

# 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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## 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](http://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 19<sup>th</sup> March 1984 and the new provisions for Sexual Entertainment Venues under the amendments of the Policing and Crime Act on **30<sup>th</sup> 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 22<sup>nd</sup> July 2010 and 1<sup>st</sup> October 2010 and was approved by the Licensing Committee on 3<sup>rd</sup> November 2010 and by Full Council on **30<sup>th</sup> 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](mailto: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 21<sup>ST</sup> 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.