only be accepted on the basis that they relate to one or more of the grounds set out in paragraph 47 or 49 below, those being the grounds on which a licence may be refused.
41. Where an objection is made by a representative body, the objection must be accompanied by evidence that the objection has been formally authorised by the body concerned. (i.e. the minutes of a meeting at which the objection was agreed).
42. Where petitions are submitted, the name and full contact details of the person organising the petition ("lead petitioner") must be provided. This person will be considered responsible for notifying all signatories of the progress of the application, and the details of any sub-committee hearing. Lead petitioners are reminded that each page of the petition must be headed with the purpose and grounds of the petition and the date the petition was collected, and that each

signatory must provide their name and address, or will otherwise be disregarded.

43. Objectors should note that, without their prior written consent, personal details, other than their name (and if appropriate the body they represent), will not be revealed to the applicant. Personal details will however be made available to members of the committee formed to determine the application.

PART 3 – DETERMINATION OF APPLICATIONS

44. Applications will be determined by the Neighbourhood Committee (or Sub-committee) for the area in which the premises are situated, and / or officers in accordance with the Schedule of Delegations outlined at **Annex 1**.
45. In the event that relevant objections are received in respect of an application, a public hearing of the Neighbourhood Committee (or a sub-committee thereof) within which the premises is located will be held in order to determine the application. The procedure followed at the hearing is available from the licensing team.

THE GROUNDS FOR REFUSAL OF AN APPLICATION

46. The 1982 Act provides the grounds under which an application can be refused. These grounds are divided into those that are mandatory, and those that are discretionary.

MANDATORY GROUNDS

47. The Appropriate Authority must refuse to grant or transfer a licence to:
 - (a) A person under the age of 18;
 - (b) A person who is for the time being disqualified from holding a licence;
 - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - (d) A body corporate which is not incorporated in the United Kingdom;
 - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
48. All applications made will be tested against these criteria on receipt, will be automatically rejected if it is identified that one or more of the tests are failed.

DISCRETIONARY GROUNDS

49. The following grounds, which are outlined in the 1982 Act, are those upon which the Council will base decisions to refuse an application for the grant, renewal or transfer of a licence :
- (a) That the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;
 - (b) That if the licence were to be granted or renewed, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality; and
 - (d) That the grant or renewal of the licence would be inappropriate having regard to: -
 - i) The character of the relevant locality;
 - ii) The use to which any premises in the vicinity are put; or
 - iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

FURTHER INFORMATION ON DISCRETIONARY GROUNDS

GROUND (a)

50. Where the applicant is not a body corporate, the Appropriate Authority will rely upon evidence from the Police on the suitability that applicant to hold a sex establishment licence

GROUND (b)

51. Applicants will be required in their application to declare the name of the manager of the premises and whether any part of the profits of the business to which the premises are owned / managed are shared with other parties, be they bodies corporate, incorporate or individuals.
52. In doing so, and in where such parties are individuals, the application form will request the provision of sufficient information to enable a criminal record check be undertaken by the police. Applicants are advised to provide additional information in support of their application in order to satisfy the Authority that their application should not be rejected on the basis of this ground.

GROUND (c)

53. The Appropriate Authority has not determined the number of sex establishments which it considers is appropriate in any given locality, preferring instead to make a determination on a case by case basis and in consideration of any objections.
54. The Appropriate Authority considers that locality should not be a predefined area, but be subject to consideration in respect of each case. In doing so, the authority will primarily, but not exclusively, consider the locality to be the area which, it could reasonably be said, will be or is or likely to be affected by the presence of a sex establishment within it.
55. Furthermore, in making this consideration, the category of sex establishment it is proposed to be provided may also be taken into conclusion, together with other such matters as may be considered appropriate in response to objections, or otherwise by the determining committee.

GROUND (d)

56. The Appropriate Authority does not propose to determine specific policy in relation to what may be considered inappropriate, and therefore form reason to refuse a licence under this ground, applicants will wish to be aware that:
57. The definition of the terms 'close' and 'near' are purposefully not defined in this policy and will be subject to determination on a case by case basis, having regard to any objections received.

CONDITIONS

58. The Appropriate Authority has adopted a set of standard conditions relating to sex entertainment premises, together with specific conditions relating to certain categories of establishment.
59. A copy of these conditions is given at **Annex 2** to this policy.
60. The authority welcomes commitments made by applicants to accept additional conditions in the event that licence was granted, and encourages applicants to consider this option prior to the submission of their application.

DURATION OF LICENCES

61. Where licences for sex establishments are granted, they will be valid for a period of one calendar year. Applications for the renewal of licence will only be accepted if made within the last two calendar months of the present licences period of validity.
62. The Appropriate Authority is empowered by the 1982 Act to revoke a licence at any time during the licence period. Revocation will be considered in the event

that the Authority becomes aware that there may be grounds under which any new or renewal application for the same premises would be refused in respect of the mandatory or discretionary grounds.

63. Whilst the Authority is able to consider revocation without request from another party, it will also consider whether revocation of a licence may be necessary following receipt of a written request by any party, where that request provides relevant reasons as to why it should be so considered.
64. A decision to revoke will be made at a public hearing of the Neighbourhood Committee (or Sub-committee), and only after the licence holder has been given opportunity to make representation.

APPEALS

65. The right of appeal is restricted in the case of applications made under the 1982 Act.
66. There is no right of appeal to the magistrates' court in respect of decisions to refuse an application where the decision is made:
 - in respect of mandatory grounds (unless an applicant can prove the appropriate ground of refusal does not apply to them)
 - in respect of discretionary grounds (c) and (d), set out in paragraph 49 above .
67. In these circumstances, the only remedy available to the applicant is that of Judicial Review.
68. There are however grounds of appeal against any decision to refuse that is based upon discretionary grounds (a) or (b), or against the imposition of any conditions applied to a licence.
69. Any appeal must be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision or became aware of the condition.
70. Where an appeal is lodged against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to apply until the determination or abandonment of the appeal.

WAIVER

71. The Appropriate Authority can issue a waiver notice, negating the requirement for a licence under the Act, where it considers it to be unreasonable or inappropriate to require such a licence.
72. The type of reasons for which premises that may be granted a waiver will depend on the individual circumstances relating to each application, and will be determined by Neighbourhood Committee (or Sub-committee thereof).
73. Applications for a waiver must be made in writing, and must state the reasons why the applicant feels the granting of a sex establishment licence would be unreasonable or inappropriate.
74. The Authority will not grant waivers in order to accommodate late applicants where an application for a licence could have been made in advance.

FAIR AND EQUITABLE TREATMENT

75. Nothing in this statement of policy will:
 - Undermine the rights of any person to have his/her application considered on its individual merits and in accordance with the rules of natural justice and the European Convention on Human Rights.
 - Negate the right of any person to make an objection in respect of any application, or to seek the revocation of any licence, and for those objections to be properly considered in accordance with the rules of natural justice and the European Convention on Human Rights.

PROMOTION OF EQUALITY

76. The Council recognises its obligation under equality legislation covering race, disability, gender, age, sexual orientation and religion or beliefs. The Authority therefore ensures that its functions under the Local Government (Miscellaneous Provisions) Act 1982 are therefore operated accordingly.
77. The Authority considers that access to licensed sex establishments should not be denied to anyone who may be disabled. The Authority expects all proprietors of licensed premises to give due consideration to the needs and requirements of access to licensed premises by disabled or less mobile customers, and to make adequate arrangements to ensure their operations are inclusive.

ADVICE

78. Officers from the Licensing Team are available to give advice to any person on technical matters of the legislation, including the procedures for making objections and making applications.
79. It should however be noted that the Licensing Team must at all times remain impartial in the advice it provides, and as such officers will be unable to advise on the likely success or otherwise of any application or objection.
80. Anyone requiring advice on the licensing process, should contact:

The Licensing Team,
Environmental Health & Trading Standards Service
Royal Borough of Kingston upon Thames
Guildhall 2
Kingston upon Thames
KT1 1EU

Telephone: 020 8547 5079 or 020 8547 5078
Fax: 020 8547 5515
E-mail: licensing@rbk.kingston.gov.uk
Website: www.kingston.gov.uk/licensing

DELEGATION OF LICENSING DECISIONS

Matter to be dealt with	Licensing Committee	Neighbourhood Committee (or sub-committee)	Officers
ADOPTION OF A POLICY ON THE LICENSING OF SEX ESTABLISHMENTS	In all cases & only after consultation with Neighbourhoods		
APPLICATION FOR GRANT OF A SEX ESTABLISHMENT LICENCE		If objections are received	If no objections are received
APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE		If objections are received	If no objections are received
APPLICATION FOR VARIATION OF A SEX ESTABLISHMENT LICENCE		If objections are received	If no objections are received
APPLICATION FOR TRANSFER OF A SEX ESTABLISHMENT LICENCE		If objections are received	If no objections are received
APPLICATION FOR A WAIVER		In all cases	
TO REFUSE TO GRANT A LICENCE WHEN MANDATORY GROUNDS APPLY			In all cases
TO REVOKE A LICENCE		In all cases	

STANDARD CONDITIONS APPLICABLE TO LICENCES

A) GENERAL CONDITIONS APPLICABLE TO ALL PREMISES

Hours of opening

1. Except with advance written consent of the Appropriate Authority, the premises shall not be open on Sundays, any Bank holidays or any public holidays.

Conduct and Management of Sex Establishment

2. Where the licence holder 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 Appropriate Authority within 14 days of such change. The licence holder shall furnish the Appropriate Authority with such details as the Council may require in respect of any new director, secretary or manager within 14 days of a request made in writing by the Authority.
3. The name of the person responsible for the management of the sex establishment, being someone previously notified to the Appropriate Authority in writing, shall be prominently displayed within the premises throughout the period during which he is responsible for the conduct of the premises.
4. The licence holder shall maintain register in which he shall record the name and addresses of any person employed in the premises, together with details of the dates of their employment and dates worked. The register is to held on the premises and be available for inspection by the police and authorised officers of the Council on request.
5. The licence holder shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
6. The licence holder shall take such steps are necessary to maintain good order in the premises.
7. No person under the age of 18 shall be admitted to the premises or shall be employed in the business of the establishment.
8. The licence holder shall ensure that the public are not admitted to any part or parts of the premises other than to those which have been approved by the Council, and are so marked on a plan of the layout of the premises appended to this licence.

9. The licence holder shall ensure that no employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.

External appearance

10. No display advertisement or any matter or writing shall be exhibited so as to be visible from outside the premises except: -
11. Any notice required to be displayed by law, by these Regulations or by any condition of any licence granted by the Council.
12. Such display advertisement matter or writing as shall have been approved by the Council.
13. The windows and openings to the premises, shall be of a material or covered with a material which will render the interior of the premises invisible to passersby.

State, condition and layout of premises

14. The premises shall be maintained in good repair and condition.
15. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of the time that the premises are open to the public.
16. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements: -
17. All such doors or openings approved by the Council shall be clearly indicated on the inside by the word 'exit'.
18. Doors and openings other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private'
19. No access shall be permitted through the premises to any other premises adjoining to adjacent except in the case of emergency.
20. The external doors to the premises shall be fitted with a device to provide for their automatic closure, and such devices shall be maintained in a good working order.
21. The licence holder shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises are disabled.

22. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Safety

23. The licence holder shall take all reasonable precautions for the safety of the public and employees.
24. The licence holder shall comply with any fire prevention and safety measures that may be required of him by the Council or the London Fire Brigade.
25. The premises shall be provided with such fire appliances as are identified as being required by a fire risk assessment.

B) ADDITIONAL CONDITIONS APPLICABLE TO SEX SHOPS

26. The sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
27. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.

Goods available

28. All sex articles and other things displayed within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charges.
29. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the premises.
30. On an external facing surface of an inner door there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 "WARNING Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age".
31. The Licence holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council;
32. No moving picture or display of recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than five minutes for the sole purpose of demonstrating to a prospective purchaser or hirer of the condition of the article in question. Any such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles.

33. The Licensee shall not make any charge or permit any charge to be made for such a display;
34. The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage, for any period of time, on any pavement, footpath, forecourt, garden or yard.
35. A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council;
36. The Licensee shall forthwith notify the Council of his ceasing to carry on the business;

C) ADDITIONAL CONDITIONS APPLICABLE TO SEXUAL ENTERTAINMENT VENUES

37. All striptease performers shall be provided with a copy of the premises 'house rules' and / or performers code of conduct prior to the commencement of their first performance on any day.
38. Striptease shall only be performed in the area of the club as marked on the plan of the layout of the premises appended to the licence.
39. There shall be no physical contact between customer(s) and the striptease performer except for the placing of money, or items of money's worth, either
 - in a garter belt affixed to the performers thigh,
 - or from the customer's hand to the hand of the performer at the beginning or at the conclusion of the performance.
40. A notice, of at least A4 in size, stating that there shall be no physical contact between customers and the striptease performer shall be clearly displayed at each customer's table, on any podium / stage (positioned so as to be facing the customer) and at the entrance to the premises.
41. On any day when striptease performances are taking place no performer shall make physical contact with another performer.
42. Striptease performers shall to remain standing during a performance of striptease
43. Striptease performers shall re-clothe at the conclusion of a performance and are to remain clothed whilst acting in the capacity of host or hostess. For the purposes of this condition the dressing in underwear alone is considered to be clothing.
44. Striptease performers are to remain a minimum distance of 30cm from customers whilst performing striptease.

45. A minimum of <number> SIA registered door supervisors shall be employed on the premises during its opening hours. At least <number> of these supervisors shall be located within the room / area where performances are being provided.
46. All door supervisors shall be provided with a copy of the premises 'house rules' and / or performers code of conduct at the commencement of their shift, and shall be empowered to ensure that the house rules are complied with.
47. The licence holder is to ensure that prior to employment, all performers provide documents proving that they are over 18 years of age and that they are legally entitled to work in the U.K. A copy of all such documents shall be retained securely on the premises until 6 months after the performer ceases employment. This applies to all performers, including those provided by an agency. All records are to be made available to the authorised officers of the council, police or other enforcement organisation upon request
48. The whole of the venue, excluding performers changing areas and toilets, is to be monitored by CCTV. This system to be installed maintained and operated as agreed with a Police crime prevention officer. The recordings are to be retained for a period of 31 days and recordings are to be made available to authorised officers upon request.

D) ADDITIONAL CONDITIONS APPLICABLE TO SEX CINEMAS

49. No Sex Articles nor other items intended for use in connection with, or the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema;
50. The Licence Holder shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises;
51. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time;
52. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984;
53. The Licence Holder shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard;
54. The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises shall be displayed outside the premises.

55. The Licence Holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council and are shown on the plan of the layout of the premises appended to this licence.