

Date of issue: Tuesday, 27th June 2023

MEETING:	LICENSING SUB-COMMITTEE (Councillors Shah (Chair), Mohammad and Stedmond)
DATE AND TIME:	THURSDAY, 6TH JULY, 2023 AT 11.00 AM
VENUE:	COUNCIL CHAMBER - OBSERVATORY HOUSE, 25 WINDSOR ROAD, SL1 2EL
DEMOCRATIC SERVICES OFFICER: (for all enquiries)	SHABANA KAUSER 07821 811 259

NOTICE OF MEETING

You are requested to attend the above Meeting at the time and date indicated to deal with the business set out in the following agenda.



STEPHEN BROWN
Chief Executive

AGENDA

PART 1

<u>AGENDA</u> <u>ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
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Apologies for Absence

CONSTITUTIONAL MATTERS

- | | | | |
|----|--------------------------|---|---|
| 1. | Declarations of Interest | - | - |
|----|--------------------------|---|---|

All Members who believe they have a Disclosable Pecuniary or other Interest in any matter to be considered at the meeting must declare that interest and, having regard to the circumstances described in Section 9 and Appendix B of the Councillors' Code of Conduct, leave the meeting while the matter is discussed.



<u>AGENDA ITEM</u>	<u>REPORT TITLE</u>	<u>PAGE</u>	<u>WARD</u>
2.	Minutes of the Last Meeting held on 26th April 2023	1 - 6	-
3.	Guidance on Predetermination/ Predisposition - To Note	7 - 8	-

LICENSING ISSUES

This 'General' Licensing Sub-Committee is convening to hear and decide licensing matters other than those arising under the Licensing Act 2003 and Gambling Act 2005. This includes (amongst others) applications for hackney carriage/private hire drivers' licences, hackney carriage/private hire vehicle licences and street trading consents.

4.	Renewal application for Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ.	9 - 52	Herschel Park
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Press and Public

Attendance and accessibility: You are welcome to attend this meeting which is open to the press and public, as an observer. You will however be asked to leave before any items in the Part II agenda are considered. For those hard of hearing an Induction Loop System is available in the Council Chamber.

Webcasting and recording: The public part of the meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The footage will remain on our website for 12 months. A copy of the recording will also be retained in accordance with the Council's data retention policy. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

In addition, the law allows members of the public to take photographs, film, audio-record or tweet the proceedings at public meetings. Anyone proposing to do so is requested to advise the Democratic Services Officer before the start of the meeting. Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Emergency procedures: The fire alarm is a continuous siren. If the alarm sounds Immediately vacate the premises by the nearest available exit at either the front or rear of the Chamber and proceed to the assembly point: The pavement of the service road outside of Westminster House, 31 Windsor Road.

Licensing Sub-Committee – Meeting held on Wednesday, 26th April, 2023.

Present:- Councillors Sandhu (Chair), Bedi and Kaur

Officers Present:- Mrs Kauser (Democratic Services), Mrs Sagar (Licensing) and Mr Virdee (Legal Services)

PART 1

17. Declarations of Interest

Agenda Item 4: Review of Premises Licence - New Bettola Restaurant & Colnbrook Lodge. Councillor Bedi declared that the site premises were located within her ward but confirmed that she did not know the the Applicant or Designated Premises Supervisor.

18. Guidance on Predetermination/ Predisposition - To Note

Members confirmed that they had read and understood the guidance on predetermination and predisposition.

19. Minutes of the Meeting held on 7th March 2023

Resolved - That the minutes of the meeting held on 7th March 2023 be approved as a correct record.

20. Review of Premises Licence - New Bettola Restaurant & Colnbrook Lodge, Meadowbrook Bungalow, Old Bath Road, Slough

Following introductions and confirmation that all parties had received a copy of the paperwork, the Chair outlined the procedure for the hearing. It was noted that the Designated Premises Supervisor (DPS), Mr Olton Mataj was in attendance on behalf of and representing the Premises Licence Holder.

Introduction by the Licensing Officer

The Senior Licensing Officer introduced the report to the Sub-Committee. The application for review was made by the Thames Valley Police (TVP), on grounds that the licensing objectives relating to the prevention of crime and disorder and public safety were not being met. TVP and the Immigration Enforcement team conducted a joint visit to the Premises on 16th February 2023 following intelligence reports of alleged illegal workers at the premises.

Options available to the Sub-Committee were outlined.

Submissions by Responsible Authority - Thames Valley Police and Immigration Enforcement Team

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Debie Pearmain, Police Licensing Officer for TVP, and Caroline Laird, Assistant Immigration Officer, were in attendance and made submissions to the Sub-Committee.

Ms Pearmain confirmed that at the joint visit on 16th February 2023 three people were found to be working at the Premises who did not have a right to work in the UK. In addition, no Premises summary was being displayed and that, with Mr Mataj away on holiday at that time, there was no other staff member present who could download the CCTV at the Premises. Therefore, had there been a need to view the CCTV it could not be accessed.

Ms Laird confirmed her attendance with the police on the 16th February 2023 and that three arrests were made, with all three people being interviewed and being found not to be allowed to work in the UK. She confirmed that the Premises had been issued with a £20,000 fine as a result of using illegal workers. It was submitted that one of the workers said they showed the DPS their immigration card, and was still allowed to work. MS Laird referred the Sub-Committee to her report contained within the agenda pack, which referred to a meeting at Windsor police station with Mr Mataj, Melanie Sagar (Senior Licencing Officer of Slough Borough Council), Sergeant Grey and Ms Pearmain. At this meeting, the DPS was asked what processes he had in place for checking his staff's right to work and he stated that he needed staff and no checks had been done at the time. He admitted that he had not been very careful and apologised for this mistake. He stated that he had intended to ask for the relevant paperwork but was going to wait until the end of the month when the workers got paid.

Ms Pearmain referred back to her own witness statement and how the DPS had admitted no relevant checks had been conducted by him or the Premises licence holder to ensure the right to work for their staff members. Of the three workers, 2 had no right to work in the UK and the third person was working in breach of her visa conditions.

As result of the above, the police considered that the prevention of crime and disorder and public safety licencing objectives had been undermined and on this basis the premises licence be revoked. In the alternative, if the Sub-Committee decided not to revoke the licence, TVP proposed that a number of conditions be attached to the licence as detailed in the report.

Questions to Responsible Authority

None.

Submissions by the Designated Premises Supervisor on behalf of the Premises Licence Holder

Mr Mataj admitted that he had made a mistake and that he had been living in the UK and contributing for over 24 years. All the conditions proposed by TVP were accepted by the DPS with the exception of the premises licence being suspended for a period of time. Mr Mataj submitted that works had already

Licensing Sub-Committee - 26.04.23

been carried out to comply with all the recommendations made by the TVP. Furthermore, all relevant paperwork from staff had been obtained and checks made ensuring all records and visas were in order and filed accordingly.

Recognising that appropriate checks on employees work status should have been carried out, the DPS explained that personal family issues had meant that he was not focussed as he should have been.

With respect to the failure to show a licence summary, it was explained that works were being carried out on the premises during which time it had been removed but confirmed to the Sub-Committee that it was now correctly displayed at the premises.

It was requested that the premises licence not be suspended as this would have an adverse effect on his family and employees of the business.

Questions to the Designated Premises Supervisor

Ms Pearmain asked what measures would be taken to improve the poor management of the premises and how long the staff members had been working at the Premises prior to the 16th February. Mr Mataj stated that full appropriate training would be given to all staff. Home Office guidelines on carrying out appropriate checks on an individual's right to work in the UK had been implemented with relevant documents kept on file. The CCTV system had also been upgraded and the assistant manager trained to be able to download footage when required if the DPS was not at the premises.

Closing remarks

Mr Mataj did not make any closing comments.

Ms Pearmain stated that conditions on the premises licence were to ensure the licencing objectives were not undermined and employing illegal workers was a serious offence.

Decision

The Sub-Committee carefully considered all the evidence before it and all oral submissions made during the hearing.

The Sub-Committee noted that three people were illegally working at the Premises and that on the 16th February 2023, these three people had not had their right to work in the UK checked. Accordingly, the Sub-Committee was satisfied the Premises was in breach of the prevention of crime and disorder licencing objective. Furthermore, the Sub-Committee agreed that a failure by the Premises to carry out checks on these workers also undermined the public safety objective as the Premises on the DPS could not be certain as to who they were employing and their background.

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The Sub-Committee noted that the statutory guidance states at paragraph 11.27 that there is certain criminal activity that may arise in connection with licenced Premises which should be treated particularly seriously and one of the examples given is, "*for employing a person who is disqualified from that work by reason of their immigration status in the UK.*" Therefore, the Sub-Committee was aware of the seriousness of this matter and the importance given to this issue in the statutory guidance.

The Sub-Committee also took into account the fact that this business had been operating for some time, that the Premises had been fined £20,000 and that, according to the DPS, in the two months since the visit on the 16th February the recommendations made by the police have already been implemented and put into effect. This included ensuring all relevant documentation and visas for their workers had been checked, scanned and saved in a file. The DPS also stated that other matters such as ensuring other staff members are able to access and download the CCTV, had also been put into effect so that the recordings could be accessed if he was not around.

The Sub-Committee decided not to revoke the Premises Licence but to suspend the premises licence until such time to ensure that all the requested conditions were in place and a full licencing inspection had been completed by the Police Licencing Officer and Senior Licencing Officer, Slough Borough Council.

The Sub-Committee accepted the conditions proposed by the TVP, which it considered appropriate to uphold the licensing objectives of the prevention of crime and disorder and public safety and that these should be placed on the premises licence as follows:

- Digital CCTV monitoring system to be installed and maintained to Thames Valley Police standard. Recording to be kept securely for 31 days and made available to Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003 upon request.
- DPS or nominated person to be trained on how to work the CCTV system to the standard where the nominated person is able to download any potential evidence required by Thames Valley Police employees and Authorised Persons as defined by Sections 13 & 69 Licensing Act 2003
- DPS or nominated person is responsible in supplying the necessary media (discs, data stick) containing any downloaded content.
- If the CCTV equipment fails, the Police and the Licensing Authority will be informed immediately by telephone and immediate steps will be taken to put the equipment back into working order.

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- In the absence of the Designated Premises Supervisor a Personal Licence Holder to be on the premises during the sale of alcohol.
- Refusals Register to be in place, kept up to date and made available upon request of Thames Valley Police, Trading Standards or Slough Borough Council Licensing Officers.
- Before any person is employed at the premises sufficient checks will be made to ensure they are legally entitled to employment in the UK.
- The Premises Licence Holder shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to Thames Valley Police and authorised Officers of Slough Borough Council.

The Licensing Sub Committee issued a 'Yellow card' to the licensed premises as a warning that if a further review was necessary and matters had not improved the Premises Licence may be revoked. A 'Yellow card' was to be clearly and visibly displayed at the Premises for a period of 12 months detailing the imposition of new conditions on the Premises Licence and that this warning had been given.

Given the comments made by the DPS that the Premises were now fully in compliance with all the licencing objectives, having implemented all the conditions requested by TVP, the Sub-Committee strongly recommended that TVP and Slough Licencing Team arrange to carry out an inspection of the Premises as soon as possible.

The Sub Committee considered the imposition of the conditions reasonable and proportionate to promote the licensing objectives relating to prevention of crime and disorder and public safety.

21. Exclusion of the Press and Public

Resolved - That the press and public be excluded from the remainder of the meeting as the item to be considered contains exempt information relating to an individual as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (as amended)

22. Revocation or Suspension of a Personal Licence

Below is a summary of the agenda item discussed in Part II of the meeting.

The Chair explained the procedure for the hearing and confirmed that all parties had received a copy of the paperwork.

The Licensing Officer introduced the report stating that a personal licence was held by the Appellant and outlined the reasons why an application to revoke the personal licence had been submitted by Thames Valley Police. The relevant legislation and options available to the Sub-Committee were outlined.

Licensing Sub-Committee - 26.04.23

The TVP Licensing Officer submitted that due to the serious nature of the incident, as detailed in the report, the personal licence should be revoked.

The Appellant outlined the circumstances regarding the incident referred to and explained the reasons as to why his personal licence should not be revoked.

Having considered all of the written representations, verbal submissions during the meeting, statutory guidance and all other relevant legislation, the Sub-Committee -

Resolved – That the Appellant's personal licence be suspended for a period of three months.

Chair

(Note: The Meeting opened at 10am and closed at 1.20pm)

PREDETERMINATION/PREDISPOSITION - GUIDANCE

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially so in “quasi judicial” decisions in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

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Slough Borough Council

Report To:	Licensing Sub-Committee
Date:	6 th July 2023
Subject:	Renewal Application for Simply Pleasure, 32 Windsor Road, Slough.
Chief Officer:	Richard West
Contact Officer:	Russell Denney-Clarke
Ward(s):	Herschel Park
Exempt:	NO
Appendices:	Appendix A – Copy of SEV Licence Appendix B – Copy of Renewal Application Appendix C – Copy of Objection Appendix D – Copy of SBC SEV Policy Appendix E – Location picture Appendix F – Map Location, 32 Windsor Road

1. Summary and Recommendations

- 1.1 This report details an objection to the Sex Shop (SS0001) renewal application for Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ.

Recommendations:

- 1.2 The Licensing Sub-Committee recommendations:
- 1.3 Having had regard to the representations made by all parties, the Sub-Committee must consider the application to renew the Sex Shop licence for Simply Pleasure.
- 1.4 The statutory options available are:
- (a) Grant the renewal application
 - (b) Refuse the renewal application.

2. Report**Introductory paragraph**

- 2.1 As quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally. The Sub-Committee can only consider relevant factors and must ignore irrelevant factors. The decision must be based on evidence, which logically shows the existence or non-existence of the relevant facts, or the likelihood or the unlikelihood of some future event, the occurrence of which would be relevant. The Sub-Committee must give fair consideration to the contentions of all persons entitled to make representation to them.

- 2.2 The Sub-Committee can only consider matters within the report.
- 2.3 Members should note that the Sub-Committee is meeting on this occasion solely to perform the role of Licensing Authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.
- 2.4 Members will be aware of the Council's Code of Conduct which requires them to declare interests. The Code applies to members when considering licensing issues. In addition, as a quasi-judicial body, Members are required to avoid both actual bias and the appearance of bias.

Options considered

- 2.5 Consideration has been given to how the decision sought will help the Council meets its vision and corporate priorities, however the nature of the decision is outside the scope of these priorities.

Background

- 2.6 On 12 April 2023, a renewal application for a Sex Shop, Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ, (licence number **SS0001**) issued under the Local Government (Miscellaneous Provisions Act) 1982 ("the Act") was received by Slough Borough Council. A copy of the licence is attached at **Appendix A** and a copy of the application is attached at **Appendix B**.
- 2.6.1 On 4 May 2023, the Licensing Team received an objection to the renewal application (attached at **Appendix C**) on behalf of Slough Baptist Church. The grounds for the objection can be summarised as follows.
- The premises is situated on a busy pedestrian route to local shops and services.
 - Housing in the area has increased and more families with children use the route to local schools and facilities.
 - The proximity of the premises to a family church.

3. Implications of the Recommendation

3.1 Financial implications

- 3.1.1 There are no financial implications to the Council.

3.2 Legal implications

- 3.2.1 The Sub-Committee must have regard to the Council's Sex Establishment Policy Statement which sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Act. Section 4 (page 11) of the Policy Statement details relevant considerations regarding the location of a premises.

3.2.2 Slough Borough Council adopted the original provisions of Schedule 3 of the Act for Sex Cinemas and Sex Shops on 19th March 1984 and the new provisions for the Sexual Entertainment venues under the amendments of the Policing and Crime Act 2009 on 30th September 2010.

3.2.3 The Council does not take any moral stand in adopting its Sex Establishments Policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments and that such businesses are a legitimate part of the retail and leisure industry.

3.3 Risk management implication

3.3.1 Consideration has been given to risk management implications however the nature of the decision is outside the scope of these priorities.

3.4 Environmental implications

3.4.1 Consideration has been given to environmental implications however the nature of the decision is outside the scope of these priorities.

3.5 Equality implications

3.5.1 The Sub-Committee should be aware of and consider any implications that may arise from the Human Rights Act 1998 and section 149 of the Equality Act 2010. The legislation makes it unlawful for a public authority to act in a manner which is incompatible with the European Convention of Human Rights.

3.5.2 When determining the case and considering imposition of conditions the Sub-Committee must be satisfied that any decision which interferes with the rights of the applicant or of others, only does so insofar as it is necessary to protect the rights of others and that no alternative decision would be appropriate.

3.5.3 The Sub-Committee is specifically referred to the following Convention rights:

- (i) Article 6 (the right to a fair trial),
- (ii) Article 8 (the right to respect for private and family life)
- (iii) Article 1 of the First Protocol (the protection of property)

4. Background Papers

- Slough Borough Council Sex Establishments Policy Statement
- Schedule 3 of the Local Government (Miscellaneous Provisions Act) 1982.

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Sex Shop Licence

SS0001

THIS LICENCE IS ISSUED BY

www.slough.gov.uk
Slough
 Borough Council

Slough Borough Council
 Licensing Team
 Observatory House
 25 Windsor Road
 Slough
 Berkshire
 SL1 2EL
 web: www.slough.gov.uk
 tel: 01753 875664

This Sex Shop Licence is subject to the provisions of the **Local Government Miscellaneous Provisions Act 1982**, and any other relevant local by-laws.

DURATION OF LICENCE

Commences: 01/05/2022

Expires: 30/04/2023

NAME & ADDRESS OF HOLDER OF LICENCE

Timothy Martin Hemming

C/o Simply Pleasure, 32 Windsor Road, Slough, Berkshire, SL1 2EJ.

PREMISES ADDRESS

Simply Pleasure.com

32 Windsor Road
 Slough
 Berkshire
 SL1 2EJ

SIGNED ON BEHALF OF THE ISSUING LICENSING AUTHORITY

.....
Russell Denney-Clarke

Trading Standards and Licensing Manager

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**APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE
 (SEX CINEMAS, SEX SHOPS AND SEXUAL ENTERTAINMENT VENUES)**

This form should be completed and forward to;

The Licensing Team
My Council
Landmark Place
High Street
Slough
SL1 1JL
 (Telephone: 01753 875664)

Payment by cheque or postal order for the appropriate fee to be made payable to the Slough Borough Council.

1. We apply for renewal of a licence for the premises in item 5.

2.

Full name and address of applicant(s).	<u>Applicant 1</u> Timothy Hemming [REDACTED]	<u>Applicant 2</u>	<u>Applicant 3</u>
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3.

Full name and postal address of premises currently licensed including post code.	Simply Pleasure 32 Windsor Road Slough Berkshire SL1 2EJ		
Sex Establishment Licence number	SS0001	Telephone number (working hours)	01753 694023. Mon-Sat 10am – 19.00hrs Sunday – Closed

4.

If the applicant is an individual the following information is to be supplied:			
Date of Birth		Place of Birth	

Type of Sex Establishment Licence.
<ul style="list-style-type: none"> • Sex Cinema • Sex Shop • Sexual Entertainment venue

5.

Give details of the total turnover of the business during the 12 months immediately prior to the application.	£144.000
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6.

Give details of the anticipated turnover of the premises for the next 12 months.	£145.000
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7.

Give details of the articles which are to be offered for sale at the premises. (Sex Cinemas and Shops)

R18 DVDs, Adult Novelties, Lingerie and clothing.

IMPORTANT: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

11.

Has the management of the premises in the absence of the licence holder changed?

Yes **No**

(If yes, the following details need to be supplied on a separate sheet).

(a) Full name [REDACTED]
 (b) Private address [REDACTED]
 (c) Date of birth [REDACTED]
 (d) Place of birth [REDACTED]
 (e) Passport sized photograph Not Available

12.

Name of newspaper in which the application was advertised.

Slough Observer

Date of newspaper. 13/04/2023.....
(See Note A)

Date notice exhibited at the premises. ... 13/04/2023.....
(See Note B)


13.

Have you sent a copy of the application to Thames valley Police as required by the Act?
(See Note C)

Yes **No**


Please advise if this isn't emailed by the council to the police.

14.

Address to which licence and correspondence should be sent.	
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WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

<p>I/We (<i>please print full name(s)</i>) Timothy Hemming declare that the information given above is true and complete in every respect.</p> <p>Signature (1): ... </p> <p>Signature (2):</p> <p>Date: 12/04/2023</p>

NOTES

- A. A **complete** copy of the newspaper in which notice of the application has been advertised in accordance with paragraph 10(8) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Policing and Crime Act 2009). Photocopies of the newspaper will NOT be accepted.
- B. Evidence of Affidavit that the notice of application has been displayed at the premises as required by paragraph 10(10) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- C. Evidence of the due service of the notice of application upon the Thames Valley Police (HQ South, Kidlington) as required by paragraph 10(14) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

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Slough Baptist Church
Windsor Road
Slough
SL1 2EJ



[REDACTED]
[REDACTED]
3rd May 2023

Licensing Team
Observatory House
25 Windsor Road
Slough
SL1 2EL

Re: Licensing of Sex Establishments: Simply Pleasure, 32 Windsor Road, Slough, SL1 2EJ

On behalf of Slough Baptist Church I would like to formally object to the above premises being granted a Sex Establishment Licence on the grounds of the character of the locality. This establishment is situated on one of the key routes into Slough. It is a busy pedestrian route to local shops and services including Slough Borough Council. In recent years the growth of housing in the area means that many families with children use this route to local schools and facilities.

With this locality being a busy route for walking, public transport, and vehicles - as well as a upcoming area for housing, offices and other services - it does not seem to reflect the values of Slough to have a sex establishment in such a prominent location. The proximity of this business to a family church is also questionable.

I do hope you will take this objection into consideration

Many thanks

[REDACTED]

[REDACTED]
Slough Baptist Church

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Appendix D

SEX ESTABLISHMENTS POLICY STATEMENT

Schedule 3 Local Government (Miscellaneous Provisions Act 1982),
as amended by Section 27 Policing and Crime Act 2009

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The Borough of Slough

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ANNEX A – Standard Conditions for Sex Shops and Sex Cinemas

ANNEX B – Standard Conditions for Sexual Entertainment Venues

Preface

This Sex Establishment Policy Statement sets out the Council's requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009).

The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) can be viewed at www.opsi.gov.uk.

Slough Borough Council adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops on 19th March 1984 and the new provisions for Sexual Entertainment Venues under the amendments of the Policing and Crime Act on **30th September 2010**. In this Policy we refer to these premises as 'Sex Establishments' unless we say otherwise.

Adoption of Schedule 3 also allows the Council to set terms and conditions and fees for the grant, variation, renewal and transfer of such licenses and the number of premises to be licensed in an area, which may be Nil.

The original terms, conditions and fees have been published by the Council since it adopted Schedule 3 in 1984 and the previous policy for Sex Establishments was approved by the Licensing Committee in 2006.

This new Sex Establishment Policy Statement was consulted on between 22nd July 2010 and 1st October 2010 and was approved by the Licensing Committee on 3rd November 2010 and by Full Council on **30th November 2010**.

Consultation was conducted with local residents, existing and future potential holders of Sex Establishment licenses in the Borough; the statutory Responsible Authorities under the Licensing Act 2003; and holders of Premises Licenses and Club Premises Certificates under the Licensing Act 2003 in the Borough.

The Council does not take any moral stand in adopting this policy. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

In developing this Policy Statement, we took into account the legal requirements of the 1982 Act and our duties under

- (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
- (b) The Regulators Compliance Code (set out under the legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- (c) The Provisions of Services Regulations 2009 to ensure requirements are:

- (i) Non-discriminatory
- (ii) Justified by an overriding reason relating to the public interest
- (iii) Proportionate to that public interest objective
- (iv) Clear and unambiguous
- (v) Objective
- (vi) Made public in advance, and
- (vii) Transparent and accessible.

The Borough of Slough

The Borough of Slough is located in the Thames Valley area, 20 miles to the west of the centre of London and close to Windsor, Maidenhead and Reading. The Borough covers an area of 32.5 square kilometres.

Located along the M4 corridor, Slough is close to Heathrow Airport and is within easy access of the M40 which runs to the Midlands, the M1 which runs to the north and the M3 which runs to the south.

Slough Town Centre is served by a Great Western mainline railway station from which the fastest journey time to London Paddington is 15 minutes.

The population of Slough is 120,000. It is a culturally diverse Borough with a range of communities. Slough is often described as a “fusion of different cultures.” There are strong Indian and Pakistani communities and more than a third of the population are from minority ethnic communities.

The Borough is heavily urbanised with residential and commercial areas. To the west of the Borough is the Slough Trading Estate, a large commercial area comprising approximately 672,274 square metres. There are entertainment venues comprising of public houses and cafes in Slough Town Centre and in suburban locations, where there are also members' clubs.

At the time of adopting this Policy Statement, the Council licenses two Sex Shops under the 1982 Act. At least two premises are authorised under the Licensing Act 2003 to provide entertainment which would require licensing as a Sexual Entertainment Venue.

1. Introduction

- 1.1 This Policy Statement sets out the Slough Borough Council guidance, application procedure, terms and conditions and fees regarding the regulation of Sex Establishments.
- 1.2 This document relates to applications for Sex Establishment Licenses covering
 - Sex Cinemas
 - Sex Shops
 - Sexual Entertainment venues
- 1.3 This document will guide current licence holders, potential licence holder and the Council the when considering applications for Sex Establishment Licences.
- 1.4 Each application to be determined will be done so on its own merits.

2. Definitions

The Act

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009)

The Policy Statement

This refers to the Sex Establishment Policy Statement

The Relevant Locality

The Council has resolved that the Relevant Locality shall be the Ward in which the premises, vehicle, vessel or stall, for which the application is being made, are situated or such other area as the Committee considers appropriate as the relevant locality for the application, which they are hearing.

The Character of the Relevant Locality

The Character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

The Council

This means the Slough Borough Council

The Licensed Premises

This is the premises, vessel, vehicle or stall which is subject to a Sex Establishment Licence. The premises will be in possession of all appropriate consents and permissions required to operate.

Note: Licenses are not required for 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.

Permitted Hours

These are the hours of activity and operation that have been authorised under the Sex Establishment Licence.

Sex Cinema

- (1) "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-house to which the public is not admitted.
- (2) No premises shall be treated as a sex cinema by reason only—
- (a) if they are licensed under [F1section 1 of the Cinemas Act 1985], of their use for a purpose for which a licence under [F1that section] is required; or—

[F2(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 that Act.]

Sex Shop

- (1) "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 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) 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 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.

Sexual Entertainment Venue

(1) “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 purposes of this 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—

(1) 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) premises specified or described in an order made by the relevant national authority.

3. **Mandatory Grounds for Refusal (Paragraph 12 of Schedule 3)**

3.1 Specific Mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the persons having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

3.2 A Licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time which the authority consider is appropriate for the locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard-

- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the lay out, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (e) NIL may be an appropriate number for the purposes of (c) above

3.3 Any decision to refuse a licence **MUST** be relevant to one or more of the above grounds.

4. Location of Premises (Paragraph 12 of Schedule 3)

4.1 In deciding the appropriate number of premises to be licensed, the Committee must consider the character of the relevant locality and what is the appropriate number of sex establishments for the relevant locality. The number can be 'nil'.

4.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Committee shall consider, among other considerations, whether the grant of the application would be inappropriate, having to:

- (a) The fact that the premises are sited in a residential area.
- (b) The premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same.
- (c) The Premises are sited near properties which are sensitive for religious purposes e.g. churches, mosques, temples.
- (d) The premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets.

4.3 When hearing an application for the grant of a sex establishment licence, the Committee shall have regard to the Policy Statement provisions set out above but subject to the overriding principle that each application will be determined on its merits.

4.4 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a Sex Establishment.

4.5 The Council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

5. Making an Application

- 5.1 An application for the grant, variation, renewal or transfer of a licence must be made in writing to the Council in accordance with the requirements set out below.
- 5.2 In keeping with the Council's policy on the introduction of e-Government, the Council consents to applications and other notices being given electronically. The address at which the Council will accept applications and notices is:-
- (a) By post/personal service to The Licensing team, MyCouncil, Landmark Place, High Street, Slough, SL1 1JL;
 - (b) By e-mail to licensing@slough.gov.uk;
 - (c) By facsimile to 01753 875809;
 - (d) On-line (when the facility become available)

For all enquiries please contact the Licensing team on 01753 875664

6. Application for the Grant of a Licence

- 6.1 To apply for the grant of a sex establishment licence an applicant must: -
- (a) Send the council: -
 - (i) A completed application form;
 - (ii) A plan to the scale of 1:100 of the premises to which the application relates showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
 - (v) A site plan scale 1:1250.
 - (iv) Drawings showing the front elevation as existing and as proposed to a scale of (1:50).
 - (v) The fee (see **Section 14** for all fees for Sex Establishments)
 - (vi) Display a notice on or near the premises;
 - (vii) Advertise the application in a local newspaper;
 - (viii) Send a copy of the application and plan to the Chief Officer of Police, Licensing, HQ South, 165 Oxford Road, Kidlington, OX5 2NX within 7 days of making the application to the council.
- 6.2 An application form for the Grant, Variation or Transfer for a Sex Establishment Licence will be supplied on request.

7. Public Notices

- 7.1 A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 7.2 Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 7.3 The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7.4 The notice must state: -
- (a) details of the application and activities that it is proposed will be carried on or from the premises,
 - (b) the full name of the applicant,
 - (c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - (d) the date, being 28 days after that on which the application is given to the council, by which objections may be made to the council and that the objections should be made in writing,
 - (e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.
 - (f) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.

8. Variation of a Licence (Save in respect of a Minor Variation)

- 8.1 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 8.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.
- 8.3 A full variation application shall not be required by the Council in respect of any alteration to layout or change of term or condition which has no adverse impact implications for the Council's Policy, is acceptable to the Police and

Environmental Health Officers, and which is of a minor nature (a Minor variation)

8.4 Application forms for the Grant, Variation or Transfer of a Sex Establishment Licence (Sex Cinemas and Shops) and for Sexual Entertainment Venues will be supplied on request.

8A Minor Variation of a Licence

8A.1 An applicant for a Minor Variation shall be sent to the Council:

- a) a completed application form
- b) where the application relates to plan amendments, a plan complying with the plan requirements
- c) a non-returnable application fee of £665 and shall
- d) 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
- e) send a copy of the application to the Police within 7 days of making the application to the Council

8A.2 An Officer of the appropriate delegated authority shall authorise the Minor Variation within 28 days of receipt of the application, unless:

- a) the officer (whose decision shall be final) does not regard the proposals as a Minor variation and / or
- b) a valid objection is received to the application in which case that matter shall be listed for hearing by the next available Licensing Sub Committee convened for such purposes.

8A.3 An application form for a Minor Variation will be supplied on request.

9. Renewal of a Licence

9.1 The holder of a Sex Establishment Licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

9.2 The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required. An application form for the renewal of a licence will be supplied on request.

10. Transfer of Licence

- 10.1 A persons may apply for the transfer of a licence at any time.
- 10.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required. An application form for the Transfer of a licence will be supplied on request.

11. Granting a Licence

- 11.1 All applications for the Grant of a **new** Sex Establishment Licence will be referred to a Licensing Sub Committee for determination to take into account the criteria set as out in **Section 3** above with regards to the character, relevant locality and the appropriate number of Sex Establishments for the relevant locality.
- 11.1 In determining the application the Sub Committee will have regard to this Policy Statement, the application itself and any objections that may have been made. In all cases, each application will be determined on its own merits.

12. Objections

- 12.1 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.
- 12.2 Any person can object to an application but the objection should be relevant to the grounds set out in **Section 3** and the **Mandatory grounds** for refusal set in **Section 4** above.
- 12.3 Objections should not be made on moral grounds or values and the Council should not consider objections that are not relevant to grounds other than those in **Sections 3 and 4** above.
- 12.4 Objectors must give notice of their objection in writing, stating the general terms of the objections.
- 12.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.

13 Hearings

- 13.1 Where applications are referred to a Licensing Sub Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made.
- 13.2 The hearing provides all parties to the application including those making objections, the opportunity to air their views openly and will be considered by the Sub Committee.
- 13.3 To ensure security, privacy and parity with non-authority objectors, the private and personal details, including addresses and contact details of the directors / management or any other person subject of the applicant, along with financial disclosures which are sensitive commercial information, as disclosed on the application forms or any other documentation will not be publicly disclosed or made public in any Council reports. Such details may only be made available to the members of the Licensing Sub Committee and any relevant officers only on a confidential basis.

14. Appeals

- 14.1 There is no right of appeal:
- (i) Against the grounds of refusal as detailed in **Section 3.1 (a), (b), (c), (d), and (e)** above, unless the applicant can prove that the ground of refusal does not apply to them, and
 - (ii) Against the grounds as detailed in **Section 3.2 (c) and (d)**
- 14.2 The grounds for refusal under Section 3.2 (c) and (d) above can only be challenged by the applicant by way of judicial review.
- 14.3 All relevant grounds for appeal, other than these detailed at point (i) and (ii) above can be made to the Magistrates Court within 21 days from the date on which the person is notified in writing of the decision.

15. Fees

- 15.1 The current fees for all Sex Establishments (Sex Cinema, Sex Shop and Sexual Entertainment Venue) for 2015-2016 are as follows:

Grant	£2530
Renewal	£2530
Variation	£2530
Minor Variation	£665
Transfer	£665

- 15.2 The fees set are deemed to be reasonable to cover the cost of administration, enforcement, the cost of any hearings and are not

refundable.

16. Standard Conditions

- 16.1 Section 13 of Schedule 3 allows the Council to make regulations prescribing Standard Conditions applicable to Sex Establishments and the Standard Conditions applicable to Sex Shops and Sex Cinemas as approved by the Council in October 2004 are attached at **APPENDIX A**.
- 16.2 The Standard Conditions for Sexual Entertainment Venues are attached at **APPENDIX B**.

17. Specific Conditions

- 17.1 Under paragraph 8 of schedule 3 the Council may grant to an applicant, and from time to time renew, a licence for Sex Establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of Sex Establishment licence.

18. European Convention on Human Rights

- 18.1 As far as existing operators are concerned the Government has decided having listened to views from previous consultations that 'Grandfather Rights' will not apply.
- 18.2 The Transitional Order allows local authorities to refuse applications whether they are from existing operators or new applicants, one or more grounds as under paragraph 12 of Schedule 3 as detailed in section 3 and 4 above.
- 18.3 When making such decisions, local authorities must take into account any rights the existing operators have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression).
- 18.4 The Council will have regard to the fact that it will be prudent to assume that freedom of expression includes the right to use particular premises as Sexual Entertainment Venues and that a person who is denied the right to use his premises as a Sexual Entertainment Venue where he already has a licence to do so under the Licensing Act 2003 (or in future under the 1982 Act) has been deprived of possessions.

19. Waivers

19.1 The Council does not consider that it would appropriate to permit 'Waivers' from the requirements to hold a Sexual Entertainment Venue licence particularly as the legislation 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.

20. Duration of Licence

20.1 The Council, unless there are exceptional circumstances for doing so shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

21. Offences

21.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:

- Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;
- Being the holder of a licence, knowingly employing a persons in a Sex Establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

21.2 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

21.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

Annex A

REGULATIONS PRESCRIBING STANDING CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS (Sex Cinemas and Sex Shops) AS IN FORCE FROM THE 21ST DAY OF OCTOBER 2004

Definition

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:-
 - (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building, or part of a building which is the subject of a Licence for a Sex Establishment granted under the said Third Schedule.
 - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - (iv) "Approved" means approved by the Council in writing.
 - (v) "The Council" means Slough Borough Council.
 - (vi) "Film" shall have the meaning ascribed to it in the Films Acts 1960 – 1980.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a Licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
4. The marginal notes inserted in these Regulations are inserted for the purpose of convenience only and shall not affect in any way the meaning or construction thereof.

Times of Opening

5. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9.00 a.m. and shall not be kept open after 6.00 p.m.
6. Except with the previous consent of the Council a Sex Establishment shall not be open

on Sundays or any Bank Holidays or any Public Holidays.

Conduct and Management of Sex Establishments

7. 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 14 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 14 days of a request in writing from the Council.
8. The Licensee, or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the Premises during the whole time they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment shall be the Licensee or a Manager approved by the Council and shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his 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 opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.
11. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.
12. The Licensee shall maintain good order in the Premises.
13. No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
15. No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
16. Neither the Licensee nor any employee or to the person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
17. The Licensee shall comply with all statutory provisions and any regulations made thereunder.
18. The Licensee shall ensure that during the hours the Sex Establishment is 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.

19. The copy of the Licence and of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Use

20. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
21. No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
22. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
23. 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 displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods Available in Sex Establishments

24. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
25. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
26. No film or video film shall be exhibited sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
27. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling in matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

External Appearance

28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
- (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a Licence granted by the Council.
 - (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
29. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
30. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulation shall not be construed as lessening the obligation of the Licensee under Regulation 28 hereof.

State Condition and Layout of the Premises

31. The Premises shall be maintained in a good repair and condition.
32. 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 Sex Establishment is open to the public.
33. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) Save in the case of an emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
34. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
35. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.

36. 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.
37. 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.
38. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Safety

39. The Licensee shall take all reasonable precautions for the safety of the public and employees.
40. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.
41. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

Standard Conditions for Sexual Entertainment Venues

CONDITIONS APPLICABLE TO ENTERTAINMENTS INVOLVING NUDITY, SEMI-NUDITY OR TRANSPARENT CLOTHING

1. Only activities which have previously been agreed in writing by the Licensing Authority shall take place
2. The agreed activities shall take place only in designated areas approved by the Licensing Authority
3. Any individual employed on the Premises to conduct a security activity (within the meaning of schedule 2 of the Private security Industry Authority) must be licensed by the Security Industry Authority
4. Dressing rooms will be provided for entertainers and access to these will be restricted by management in accordance with approved arrangements – before, during and after the entertainment
5. The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate
6. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:
 - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
 - (b) the simple handshake greeting
 - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
 - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
 - (e) if the contact is accidental
7. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden
8. Entertainers or performers not performing must not be in a licensed area in a state of undress
9. A clear notice shall be displayed at each entrance to the premises or to the licensed area in a prominent position stating “No persons under the age of 18 years will be admitted.

10. No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
11. No person under the age of eighteen will be allowed on the premises where the entertainment is taking place
12. The entertainment shall under no circumstances be visible to members of the public from outside the premises
13. Any external advertising at the premises shall be in a form acceptable to the council
14. The licensee or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
15. A nominated person shall be present to oversee the activities of performers
16. A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the licensee(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register

CONDITIONS APPLICABLE TO TABLE DANCING

1. No audience participation shall be permitted
2. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:
 - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
 - (b) the simple handshake greeting
 - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
 - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
 - (e) if the contact is accidental
3.
 - (a) A CCTV system shall cover all areas where dancing will take place including any dancing booths. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping
 - (b) Tape recordings shall be made available to an authorised council officer or a police officer together with facilities for viewing

- (c) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice
4. Whilst dancing takes place at least two trained door supervisors shall be employed in those parts of the premises used for dancing, unless otherwise agreed by the Licensing Authority and the Police
 5. A code of conduct for dancers shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the council
 6. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
 7. In relation to points 5 and 6 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.

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32 Windsor Rd Building



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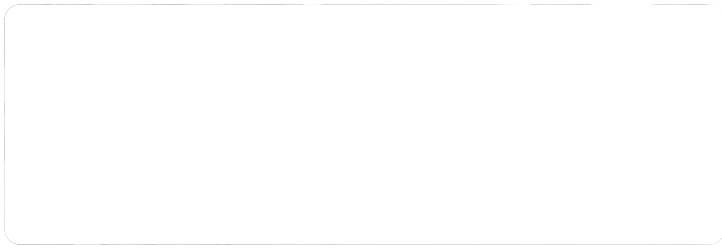


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