

Shropshire Council

Sex Establishments Policy

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1. Preface

- 1.1 Shropshire Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) (otherwise referred to in this document as the Act) so that it can licence sex shops, sex cinemas and sexual entertainment venues in the Shropshire Council area. In this policy, we refer to these as sex establishments unless specified otherwise.
- 1.2 The role of the Council is to administer the licensing regime in accordance with the law and not in accordance with any moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.
- 1.3 The Local Government (Miscellaneous Provisions) Act 1982 ('the Act') and the Policing and Crime Act 2009 ('the 2009 Act') can be viewed in full at www.opsi.gov.uk
- 1.4 A consultation on this policy was undertaken between 23 September 2013 and 15 December 2013 and was formally adopted by the Council on []2014.

2. Introduction

- 2.1 The aim of this policy is to provide guidance for officers of the Council, prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Sub-Committee when making a determination on an application.
- 2.2 While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be made.
- 2.3 The night-time economy encompasses a range of activities for inhabitants of and visitors to the Council's area. It comprises pubs and clubs, cinemas, theatres, cafés and restaurants etc. It is supported by public transport, taxis and many public services such as the police, council services such as cleaning, refuse collection, planning and licensing, and impacts upon the health service. The growth of the night time economy as a whole has been taken into account in formulating this policy.

- 2.4 The promotion and advancement of the night time economy will be actively pursued by partnership working, responsible retailing and management, increased training and the promotion of good practice.
- 2.5 This policy recognises that the diversity of the local community enriches the Council area, contributes to its social and economic prosperity, and that all members of the community have a right to equality of opportunity, fairness and access.
- 2.6 Applicants and licensees must have due regard to the requirements of the Equality Act 2010. The Equality Act 2010 section 20 requires applicants and licensees to take such steps as it is reasonable to avoid putting disabled people at a disadvantage caused by a physical feature, e.g. design or construction of a building, exit or access to a building and fixtures and fittings, etc.
- 2.7 The Council expects applicants to be aware of and comply with all legislation relating to unlawful discrimination.
- 2.8 The Council is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights. At the same time, the Council must recognise the right of legitimate businesses to operate their premises without unnecessary restraint.
- 2.9 The Council is duty bound to consider the rights that applicants for licences may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
- 2.10 This policy has taken into account the Equality Act 2010 protected characteristics: Age, Disability, Gender reassignment, Marriage and civil partnership, Race, Religion or belief, Sex and Sexual orientation in its formulation.

3. General Information

3.1 Definition of a Sex Establishment

A sex establishment is defined under the Act as a sex shop, a sex cinema or a sexual entertainment venue.

It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of

articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

3.1.1 Sex Cinema

1) A sex cinema is 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

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.

2) No premises shall be treated 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 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that 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 exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

3.1.2 Sex Shop

1) A 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;

b) or 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 restraint which are associated with sexual activity.

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.

3.1.3 Sex Article

A 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;

b) anything to which sub-paragraph below applies.

This sub-paragraph applies to —

a) 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) any recording of 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.

3.1.4 Sexual Entertainment Venue

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

1) 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)

2) The following are not sex encounter venues: -

a) sex cinemas and sex shops

b) premises at which relevant entertainment is provided as mentioned in sub-paragraph 1) no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event; or

c) premises specified or described in an order made by the relevant national authority

3) The relevant national authority may by order amend or repeal paragraph 2 b) above

4) For the purposes of this Policy references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organizer.

5) Other definitions:-

'audience' includes an audience of one;

"relevant entertainment" means 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).

“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, the Secretary of State;

and for the purposes of sub-paragraphs 3.1.4 1) and 2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

3.2 Suitability and Locality

Paragraph 12 of Schedule 3 to the Act provides specific grounds for refusing a licence. Some of these reasons include:-

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) at the time the application is determined, the number of sex establishments, or sex establishments of a particular kind in the relevant locality is equal to or exceeds the number which the authority consider appropriate for that locality.

- c) the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises.

3.3 Length of Licence

Unless there are exceptional circumstances a licence will be granted for a maximum of 12 months

3.4 Granting a Waiver

The Act contains provisions that permit the Council to grant a waiver from the requirement to hold a sexual entertainment licence.

The Council does not, however, consider that it would be appropriate to grant such waivers, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period.

3.5 Application Form

The Council has a standard application form, including public notices, which are available on request from licensing, telephone 0345 6789026 or email: licensing@shropshire.gov.uk or via the Council's website www.shropshire.gov.uk

3.6 Fees

The fees are set each year and details are available from licensing (as detailed in 3.5 above).

3.7 Conditions

In determining an application, the Council and/or Members of the Council's Licensing Sub-Committee, if minded to grant an application may prescribe conditions relating to:

- The hours of opening and closing.
- Display or advertisements on or in such an establishment.

- The visibility of the interior of the establishment to passersby.
- Such other terms and conditions and restrictions that are to be standard on all Licences.
- Any other condition that it is felt necessary for a particular application.

Standard conditions that may be attached to licences are detailed in **Appendix A**.

4. Policy

- 4.1 The Council will treat each case on its own merits but it is unlikely to approve applications for a sex establishment licence in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship, etc., or where it is considered such an application is inappropriate to the character of the relevant locality or the use or layout, character or condition of the premises, vessel or vehicle are deemed inappropriate.
- 4.2 The Council may decide, with reference to a particular locality, notwithstanding the application fulfilling the above criteria, that the appropriate number of sex establishments in that locality should be nil.
- 4.3 The Council will have due regard to any relevant guidance issued by the Home Office or other relevant agencies in respect of any matters pertaining to the licensing of sex establishments.

5. Commenting on Applications

- 5.1 The Act permits a wide range of persons to raise objections about sex establishment licences. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing Act Sub-Committee) or MP's. The Police are a statutory consultee for all applications.
- 5.2 Objections must be received within the statutory representation period, i.e. within 28 days after the date of the application. However, see also paragraph 5.7 below.
- 5.3 The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds as these are outside the scope of the Act. When

deciding whether an objection is frivolous or vexatious officers will do so in an objective manner and not on the basis of any political judgment.

- 5.4 As a general rule an objection will be considered vexatious where it is repetitive, without foundation or is made with malice. An objection will be considered frivolous if it lacks seriousness.
- 5.5 Where objections are not relevant objections, i.e. they do not relate to the grounds upon which a licence may be refused, the person(s) making the objection will be given written notification of why their objection is not relevant. A report if presented to the Licensing Act Sub-Committee for determination of the application will indicate the general grounds of the representations and the reason(s) any were considered to be not relevant.
- 5.6 Unless being submitted electronically objections should be in writing. All objections should indicate the name and address of the person or organisation making the objection and clearly set out the reasons for making the objections. (Objector's names and address are not revealed to the applicant without the specific consent from the person(s) or organisation making the objection.)
- 5.7 Objections will be considered by Members of the Licensing Act Sub-Committee determining the application. The Sub-Committee has discretion to consider relevant objections received outside the statutory representation period. In such instances, the Sub-Committee will consider all the circumstances of the application together with the relevant provisions of the Human Rights Act 1998 in determining whether to accept late objections.
- 5.8 The applicant will be informed in general terms of any objections received in respect of his application. A copy of the order of proceedings for the hearing will be sent to the applicant and any objectors prior to the hearing.

6. Application Procedure

- 6.1 All applications will follow the following procedure:-
 - a) Application received by Council licensing personnel. Application is checked to ensure it complies with the requirements laid down in the Act.
 - b) All statutory notices and advertisements are checked to ensure compliance with the statutory procedures.

- c) Upon expiry of the statutory representation period the application will be determined in accordance with the Council's Constitution.

7. Determination of Applications

- 7.1 The determination of applications is delegated to the Head of Public Protection, Service Managers and the Team Manager responsible for the licensing function where there is no valid representation submitted during the representation period. The Officer may always refer the application to the Licensing Act Sub-Committee in any event.
- 7.2 Should a formal hearing be required, a report detailing the application and any objections will be presented to the Licensing Act Sub-Committee at a public hearing in accordance with established procedures.
- 7.3 Decision by Members of the Licensing Act Sub-Committee will generally be taken when the press and public have been excluded from the meeting. Members will consider the matter in private session with the assistance of the legal adviser.
- 7.4 The decision of the Licensing Act Sub-Committee will be given to the Public Hearing.
- 7.5 Where an applicant is not satisfied with a decision made by an officer of the Council or the Licensing Act Sub-committee, the applicant has a statutory right to appeal to the Magistrates' Court and from there to the Crown Court; the decision of the Crown Court is final. There are a number of specific grounds upon which an applicant cannot appeal in this manner; in such cases, the applicant has the right to seek judicial review.

Contact Details

For information, advice and guidance relating to licensing and the application process please contact:-

Licensing, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Telephone: 0345 6789026

Fax: 01743 254114

Email: licensing@shropshire.gov.uk

Appendix A

These conditions are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) as amended by the Policing and Crime Act 2009 (the “2009 Act”). In these conditions, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) The “Council” shall mean Shropshire Council and all enquiries concerning these conditions shall be directed to Licensing, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND Telephone 0345 6789026.
- (ii) These conditions apply to all premises licensed as a “sexual entertainment venue” as defined by the 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) “Sexual Entertainment Venue” (‘SEV’) means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer. “Sex Shop”, “Sex Cinema” and “Sex Article” shall have the meanings prescribed to them in the Third Schedule of the 1982 Act.
- (iv) “Premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) ‘Relevant Entertainment’ means 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).
- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

Sex Shops

1. Access to premises

- 1.1 Access must be afforded to all parts of the premises at all reasonable times to authorised officers of the Council, the police, the fire service and any other authorised agencies.

2. Management and staffing of the licensed premises

- 2.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within fourteen days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 2.2 A person shall only be approved for the purposes of the foregoing condition if the Council considers him or her to be a suitable person to have control of the premises.
- 2.3 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 2.4 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.5 The licensee shall operate a Challenge 25 Policy and persons who appear to be under the age of 25 shall be required to show valid photographic proof of identification.
- 2.6 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

2.7 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

3. **External appearance**

3.1 No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions in 3 herein.

3.2 The Council shall approve the design of the front elevation of the establishment.

3.3 No external signage or displays should be made without prior approval of the Council

3.4 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.

3.5 On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

“WARNING

Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”

3.6 All items sold or hired from the premises shall be wrapped or contained in such a way that the contents and source of purchase is not identifiable.

3.7 There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2” high nor more than 3” high stating the name of the licensee of the said premises and

that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sex Shop.

- 3.8 All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, court, footpath or place to which the public has access for the time being shall be obscured or screened in such a way as to prevent the interior of the said premises being visible to any such said persons.

4. Maintenance and repair

- 4.1 The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 4.2 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
- 4.3 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 good working order.

5. Opening hours

- 5.1 The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Sub-Committee.

Sex Cinemas

1. Access to premises

- 1.1 Access must be afforded to all parts of the premises at all reasonable times to authorised officers of the Council, the police, the fire service and any other authorised agencies.

2. Management and staffing of the licensed premises

- 2.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within fourteen days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 2.2 A person shall only be approved for the purposes of the foregoing condition if the Council considers him or her to be a suitable person to have control of the premises.
- 2.3 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 2.4 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.5 The licensee shall operate a Challenge 25 Policy and persons who appear to be under the age of 25 shall be required to show valid proof of identification.
- 2.6 No film shall be exhibited, unless it has been passed by the British Board of Film Classification or it has been classified by Shropshire Council and bears a certificate to that effect.
- 2.7 Neither sex articles nor 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 sold, hired, exchanged, or loaned in a Sex Cinema.
- 2.8 No fastenings of any description shall be fitted upon any booths or cubicles set aside for the display of films.

- 2.9 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.
- 2.10 The licensee shall ensure that during the hours the premises are open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.
- 2.11 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.12 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

3. External appearance

- 3.1 There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sex Cinema.
- 3.2 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.
- 3.3 On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

"WARNING

Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”

- 3.4 No external signage or displays should be made without prior approval of the Council.
 - 3.5 All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, court, footpath or place to which the public has access for the time being shall be obscured or screened in such a way as to prevent the interior of the said premises being visible to any such said persons.
 - 3.6 No such signs or notices shall be illuminated in any other way than to provide illumination during hours of darkness to the satisfaction of the Council.
- 4. Opening hours**
- 4.1 The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Sub-Committee.

Sexual Entertainment Venue

1. Access to premises

- 1.1 Access must be afforded to all parts of the premises at all reasonable times to authorised officers of the Council, the police, the fire service and any other authorised agencies.

2. Windows, fascia board advertisement and displays

- 2.1 The interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.

2.2 The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- a) the address of the premises
- b) the licensed name of the premises
- c) a notice stating the opening hours of the establishment
- d) a notice in accordance with paragraph 4.3 of these conditions
- e) in the case of a licence granted to a body corporate:
 - (i) if the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) if the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.

2.3 The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.

2.4 The licensee shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises.

3. Licensed name

3.1 At the time of granting the licence in respect of the premises the Council will appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.

- 3.2 To change the licensed name, a minor variation application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

4. Exhibition of licence and other information

- 4.1 A copy of the Licence and these conditions as issued by the Council shall be retained in a clean and legible condition and exhibited in a position that can easily be seen by all persons using the premises.
- 4.2 A copy of the conditions of the Licence and these conditions (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
- 4.3 There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as a Sexual Entertainment Venue
- 4.4 On an appropriate internal door there shall be displayed a notice following the example laid down in the Indecent Displays (Control) Act 1981 namely the following or similar words:

"WARNING

Persons passing beyond this notice will find material on display (activities being undertaken) which they may consider indecent. No admittance to persons under 18 years of age"

5. Responsibilities of the licensee

- 5.1 The licensee shall take all reasonable precautions for the safety of the public and employees on its premises and, except with the consent of the Council, shall retain control over all parts of the premises. Any request to sublet the

premises following the grant of a licence will be determined through an application to vary the licence granted.

- 5.2 The premises shall not be used for regulated entertainment as defined by the Licensing Act 2003, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.
- 5.3 The licensee, or any person purporting to act upon their behalf, shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.
- 5.4 The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
- 5.5 The written nomination referred to in condition 13 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
- 5.6 The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
- 5.7 A notice showing the name of the person responsible for the management of the SEV shall be prominently displayed within the SEV throughout the period during which they are responsible for its conduct.
- 5.8 The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.
- 5.9 The licensee shall operate a Challenge 25 Policy and persons who appear to be under the age of 25 shall be required to show valid photographic proof of identification.

6. Management and staffing of the licensed premises

- 6.1 The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers contracted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them.
- 6.2 The term contracted does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, these such persons must be aged 18 years and over if the premises are open for business.
- 6.3 The licensee shall ensure that all persons employed or contracted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
- 6.4 The licensee or a responsible person purporting to act upon their behalf shall at all times provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
- 6.5 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified by way of a minor variation application to the Council within 14 days of such change.

7. Change of location and maintenance/repairs

- 7.1 Where licensed premises are a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. NB This requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.

7.2 Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display (“minor variations”) shall not be made except with the prior approval of the Council.

7.3 The applicant for a minor variation to the premises shall send to the Council a completed form accompanied by a revised plan where applicable of the proposed changes together with the minor variation fee and display a notice on white paper for a period of 14 clear days starting with the day on which notice is served on the Council, on or near the premises.

7.4 A copy of the minor variation application and any revised plan comments as above shall also be submitted to the chief officer of the police for the police area in which the premises are situated and the Environmental Health Service within 7 days of making the application to the Council.

8. Club rules

8.1 Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.

8.2 A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

9. Fees

9.1 Receipts or records of payments received should be provided to performers where “house fees” are charged or when any fines are issued.

10. Performances

10.1 No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted" so that it can be easily read by persons entering the premises.

- 10.2 Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of performers.
- 10.3 All areas within the premises shall display signs advising clients of the club rules and conditions of the licence regarding improper performances.
- 10.4 Performers shall be aged not less than 18 years.
- 10.5 Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia as well as one other over layer of clothing.
- 10.6 During any performance (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the viewing audience except:
- a. Leading a patron hand in hand to and from a chair or private room or designated dance area.
 - b. Simple handshake greeting at the beginning and/or end of the performance.
 - c. A customary ("peck on the face") kiss at the end of the performance.
 - d. The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
- 10.7 No performances shall include any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
- 10.8 A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.
- 10.9 Any person connected with or employed by the business that can be

observed from outside the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. Scantily clad shall mean that nudity or underwear is visible.

10.10 No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.

10.11 At all times during a performance, performers shall have unrestricted access to a dressing room.

10.12 Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera, mobile phone or any other recording device.

11. Door supervisors

11.1 The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by the Security Industry Agency or appropriate agency.

11.2 An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.

11.3 At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

12. CCTV

12.1 CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff areas. All cameras shall continuously record whilst the premises are open to the public and video or digital recordings shall be kept available for a minimum of twenty eight days.

12.2 A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of staff and closed.

12.3 The premises will provide any footage of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

13. Touting for business away from the premises

13.1 The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.

13.2 The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

13.3 The licensee or its agents, servants, employees, contractors or performers shall not tout for business and or customers outside of or away from the licensed premises by any means unless authorised by the Council in writing.

13.4 The licensee shall ensure that any marketing communications associated with the SEV or relevant entertainment shall comply with all legal requirements and with the code of practice as issued by the Advertising Standards Authority.

14. Opening Hours

14.1 The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Sub-Committee.