



LICENSING COMMITTEE

Monday, 2 October 2017 at 6.30 p.m.

The Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA 4

This meeting is open to the public to attend.

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For further information including the Membership of this body and public information, see the main agenda.

| | PAGE NUMBER(S) | WARD(S) AFFECTED |
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| 3 .1 Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU | 1 - 8 | Spitalfields & Banglatown |

LBTH Standard Conditions for Sexual Entertainment Venues

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES
(REVISED 23RD JUNE, 2015)

Definitions

In this Licence,

‘approved layout’ means the layout of the Premises shown on the attached plan.

‘authorised officers’ means officers of the Borough Council or of the Police

‘drinks tariff’ means a tariff showing the price of all drinks

‘entertainment tariff’ means a tariff showing the price of all sexual entertainment performances, displays of nudity and services related to the sexual entertainment performance (including charges for admission to any part of the Premises; for hire of rooms, booths or reserved areas; or for the company of performers)

‘nudity’ , ‘display of nudity’ and ‘sexual entertainment’ are references to those terms as defined by section 27 of the Policing and Crime Act 2009.

‘performers’ means persons engaged by or through the Licensee who provide or participate in sexual entertainment

‘premises’ includes land, buildings, stalls, structures or erections, and all forms of vessels or vehicles (including for the avoidance of doubt bicycles, motor vehicles, boats and aircraft). It does not include any private dwelling to which the public is not admitted.

‘the Premises’ means the premises authorised in this Licence as a sexual entertainment venue and shown on the attached plan.

‘public area(s)’ means the area(s) outlined in blue on the attached plan, being the area within the Premises that the public are permitted to enter.

‘the public’ includes customers, guests and visitors to the premises, but excludes performers and those employees or agents of the Licensee lawfully engaged in managing or operating the Premises.

‘sexual entertainment area(s)’ means the area(s) outlined in red on the attached plan, being locations where sexual entertainment is permitted to take place.

‘suggestive advertising content’ means photographs, sculptures, images, tableaux, displays, sounds, spoken words or writing - including graphics, logos or trademarks- that depict, indicate or suggest that sexual entertainment takes place on the Premises

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.
3. The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.
4. The Licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.
6. The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.
7. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.

Premises

8. The approved layout of the Premises shall not be altered without prior consent of the Council.
9. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).
10. Sexual entertainment shall take place only in the designated sexual entertainment areas.
11. No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.
12. Without prejudice to condition 13 below CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice.
13. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.
14. Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.

Advertising

15. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets:

on any public highway, street, waterway or railway;
in any place of general public use or access; or
in publicly accessible areas of premises open to the public.

This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway.

For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

16. All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.
17. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

Admission to the Premises

18. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.

19. Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

House Rules

20. The Licensee shall prepare House Rules governing the conduct of customers.
21. The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.
22. The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided
23. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.
24. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.
25. Customers may not be permitted to photograph, film or electronically record any performance.
26. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

Performers

27. Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.
28. The Licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the Licensee shall keep a copy of a photographic form of identity and proof of address of the performer. With each record the Licensee shall keep a clear copy of an authorised document demonstrating that each Performer and each member of the staff is

entitled to work within the UK. A clear copy of this record shall be kept on the Premises at all times and be made immediately available for inspection by authorised officers.

29. On days when sexual entertainment is provided, the Licensee or their representative shall keep a record of those performers working at the Premises on that day in a daily record. The daily record shall be retained securely for at least 31 days and shall be made immediately available for inspection by authorised officers.

Tariffs

30. The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.
31. The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff.
32. The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.

Code of Conduct

33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.
34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.

35. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.
36. Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.
37. The Licensee must not permit gratuities or any other items to be thrown at performers.
38. During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.
39. Performers shall be provided with a changing room to which the public have no access.
40. Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].
41. Performers must re-dress at the conclusion of a performance.

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