



**Sex Shop and Sexual Entertainment Venue Policy**

**2011 - 2015**

DRAFT

**For consultation:  
April – June 2011 (provisional)**

## Contents

<b>INTRODUCTION</b> .....	3
1.0 Stevenage Borough .....	3
1.1 Legislation and Policy Consideration.....	3
1.2 Consultation .....	3
1.3 Exchange of Informaiton .....	4
1.4 Compliance and Enforcement .....	4
<b>2.0 APPLICATIONS</b> .....	5
2.1 Fitness of the Applicant.....	5
2.2 Impact of the Sex Establishment.....	5
2.3 Crime and Disorder.....	6
2.4 Application Considerations – SEX SHOPS .....	6
2.4.1 Significant degree.....	6
2.5 Relevant localities.....	6
2.6 Application Considerations – SEXUAL ENTERTAINMENT VENUES .....	7
2.7 Relevant entertainment.....	7
2.8 Relevant localities.....	7
2.9 Length of licence .....	8
2.10 Waivers .....	8
2.11 Licence conditions .....	8
2.12 Fees .....	8
2.13 Commenting on Licensing Applications .....	9
<b>APPENDICES</b> .....	<a href="#">10</a>
Appendix 1 – Map of Stevenage Borough Council area .....	10
Appendix 2 – Definitions (Sex Cinema) .....	11
Appendix 3 – Definitions (Sex Shop) .....	12
Appendix 4 – Definitions (Sexual Entertainment Venue) .....	13
Appendix 5 – Conditions of Licensing (Standard Conditions for Sex Establishment Licence) ..	15
Appendix 6 – Conditions of Licensing (Standard Conditions for Sexual Entertainment Venues) (SEVs) .....	19

## Introduction

### 1.0 Stevenage Borough Council

- 1.0.1 Stevenage Borough Council is situated in the County of Hertfordshire, which contains 10 District Councils in total. Designated as Britain's first new town in 1946, the Council area has a population of approximately 78,000 making it the smallest in the County in terms of population. In terms of area it is also the smallest, covering approximately 20 square miles. The town is located on the A1 (M) just 30 miles from London and 15 minutes from the M25. Rail connections are good, being situated on the East Coast London to Edinburgh line, and both Luton and Stanstead airports are within easy travelling distance.
- 1.0.2 Set in the attractive countryside of north Hertfordshire, Stevenage is an urban authority, enjoying the amenities of a well-planned new town together with a history dating back to Roman times.
- 1.0.3 A map of the Council area is attached as appendix 1.

### 1.1 Legislation & Policy Consideration

- 1.1.2 As a result of the amendments to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by way of section 27 of the Policing and Crime Act 2009 for Sex Establishment Licensing, in particular Sexual Entertainment Venues (SEV's), licensing authorities were advised as part of the adoption of the additional provisions, to consider devising and publishing a Licensing policy for Sex Establishment licensing that would outlay the principles that they propose to apply when exercising their functions.

### 1.2 Consultation

- 1.2.1 The policy was approved for consultation at a meeting of the General Purposes Committee on the **(Insert Date)**. The Licensing Authority will consult with existing licence holders, holders of premises licences that permit the consumption of alcohol on the premises, as well as business forums and Community Groups alike.
- 1.2.2 The draft policy will be published via our website, as well as copies being available for inspection at the Council Offices, Daneshill House.
- 1.2.3 Should any party consulted with have any comments as regards this draft policy statement they will be invited to submit these to the Licensing Department via e-mail, letter or fax to:

Licensing Team  
Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN

E-mail: [licensing@stevenage.gov.uk](mailto:licensing@stevenage.gov.uk)

Fax: 01438 242142

- 1.2.4 As with our Licensing Policy and Statement of Principles for Gambling Premises, we will follow the HM Government Code of Practice on consultations (published July 2008) which are available at:

<http://www.berr.gov.uk/files/file47158.pdf>

- 1.2.5 It should be noted that this policy statement will not override the right of any person to make an application, nor make representations about an application, as each will be considered on its own merits and according to the statutory requirements of the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3.
- 1.2.6 At the time this policy was drafted, the Council had licensed two sex shops under the 1982 Act. There were no premises authorised under the Licensing Act 2003 to provide entertainment which would require licensing as a sexual entertainment venue (SEV).
- 1.2.7 This statement once approved, will be reviewed from “time to time”, and any amendments or variations to this will be re-consulted upon.

### **1.3 Exchange of Information**

- 1.3.1 The licensing authority may, from time to time, exercise its powers under section 115 of the Crime and Disorder Act 1998 by exchanging information with the Police, or other relevant authorities, so as to fulfil our statutory objective of reducing crime in the borough.
- 1.3.2 Details of applications and objections received that are to be determined by the General Purposes Committee will be published in reports that are made available to the public in accordance with the Local Government Act 1972, and the Freedom of Information Act 2000.
- 1.3.3 The names, addresses or other personal details of objectors will not be contained within published reports in accordance with the Local Government (Miscellaneous Provisions) Act. Such details will only be made available to the Committee determining the application.

### **1.4 Compliance and Enforcement**

- 1.4.1 The licensing authority will keep up to date with developments as to the requirements of the Better Regulations Executive, and other Central Government Authorities in its consideration to regulate, enforce and inspect premises.
- 1.4.2 The licensing authority recognises that the current sex establishment provisions within Stevenage are not generally a source of crime or disorder. With regard to this, the Licensing Authority will adopt and maintain a light touch inspection regime, and where necessary, carry out simple premises inspections, unless exceptional circumstances were to arise that would require a more in-depth, frequent inspection programme.
- 1.4.3 Our approach to enforcement is laid out in our enforcement policy, which can be made available on request.

## **2.0 Applications**

2.0.1 The Applicant will be required to make their application in accordance with Clause 10, Schedule 3, of the Act.

2.0.2 Applications forms and prescribed notices will be provided to applicants upon request.

### **2.1 Fitness of the Applicant**

2.1.2 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, the Council will take the following into account:

- a) Previous relevant knowledge and experience of the applicant;
- b) Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
- c) Any report about the applicant and management of the Premises received from statutory objectors.

2.1.3 Whilst every application will be considered on its merits the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent relevant criminal convictions. For further advice with regards to this, the applicant would be encouraged to speak with the Licensing department before making their application.

### **2.2 Impact of the Sex Establishment**

2.2.1 In considering applications for the grant of new licences or variation of conditions to existing permissions, the Council will assess the likelihood of such a grant, particularly to local residents. The Council will take the following general matters into account:

- a) Type of activity;
- b) Duration of proposed licence;
- c) Proposed hours of operation;
- d) Layout and condition of the Premises;
- e) The use to which Premises in the vicinity are put;
- f) The character of the locality in which the Premises are situated.

2.2.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the application on:

- a) Crime and disorder;
- b) Cumulative impact of licensed Premises in the area, including hours of operation;
- c) The character of the locality in which the Premises is situated.

2.2.3 In considering all applications for **renewal** of a Sex Establishment licence the Council will take into account:

- a) Crime and disorder;
- b) Cumulative impact of licensed Premises in the area, including hours of operation;
- c) The character of the locality in which the Premises is situated.

## **2.3 Crime and Disorder**

2.3.1 The issues that will be considered are:

- a) levels of recorded crime in the area of a Sex Establishment that give the Police cause for concern;
- b) past demonstrable adverse impact from the licensed activity;
- c) whether appropriate measures have been agreed and put into effect by the applicant/licence holder to mitigate any adverse related impacts.

## **2.4 Application Considerations - SEX SHOPS**

### **2.4.1 Significant degree**

2.4.1.1 Licences for sex shops are required where 18R films are sold, or where there is a "significant degree" of "sex articles" for sale.

2.4.2.2 The phrase "sex articles" is defined in the 1982 Act, but the phrase "a significant degree" is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover
- (6) other factors which appear to be materially relevant.

### **2.5 Relevant localities**

2.5.1 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

2.5.2 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
- (2) 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 (ii) to the layout, character or condition of the premises.

2.5.3 In considering the characteristics of a locality we shall particularly take account of the density and proximity of the premises in relation to:

- (1) residential accommodation
- (2) parks and children's play areas
- (3) other retail units (and their uses)
- (4) schools
- (5) religious and communal buildings
- (6) alcohol or entertainment licensed premises.

2.5.4 Applications will not normally be granted if they are within 200 meters of any of the above premises.

## **2.6 Application Considerations - SEXUAL ENTERTAINMENT VENUES**

### **2.7 Relevant entertainment**

2.7.1 Licences for sexual entertainment venues are required for "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

2.7.2 "Relevant entertainment" is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as "any live performance or 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 an audience (whether by verbal or other means)." An audience can consist of just one person, e.g. in a private booth.

2.7.3 In deciding whether entertainment is "relevant entertainment" we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

2.7.4 Adult entertainment not classed as "relevant entertainment" may still require licensing under the Licensing Act 2003.

### **2.8 Relevant localities**

2.8.1 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable,

due to their age, domiciliary status or previous criminal convictions.

2.8.2 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality;
- (2) 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 (ii) to the layout, character or condition of the premises.

2.8.3 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality will be considered on a case by case basis.

2.8.4 Although some of these localities may be adjacent to the town centre, it is worthwhile to note that there are residential premises in and very close to Town Centre, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc

2.8.5 Stevenage leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue may be inappropriate in this area given the family- orientated nature of these premises.

2.8.6 Local shopping areas within the Borough of Stevenage generally only have a few shops serving local residents, and entertainment premises of this nature may be an inappropriate facility in these areas.

## **2.9 Length of licence**

2.9.1 We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

## **2.10 Waivers**

2.10.1 We do not consider it would be appropriate to permit waivers from the requirements to hold either a sex shop licence or a sexual entertainment venue licence, particularly as the legislation for SEV's allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

2.10.2 The only exception to this may be if a business had to temporarily be re-located following damage to the licensed premises. If this was to arise, the matter would be laid before the General Purposes Committee for their consideration and determination.

## **2.11 Licence conditions**

2.11.1 We have as part of the policy devised a list of standard conditions for the operation of sex shops and sexual entertainment venues that are set out at appendices 5 and 6 respectfully.

2.11.2 Where it is reasonable and necessary to do so, our Licensing Committee may impose additional proportional conditions on a licence following receipt and determination of valid representations.

## **2.12 Fees**



2.12.1 Our fees are set each year and details are available from our licensing team and on our website. We charge separate fees for applying for a licence, renewing a licence, and for making variations to a licence, or to transfer a licence.

### **2.13 Commenting on Licensing Applications**

2.13.1 Unlike other licensing regimes, such as that for alcohol, entertainment or gambling, a wider range of persons can raise objections as to Sex Establishment licences.

2.13.2 Objectors representations should contain reference to the statutory grounds for refusal as outlined in the 1982 Act. Moral grounds will not be considered a valid objection; neither will frivolous or vexatious representations.

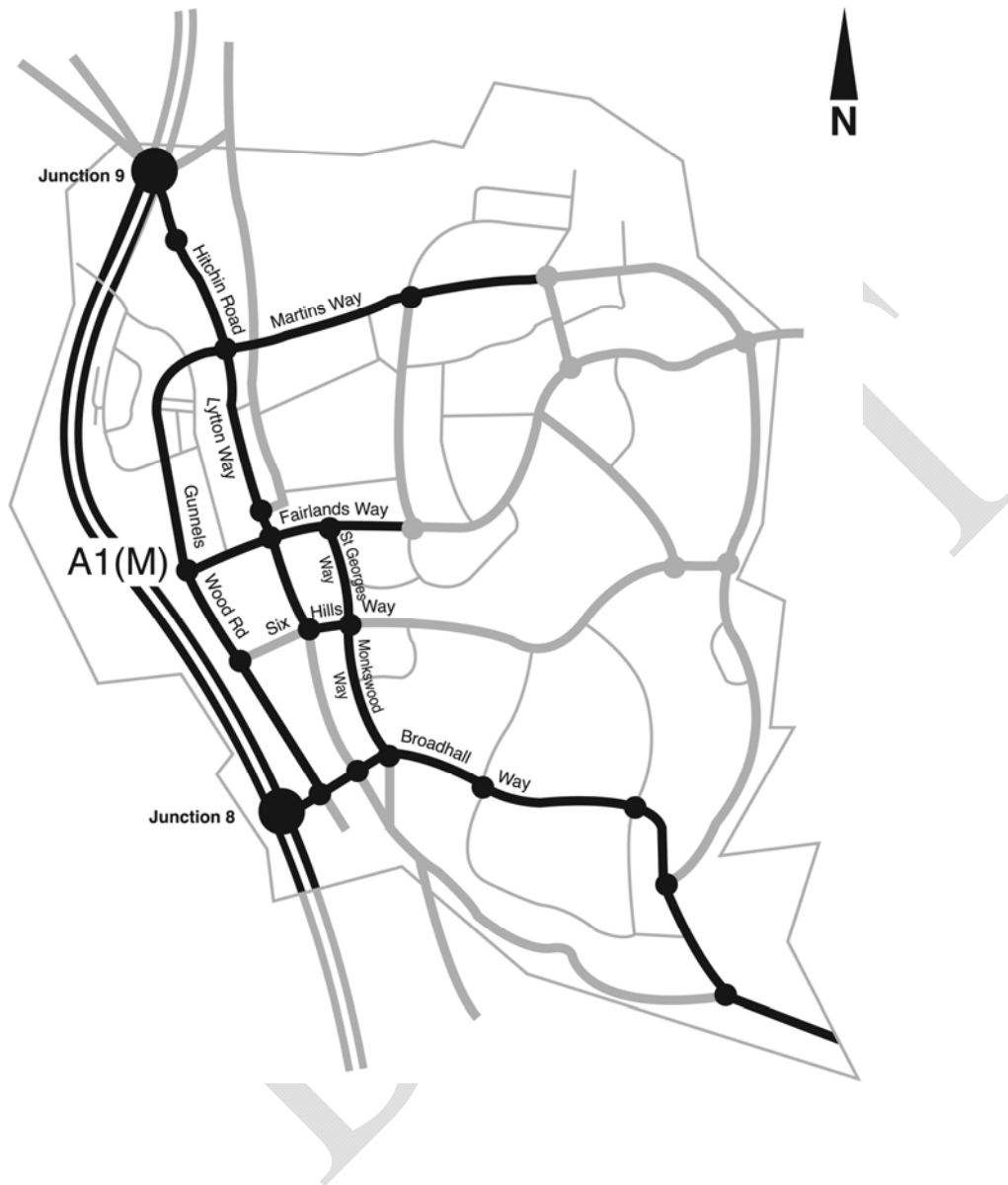
2.13.3 We will take the following approach when determining applications:

- (1) Each case will be determined on its own merits. The licensing authority will not apply a rigid rule to its decision making;

2.13.4 Objections can be submitted from resident and/or tenant associations, community associations or trade bodies. Councillors and MP's will also be able to raise representations on behalf of their constituents, provided that they will not be sitting on the Committee determining the application in question.

2.13.5 Valid objections will be considered by the General Purposes Committee. This process will give both the applicant and objector(s) an equal opportunity to state their case. The procedure for the hearing will be issued with each hearing bundle prepared prior to the hearing taking place.

Appendix 1 – Map of Stevenage Borough Council area



## Appendix 2 – Definitions (Sex Cinema)

### Schedule 3

- 3(1) In this Schedule, 'Sex Cinema' means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which-
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; or
  - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling hours to which the public is not admitted.
- 3(2) No premises shall be treated as a sex cinema by reason only-
- (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of the Act), of their use in accordance with that authorisation, or
  - (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibition) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

## Appendix 3 – Definitions (Sex Shop)

### Schedule 3

- 4(1) In this Schedule, 'sex shop' means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating-
- (a) sex articles; or
  - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging-
    - (i) sexual activity; or
    - (ii) acts of force or restraints which are associated with sexual activity.
- 4(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.
- 4(3) In this Schedule 'sex article' means-
- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging-
    - (i) sexual activity; or
    - (ii) acts of force or restraint which are associated with sexual activity; and
  - (b) anything to which sub-paragraph (4) below applies
- (4) This sub-paragraph applies-
- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article, and
  - (b) to any recording vision or sound which-
    - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

## Appendix 4 – Definitions (Sexual Entertainment Venue)

### Schedule 3

2A

(1) In this Schedule '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.

(2) In this paragraph 'relevant entertainment' means-

- (a) any live performance; or
- (b) 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).

(3) The following are not sexual entertainment venues for the purpose of the Schedule-

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time-
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premise specified or described in an order made by the relevant national authority.

(4) The relevant national authority may by order amend or repeal sub-paragraph (3)(b).

(5) But no order under sub-paragraph (4) may-

- (a) increase the number or length of occasions in any period on which sub-paragraph (3)(b) as originally enacted would permit relevant entertainment to be provided; or
- (b) provide for shorter intervals between such occasions.

(6) The relevant national authority may by order provide for description of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of this Schedule.

(7) Any power of the relevant national authority to make an order under this paragraph-

- (a) is exercisable by statutory instrument;
- (b) may be exercised so as to make different provisions for different cases or descriptions of case or for different purposes;
- (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.

- (8) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under sub-paragraph (4) may not be made by the Welsh Minister unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (11) A statutory instrument containing an order made under sub-paragraph (3)(c) or (6) by the Welsh Ministers is subject to annulment in pursuance of a resolution for the National Assembly for Wales.
- (12) For the purpose of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- (13) For the purpose of this Schedule references to the use of any premises as sexual entertainment venue are to be read as reference to their use by the organiser.
- (14) In this paragraph-

“audience” includes an audience of one;

“display of nudity” means-

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of-

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means-

- (a) in relation to England, the Secretary of State; and
- (b) in relation to Wales, the Welsh Ministers;

and for the purpose of sub-paragraph (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

## **Appendix 5 - Conditions of Licensing (Standard Conditions for Sex Establishment Licence)**

### **1.0 Management of the Premises**

- 1.0.1 The Licensee or some responsible person nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
- 1.0.2 Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
- 1.0.3 A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council or the local trading standards authority.
- 1.0.4 The name of the person responsible for the management of the Premises, whether they be the Licensee or the duty manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the Premises.
- 1.0.5 The Licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The Council must be immediately be notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licensee’s control of the premises.
- 1.0.6 The Licensee shall ensure that the public is not admitted to any part of the premises that has not been licensed.
- 1.0.7 No person under the age of 18 shall be admitted to the premises, and a notice to this effect, shall be displayed either by the entrance or on the outside of the premises.
- 1.0.8 Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.
- 1.0.9 The Licensee shall ensure that during the hours that the premises are open for business that every employee wears a badge of a type approved by the Council indicating their name and will include their company details.
- 1.0.10 The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee’s absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

### **1.1 Opening of the Premises**

- 1.1.1 The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9 am – 6 pm

Sunday 10 am – 4 pm

- 1.1.2 The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday, or any other prescribed Bank Holiday.

## **1.2 Conduct of the Premises**

- 1.2.1 No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without an application being made, and the written consent of the Council being given.
- 1.2.2 No sex articles or other things 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 shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
- 1.2.3 A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 1.2.4 All sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged.
- 1.2.5 All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
- 1.2.6 No film or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

## **1.3 External Appearance**

- 1.3.1 The holder of a sex establishment licence may exhibit on the outside of the premises the name of the business in a format and size as agreed with the Council, and may include the words 'Licensed Adult Establishment'.
- 1.3.2 The holder of a sex establishment licence shall exhibit on the outside of the premises a notice, displaying the times of opening and the words 'No person under the age of 18 allowed. People under the age of 21 will be required to show proof of their age.'
- (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, unless they have been approved by the Council in writing;
- (b) No external loudspeakers may be installed.
- 1.3.3 The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.



#### **1.4 State, Condition and Layout of the Premises**

- 1.4.1 Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the premises, he shall maintain the premises in good repair and condition.
- 1.4.2 External doors shall be closed at all times other than when persons are gaining access or egress to the premises. The external doors shall be maintained and be in good working order.
- 1.4.3 The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible to passers by.
- 1.4.4 No access shall be permitted through the premises to any other premise adjoining or adjacent, except in the case of emergency.
- 1.4.5 Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
- 1.4.6 Structural alterations or additions, either internal or external, shall be not be made to the premises without prior written consent from the Council.
- 1.4.7 Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
- 1.4.8 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.

#### **1.5 Safety and Security**

- 1.5.1 The Licensee shall take all reasonable precautions for the safety of the public and employees.
- 1.5.2 The Licensee shall institute steps to check the age of customers entering the shop who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18.
- 1.5.3 The Licensee shall ensure a closed-circuit television system is installed internally to the satisfaction of the Council.

#### **1.6 Goods Available in Sex Establishments**

- 1.6.1 All Sex Articles as defined in Schedule 3 to the Local Government Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 1.6.2 All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

- 1.6.3 The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations from time to time and in particular any such material related to AIDS. Free literature relating to the prevention of sexually transmitted diseases shall be given to each customer after purchase of a Sex Article.

DRAFT

## **Appendix 6 - Conditions of Licensing (Standard Conditions for Sexual Entertainment Venues) (SEVs)**

- 1.0 The Licensee must remain in personal control of the premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
- 1.1 Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
- 1.2 The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the premises ("floor supervisors") whilst performances are being given under this licence.
- 1.3 No children under the age of 18 shall be admitted to the premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the premises to that effect.
- 1.4 Performers shall be aged not less than 18 years. The Licensee will be required to maintain adequate records of the names, addresses and dates of birth of performers. This will also include adequate identity/right to work checks.
- 1.5 The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the premises in any unlawful manner.
- 1.6 Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
- 1.7 The Licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the premises and which may be offensive.
- 1.8 The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the premises is not visible from the outside, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible by passers by outside of the premises.
- 1.9 The Licensee shall ensure that no more members of the public shall be present on the premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
- 1.10 Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed premises as may be agreed in writing with the Council.
- 1.11 The Licensee is to implement a policy to ensure the safety of the performers when they leave the premises after a period of work.

- 1.12 Performers must remain clothed in public areas and all other areas except while performing in areas identified on plans of the premises as to where sexual entertainment may be provided.
- 1.13 Performers may not accept any telephone number, email address, address or contact information from any customer. If customers insist on providing this information to performers, this must be surrendered to the Licensee or their representative before leaving the premises.
- 1.14 Performers must never be alone in the company of a customer except in an area open to the public within the premises.
- 1.15 The Licensee is to ensure a sufficient number of door supervisors are employed inside the premises whilst sexual entertainment is provided to supervise the performers and customers.
- 1.16 Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
- 1.17 The Licensee must ensure that during the performance of a table dance:
- (a) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
  - (b) customers must remain seated during the entire performance of the dance;
  - (c) for the purpose of restraint only, performers may only touch a customer above the customer's chest with their hands only;
  - (d) performers must not sit or straddle the customer;
  - (e) performers must not place their feet on the seats.
- 1.18 The Licensee must ensure that during performances to which this Licence relates:
- (a) performers may not perform any act that clearly simulates any sexual act;
  - (b) performers may not intentionally touch a customer any time during the performance unless absolutely accidental;
  - (c) performers may not use inappropriate, suggestive or sexually graphic language at any time;
  - (d) performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
  - (e) performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;
  - (f) performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

- 1.19 The Licensee must ensure that during performances to which this Licence relates:
- (a) customers may not dance at any time, except in areas specifically designated by the Council as being separate from areas for sexual entertainment. Customers must remain appropriately clothed at all times.
- 1.20 The Licensee shall ensure that CCTV is installed and maintained to the satisfaction the Licensing Authority, and that any images are
- (a) retained for a period of at least 31 days; and
  - (b) made available on request to a police officer or authorised officer of the Council.
- 1.21 The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

DRAFT