

Sex Establishment Licensing Policy

2018

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(as amended by the **POLICING and CRIME ACT 2009**)

SEX ESTABLISHMENTS LICENSING POLICY
DRAFT LICENSING POLICY FOR CONSULTATION

| Version History | | |
|------------------------|-----------------------|--------------------|
| Version No | Effective from | Review Date |
| 1 | December 2011 | November 2017 |
| 2 | December 2018 | 2022 |

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I Introduction

- 1.1 In October 1982, the Council (in its role as the Licensing Authority) resolved to adopt the new powers which had been made available by the Local Government (Miscellaneous Provisions) Act 1982 to control sex establishments, which were defined as sex shops and sex cinemas.
- 1.2 Premises which operated as lap-dancing clubs and similar did not come within the definition of sex establishments and therefore any necessary controls could only be put in place by reference to existing legislation namely the Licensing Act 2003.
- 1.3 The Government deemed the controls insufficient and introduced legislation which has amended the Local Government (Miscellaneous Provisions) Act 1982 to extend the definition of sex establishments to include sexual entertainment venues. In general terms these included premises which have lap dancing, pole dancing, table dancing, strip shows and live sex shows.
- 1.4 On 15th December 2011 the Council resolved to adopt the new powers under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) ('the Act') to control sex establishments, namely sex shops, sex cinemas and sexual entertainment venues. The resolution came into force on 1st April 2012.

2 Statement of Licensing Policy

- 2.1 The Licensing Authority is not legally required to publish a Statement of Licensing Policy but is doing so as a matter of good practice. This policy contains the principles it will apply when exercising its functions under the Act.
- 2.2 The Licensing Authority does not take a moral stand in adopting this policy, or in relation to the principals set out in it. It recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industry. The Council will, as a licensing authority, administer the licensing regime in accordance with the law.
- 2.3 This Policy Statement comes into force on *[date tbc 2018]*. It will be subject to regular review involving further consultation as required.

3 Consultation

- 3.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns which require consideration as part of the licensing function.
- 3.2 In developing this Policy Statement, the Licensing Authority consulted widely. Along with the Police and other authorities, the views of representatives of existing licence holders, businesses, voluntary and support groups and residents were also

taken into account. Due consideration was given to the views of all those who responded to that consultation process.

4 Approval of Policy

- 4.1 This policy was approved at a meeting of the full Council on [date] and was published via its website on [date]. Copies are available on request.

5 Exchange of Information

- 5.1 The Licensing Authority is under a duty to protect the public funds it administers and to this end may use the information provided by applicants for the prevention and detection of fraud. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds for the same purposes.

6 Public Register

- 6.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10.00 and 16.00.

7 Other Relevant Legislation

- 7.1 Apart from the legal requirements of the Act, the Council will take into account its duties under other legislation.
- 7.2 In accordance with section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in the Borough.
- 7.3 The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) requires the Council not to impede economic progress by its regulations, and, particularly to consider their impact on small businesses.
- 7.4 The Provision of Services Regulations 2009 requires the Council to ensure that its exercising of powers are –
- non-discriminatory;
 - justified by an overriding reason relating to the public interest;
 - proportionate to the public interest objective;
 - clear and unambiguous;
 - objective;
 - made public in advance;
 - transparent and accessible.
- 7.5 The Human Rights Act 1998 - The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a convention right. The Council will take particular notice of the following relevant provisions of the European Convention on Human Rights; –

- Article 6 – that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 – that everyone has the right to respect for his home and private life;
- Article I of the First Protocol – that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, a licence under this Act.

7.6 The Equality Act 2010 brought together over 116 separate pieces of legislation into one single Act. Combined, they make up an act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. In particular, the council is mindful of its obligations under section 149, the public sector equality duty, which requires that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy, and in relation to their decisions on applications under this licensing regime.

The duty also requires that public bodies have due regard to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between different people when carrying out their activities.

8 Definitions under the Act

8.1 Sex establishment premises fall into one of three categories:

- sexual entertainment venues;
- sex shops; or
- sex cinemas.

8.2 A sexual entertainment venue is defined in Paragraph 2A of Schedule 3 as *‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer’*. *‘Relevant entertainment’* is defined as *‘any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must 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)’*.

8.3 The category ‘sexual entertainment venues’ includes the following forms of entertainment as they are commonly understood:

- lap dancing;
- pole dancing;
- table dancing;
- strip shows;
- peep shows; and
- live sex shows;

This entertainment is defined as 'relevant entertainment'. This list is not exhaustive, and the Licensing Authority will consider the content of the entertainment to be provided at any premises when deciding whether a licence is required.

- 8.4 Premises which provide relevant entertainment on an infrequent basis are not required to be licensed as a sexual entertainment venue by the Licensing Authority. These exempted premises are defined as premises where –
- no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - no such occasion has lasted longer than 24 hours;

Such premises will continue to be regulated under the Licensing Act 2003, in so far as they are providing regulated entertainment under that Act. The Licensing Authority will carefully monitor the use of the exemptions.

- 8.5 Licences for sex shops are required where the business consists to a significant degree of selling, displaying etc sex articles. 'Sex articles' are defined in the 1982 Act and include the sale of BBFC classified R18 films. The phrase 'a significant degree' is not defined, but in determining whether a business needs a licence, the Licensing Authority will consider the ratio of sex articles to other aspects of the business, the absolute quantity of sales, the character of the remainder of the business, the nature of the displays, turnover, and any other factors it considers material.
- 8.6 Licences for sex cinemas are required where the business consists to a significant degree for the exhibition of moving pictures, which are concerned primarily with the portrayal of or intended to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or relate to, genital organs or urinary or excretory functions.

9 General Principles

- 9.1 This policy does not undermine the rights of any person to apply under the Act and to have their application considered on its individual merits, nor does it override the right of any person to object to any application.
- 9.2 The Licensing Authority has certain expectations in respect of applicants and the information they produce about the operation of the premises. It is for applicants to decide on the extent of the measures they believe to be appropriate but when assessing the application the Licensing Authority may add additional conditions as set out in this section.
- 9.3 Applicants are advised to consider providing evidence that suitable and sufficient control measures will be implemented and maintained relevant to the nature and mode of operation of their premises.

- 9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Council's licensing function will be discharged separately from its other functions such as any planning requirements. Normally, applications should be from businesses with appropriate planning consent for the property concerned.
- 9.5 Where valid objections are made the licensing committee will make objective judgments as to whether conditions need to be attached to a licence. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters which are within the control of individual licensees.
- 9.6 Conditions which seek to control the range or nature of activities within the premises may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 9.7 When considering applications the Licensing Authority will have regard to the Act, this policy, statutory guidance, all supporting regulations and relevant legislation.
- 9.8 The Council has standard conditions for sex shops and sexual entertainment venues, and these are set out in Appendix I.

10 Policy Guidelines

10.1 Limiting the Number of Sex Establishments in Pre-Defined Localities

- 10.1.1 The Council has decided to use its powers under Paragraph 12(3)(c) of Schedule 3 to define 'relevant localities', and to establish how many sex establishments, or sex establishments of a particular kind, it considers appropriate in each such relevant locality. The Licensing Authority will determine each application in the context of the limit that it has set.
- 10.1.2 The Council has determined that the whole borough is considered as the relevant locality for the purposes of this section. However in the event that an applicant successfully evidences to the licensing committee that their application should not be subject to the limitations outlined below, then the Licensing Authority will apply the parameters set out in section 10.2 when considering the character of the locality.
- 10.1.3 There are currently 2 licensed sex shops in the relevant locality
- 10.1.4 There are currently 4 licensed sex entertainment venues in the relevant locality
- 10.1.5 There are currently no licensed sex cinemas in the relevant locality
- 10.1.6 Without prejudice to sections 9.1 & 10.3.1 of this policy, The Council does not consider any area within the Borough to be an appropriate location for

any sex shops, sex entertainment venues, or sex cinemas and sets the following limits with the aim that it should drop downwards to zero in the event that a licence is surrendered, revoked or not renewed:

- licensed sex shops
- licensed sex entertainment venues
- 0 licensed sex cinemas

10.2 The Character of the Locality of the Applicant Site

10.2.1 The Licensing Authority acknowledges that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined. The Licensing Authority's general view when determining an individual application, is that 'locality' is where the premises that is the subject of the application is situated, including, but not necessarily exclusively, its immediate vicinity.

10.2.2 As a general rule, a locality whose character falls predominantly into one or more of the following categories will generally be considered inappropriate for the grant or renewal of a sex establishment licence:

- family and child oriented leisure or shopping areas; and
- predominantly family residential areas, with or without retail, fast food etc outlets serving the local population.

10.2.3 In considering applications for the grant of a new licence, the Licensing Authority will also take account of the potential impact of the licensed activity on crime and disorder, and where there is already one or more sex establishment premises in the locality, the cumulative impact of an additional licensed sex establishment premises.

10.2.4 It is expected that an applicant should demonstrate within their application that the operation will not have an adverse effect on the locale. The Licensing Authority recommend the applicant carries out a local area risk assessment to achieve this and the authority has produced a local area profile to assist in that regard. (available on www.southend.gov.uk)

10.3 The Use of Premises in the Vicinity

10.3.1 The Licensing Authority will generally consider it inappropriate to renew a sex establishment licence if there has been a material change in the area since the grant of the licence where the proposed sex establishment is near to –

- community facilities or public buildings, including but not limited to, leisure centres, public parks and play areas, youth centres, children's centres, sheltered housing;

- schools, nurseries and similar premises; and access routes to and from the same;
- family shopping areas;
- places of worship;
- family residential areas;

As may be relevant in any particular application, the Licensing Authority will have regard to the licensee's or proposed licensee's operating hours or other operational requirements.

10.4 Layout, Character and Condition

10.4.1 With regard to an application for the grant or renewal of a licence, the Licensing Authority will also take into account the layout, character or condition of the premises, vehicle, vessel or store in respect of which the application is made.

10.4.2 The Licensing Authority will, in considering applications for renewal, take into account past demonstrable adverse impact from the activity and whether appropriate measures which have been agreed are properly implemented by the applicant to mitigate any adverse impacts. Such consideration may include any enforcement action taken by the Licensing Authority

11 Advice and Guidance

11.1 Pre-application discussions are encouraged to assist applicants to develop their proposals. Officers of the Licensing Authority, together with those of other relevant authorities, will endeavour to provide guidance at that stage, as resources permit.

11.2 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations with a view to resolve areas of concern.

11.3 Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.

12. Application

12.1 The forms which the applicant must use for the application and public notice are obtainable from the Council's website. If other forms are submitted they will be rejected.

12.2 The Licensing Authority aims to determine your application within 28 days of the end of consultation period. If it fails to do it will inform the parties accordingly.

- 12.3 Tacit authorisation (as set out in the Provision of Services Regulations 2009) does not apply because different arrangements are in place.

13 Objections

- 13.1 Any person can object to an application but the objection must be relevant to the grounds for refusing an application set out in paragraph 12 of Schedule 3 of the Act and repeated within this policy.
- 13.2 Objections shall not be based on moral grounds or values.
- 13.3 Objectors must give notice of their objection in writing within the specified period. They should give as full an explanation as possible of their reasons for making an objection.
- 13.4 The Licensing Authority shall not reveal an objector's name or address to the applicant without the consent of the person making the objection.
- 13.5 If there are no objections the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. All relevant standard conditions outlined in the appendices to this policy will be attached to licences issued. If there are objections, the application will be considered by the licensing sub-committee at a public hearing.
- 13.6 Mandatory Conditions are imposed by the Act whether or not the application is opposed.

14 Licensing Committee

- 14.1 The full Licensing Committee is composed of 15 Councillors. A contested application will be heard by sub-committee 'C'.
- 14.2 When considering applications the sub-committee will have regard to this policy, statutory guidance, the Act together with The Human Rights Act 1998 and other legislation as appropriate.
- 14.3 Each application is considered on its individual merits.
- 14.4 Should the sub-committee decide to approve the application, the Mandatory Conditions must be applied. In addition, the sub-committee will determine whether other conditions need to be attached to the licence.

15 Conditions/Control Measures

- 15.1 The Licensing Authority expects that unless there is a specific reason not to do so the licence conditions which are currently in force for sex establishments will be included in any conditions to be imposed on a licence. These are attached at appendix I

- 15.2 In addition, the Licensing Committee may wish to include other control measures. This may include but shall not be limited to:-
- Consideration as to if the location of the premises is appropriate or inappropriate; and
 - Consideration as to if the premises are appropriate for a particular locality

16 Grounds of Refusal

16.1 Mandatory Grounds of Refusal

- (1) The applicant is under 18 years of age;
- (2) The applicant has been disqualified for a period of 12 months following the revocation of a licence for a sex establishment in the same area;
- (3) The applicant (other than a body corporate) is not resident in the United Kingdom or a European Economic Area State or was not so resident throughout the period of 6 months immediately preceding the date when the application was made;
- (4) The applicant company is not incorporated in United Kingdom or a European Economic Area State; or
- (5) There has been a refusal within the previous 12 months of the grant or renewal of a sex establishment licence to the applicant in respect of the premises for which the application is made.

16.2 Discretionary Grounds of Refusal

- (1) Unsuitability of the applicant;
- (2) The business would be managed by or carried on for the benefit of a 3rd party who would themselves be refused a licence;
- (3) The number of sex establishments in a specific locality (or of sex establishments of a particular kind) in a specific locality equals or exceeds the number considered appropriate for that locality; or
- (4) That the grant or renewal of the licence would be inappropriate having regard to-
 - the character of the locality;
 - the use to which other premises in the vicinity are put; or
 - the lay-out, character, or condition the premises in respect of which the application is made.

17 Fees

- 17.1 Fees are regularly reviewed and are advertised on the Council's website

18 Appeals

- 18.1 If an application for the grant, renewal or transfer of a sex establishment licence is refused the applicant may have the right of appeal to the Magistrates' Court but there are a number of exceptions to this. In certain circumstances the applicant can only challenge the refusal by way of judicial review.

19 Renewal

- 19.1 Licences expire annually and must be renewed every year. Renewal is not an automatic grant. **Applications for renewal which are not received at least 28 days prior to the expiry of the existing licence may be treated as applications for a new licence. As such they will be subject to the appropriate fee structure and to the appropriate sections of this policy in regard to new applications, including section 10.1.6 (limiting the number of sex establishments in pre-defined localities)**

20 Compliance and Enforcement

- 20.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, the Licensing Authority will follow best practice which requires that actions should be-
- Proportionate - intervention will only take place when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable - the Licensing Authority must be able to justify its decisions and be subject to public scrutiny
 - Consistent - rules and standards must be joined up and implemented fairly.
 - Transparent - enforcement should be open and regulations kept simple and user friendly.
 - Targeted - enforcement should be focused on the problems and minimise side effects.
- 20.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk based inspection programme.
- 20.3 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 20.4 The Licensing Authority's enforcement/compliance protocols are available on request.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(as amended by the POLICING and CRIME ACT 2009)**

Sex Establishments Licensing Policy

Appendix I – Conditions

The following conditions will normally be added to all licences granted. Additional conditions may also be added at the discretion of the Licensing Authority.

ALL PREMISES

- 1) The licensee or a responsible person nominated by them in writing, not being under a person under 21 years of age, and whose nomination has been approved in writing by the Licensing Authority, shall be in charge of and present in the premises at all times when the public are on the premises.
- 2) The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision.
- 3) The licence (including a copy of the conditions attached to it) shall be exhibited at the premises in a place where it can be easily seen and each page can be read by people visiting the premises.
- 4) There shall be no noise coming from the premises which would cause people in the neighbourhood to be unreasonably disturbed.
- 5) The licensee shall take all reasonable steps to ensure that people entering or leaving the premises do not conduct themselves in such a manner so as to cause disturbance or nuisance to residents or passers-by.
- 6) The business shall be carried on only in the trade name or title, and at the address, specified in the licence.
- 7) The business shall be carried on only as the type of sex entertainment venue described in the application.
- 8) Where the licensee is a corporate or unincorporated body, any change of director/partner or other persons to be responsible for the management of the premises shall be notified in writing to the Licensing Authority within 14 days of such change and further information as required by the Licensing Authority shall be given in writing within 14 days of such a request being made.
- 9) The licensee shall retain control over all parts of the premises and shall not let, share, or part with possession of any part of the premises. No change of use of any

part of the premises shall be made without prior approval of the Licensing Authority.

- 10) In the conduct of the business the licensee shall not employ any person:-
 - (a) who has been disqualified from holding a licence for a sex establishment
 - (b) who has been refused the grant or renewal of a licence for a sex establishment
 - (c) who has been the holder of a licence for a sex establishment when that licence has been revoked.
- 11) The licensee shall ensure that no employee or other person seeks to obtain custom for the premises by means of personal solicitation within the Borough.
- 12) Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982 shall not be displayed, sold, exchanged, loaned or demonstrated other than within a sex shop.
- 13) The interior of the premises shall not at any time be visible from the outside.
- 14) The number, size and position of the doors or openings provided for the use of the public shall be approved by the Licensing Authority and those leading to parts of the premises to which the public does not have access shall be marked 'private'.
- 15) No access shall be permitted through the premises to any unlicensed premises adjoining or adjacent save in an emergency.
- 16) Lighting in all parts of the premises both internal and external shall be as approved by the Licensing Authority and be in operation continuously during the whole of the time the premises are open to the public.
- 17) There shall be no distribution of leaflets or other advertising material relating to the premises. (this provision includes on-vehicle advertising and static adverts such as A-boards, posters and bill boards).
- 18) No advertisement, display, sign, imagery, model or other such things shall be exhibited either at the premises or any other premises giving access to the premises so as to be visible from outside the premises except for the following:
 - (a) any notice of a size and in a form approved in writing by the Licensing Authority
 - (b) a compulsory warning notice, of a minimum size A4, shall be displayed at the each entrance to the premises.
 - i. The warning notice for sex shops and sex cinema's shall state: - "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."
 - ii. The notice for sex entertainment venues shall state: - "WARNING Persons passing beyond this notice will find nudity shows which they may consider indecent. No admittance to persons under 18 years of age."
 - iii. The word "WARNING" must appear as a heading.

- iv. The warning notice shall contain only the prescribed words, and no others
 - v. No pictures or other matter shall appear on the notice.
 - vi. The notice must be placed so it is easy to read and no-one could reasonably gain access to the premises without being aware of it.
- 19) No external loudspeakers may be installed or used.
- 20) No person who is apparently under the age of 18 years, or who is known to any person connected with the licensee's business and present at the premises to be under that age, shall be admitted to or allowed to remain at the premises.
- 21) The Licensee shall operate a challenge 25 policy where by any person who appears to be under the age 25 years shall be required to provide ID showing that they are at least 18 years of age. The only acceptable forms of ID shall be a UK photographic drivers licence, a passport or a 'PASS' approved ID card. A refusals log shall be maintained whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Licensing Authority.
- 22) The Licensee shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction. Written training records shall be maintained at the premises and be available for inspection upon request by the Police or an authorised officer of the Licensing Authority.
- 23) The Licensee shall ensure that they submit a variation application before carrying out any change to the structure or management of the premises.

SEX ENTERTAINMENT VENUES

- 1) Performers may not stand in any lobby, reception or foyer areas or outside area of the premises for the purposes of greeting customers or encouraging customers to enter the venue.
- 2) The Licensee shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
- 3) The Licensee shall ensure the rota of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Licensing Authority officers carrying out an inspection of the premises, or otherwise by persons using the venue. The full name of the appropriate duty manager shall be included on the rota.
- 4) The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.

- 5) The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
- 6) The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed at the entry point of the premises.
- 7) No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
- 8) The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.
- 9) An appropriate number of door supervisors registered with the Security Industry Authority shall be on duty to ensure that:
 - All public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with.
 - Persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises.
 - Customer numbers are monitored to ensure additional door supervisors will be available on a risk assessed basis.
 - At all times the premises is open to the public there is a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the public entrance/exit to the premises.
- 10) Private booths shall not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
- 11) All private booths shall be fitted with a panic button or security alarm tested regularly with test results recorded in writing.
- 12) The Licensee shall undertake appropriate checks to ensure each dancer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises. Appropriate records of the checks shall be kept at the premises and made available to Police and/or immigration officers upon request.
- 13) The Licensee shall maintain written records of all dancers working at the premises. The records shall show the dancer's full name, home address, date of birth and a certified photocopy of their passport (or a UK driving Licence) and the date the dancer was provided with the Dancers Code of Conduct and Disciplinary Procedure. Such records shall be produced for inspection by Police and authorised Licensing Authority Officers on request. Any instances of the dancer breaching the Dancers Code of Conduct shall be recorded on the dancer's record, showing the date and time of the incident and details of the breach that occurred.

Such records shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.

- 14) Dancers under the age of eighteen shall not be permitted to work at the premises.
- 15) Dancers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.
- 16) The licensee shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, give details of:
 - Any ejections from the premises
 - Any refused admissions
 - Any refused sales
 - Any inappropriate behaviour by guests
 - Any failure in the CCTV system
 - Any incidents of crime or disorder
 - Any complaints made by the public, guests dancers or other staff
- 17) The incident log shall be completed as soon as reasonably practicable after any incident has occurred and in any case prior to the end of business on the day of the incident. The Licensee shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.
- 18) The incident log shall be kept in a place where it can easily be accessed by staff working at the premises and all staff shall be aware of its location and the need to complete it in the case of any of the circumstances described above. The incident log shall be made available for inspection to Police or authorised Licensing Authority Officers on request.
- 19) A 'Customers Code of Conduct' shall be on displayed at the entrance to the premises and within the performance areas, and at each customer table. The customer code of conduct shall include the following:-
 - I. Customers shall be seated during a performance.
 - II. There shall be no physical contact with the performers at any time during the performance.
 - III. Unacceptable and inappropriate behavior will result in a customer being removed the premises.
 - IV. Customers may only proposition the performers for a dance and not for any other sexual activity.
 - V. No non-prescription drugs or nitrous oxide may be brought into, or consumed on the premises.
 - VI. No weapons or items which may be used as weapons may be brought into the premises.

- VII. It is a condition of entry that customers may be searched before being permitted to enter the premises.
- VIII. No photography, either or still or moving imagery, is permitted by the use of the camera, mobile phone or other electronic device.
- 20) The following policies shall be drawn up and agreed with the Police in writing prior to the licence being deemed as 'in force':
- Misuse of Drugs
 - Searching
 - Smoking
 - The safety of dancers when leaving the premises following any period of work
- 21) The smoking policy shall include a provision that the smoking area for use by staff shall be kept secure and separate to any public smoking area and that no more than two staff shall be permitted to smoke outside the premises at any one time.
- 22) A female security officer shall be on duty at all times when body searches are carried out on female customers.
- 23) The Licensee shall sign-up to and participate in any town link radio system operated for the purposes of dealing with crime, disorder and nuisance in the night time economy within the vicinity of the premises.
- 24) The Licensee shall ensure there is a 'Dancers Code of Conduct' in force at the premises which shall be displayed at the premises. A copy of the 'Dancers Code of Conduct' and the conditions of the licence shall be made available to the dancers in their own language on request.
- 25) Dancers may not intentionally touch a customer during a performance.
- 26) Dancers may not permit a customer to touch them during a performance.
- 27) Dancers may not straddle the customer.
- 28) If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in an inappropriate behaviour, the dancer shall stop the performance and inform premises management immediately.
- 29) There shall be no physical contact between dancers while they are performing.
- 30) Dancers shall not solicit for gratuities or payment for sexual favours.
- 31) Dancers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.

- 32) Dancers may never give out personal information, including telephone numbers, email addresses or other contact details to audience members.
- 33) Dancers may not perform any act which simulates masturbations, oral sex or sexual intercourse, including the insertion of any object, including their own finger, into the mouth, anus or vagina.
- 34) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
- 35) Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public.
- 36) Dancers shall not perform if they are, or appear to be, under the influence of alcohol or drugs.
- 37) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
- 38) Dancers shall be provided with secure and private changing facilities. This shall include the provision of a toilet and, **with effect from 1st March 2019**, a shower, which are for the sole use of the dancers. They shall use the dressing room facilities provided to change for their performance.
- 39) Dancers shall only use the smoking area provided specifically for their use.
- 40) Dancers shall only use the sanitary facilities specifically provided for their use.
- 41) Dancers shall be fully clothed (i.e. no nudity) when not performing.
- 42) Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, eg. outer-wear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible. No advertising shall be displayed on dancers clothing when worn outside the premises during breaks.
- 43) Dancers shall notify management in the event of his or her spouse, civil partner, boyfriend or girlfriend being on the premises.
- 44) The Licensee shall ensure that a zero tolerance policy in respect of illegal drugs is in place. In pursuance of that policy dancers shall be subject to search and a procedure within the policy shall whereby dancers sign to confirm consent to appropriate searches being carried out.
- 45) The Licensee shall signpost performers and staff to suitable support services. This shall include, but not be limited to, details of support services for victims of sexual harassment and/or sexual violence. This shall include the provision of leaflets sited within the changing area and handed to each performer prior to commencement of their contract/employment.

- 46) All dancers shall comply with the dancers Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which shall be provided to each dancer.
- 47) No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises
- 48) The Closed Circuit Television (CCTV) system shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted, and be maintained in good working order to:
- a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - b) Have a recording capability capable of providing individual pictures.
 - c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially, kept for a period of at least 31 days and handed to the Police on request.
 - e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
 - f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.
 - g) Incorporate at least one camera on every entrance and exit to the premises which gives images clearly showing full height and facial recognition.
 - h) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs- individuals must be recognisable.
 - i) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable
 - j) Incorporate a dedicated CCTV camera for each private booth – individuals must be clearly identifiable.
 - k) Ensure that all other cameras at the premises allow for individuals to be recognisable.

- 49) During all periods of licensable activity authorised by this licence, a nominated and trained 'CCTV Operator' shall be on duty, who is competent in the operation of the CCTV equipment in order to:
- a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - c) facilitate the downloading CCTV footage. Images shall be provided to the police upon request.
- 50) During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing office.
- 51) A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at the main entrance and only the Police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe. A corresponding book to record details of such seizures or found drugs/weapons shall be maintained. The whole of this procedure shall be covered by CCTV from seizure to deposit in safe. (With the exception of the toilets).
- 52) The Licensee shall ensure that a 'grab bag' containing suitable clothing for the use of dancers in the event of an emergency evacuation, is located at the exit to the premises. (Such clothing is defined in condition 43 above).

SEX SHOPS

- 1) The licensee shall obtain prior written approval from the Licensing Authority as to the method of disposal of sex articles otherwise than by sale, hire, exchange or loan. Notwithstanding that all refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 2) 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 the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged
- 3) No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) 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.

- 4) No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period necessary to check a recording for fault by the licensee or for a period of not more than one minute for the sole purpose of demonstrating it to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.

- 5) Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule III and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop.

