Sex Establishment Licensing Policy

2024-2029

CONTENTS	Page
About this Licensing Policy	3
1. The Appropriate Authority	4
2. Committee or Sub-Committee (delegation of functions)	4
3. Definition of Sexual Establishments	4
4. Application Forms	6
5. Advertisement of Application	6
6. Fees	7
7. Waivers	7
8. Objections	8
9. Hearings	8
10. Determination of an Application	9
11. Suitability of Applicant	10
12. Relevant Locality	10
13. Licence Conditions	12
14. Duration of Licence	12
15. Renewal Applications	12
16. Revocation of a Licence	12
17. Cancellation of a Sexual Entertainment Venue Licence	13
18. Variation of a Sexual Entertainment Venue Licence	13
19. Appeals	13
20. Commitment to Equality, Diversity and Inclusion	14
Part 1: Conditions that apply for all premises	15
Part 2: Conditions that apply to Sex Shops	20
Part 3: Conditions that apply to Sex Cinemas	22

About this Licensing Policy:

- The purpose of this policy is to provide a clearly outlined procedure and provide a framework that supports the decisions the council makes on the operation, administration, and licensing of sex establishments within the jurisdiction of the Babergh and Mid Suffolk Districts in accordance with the provisions outlined in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

- This policy seeks to promote equality, diversity and inclusion while providing transparent, fair, and accountable guidelines for the licensing and functioning of sex establishments.

- The aim of this policy is to actively include and consult with relevant stakeholders, such as residents, businesses, community groups, and sex establishment operators, to achieve a thorough and inclusive approach to policy development and implementation.

- This policy gives an overview of the administrative process for licensing sex establishments, including premises' locations. It also includes the council's conditions for sex establishments for licenced premises in Babergh and Mid Suffolk Districts.

- This policy document also outlines the criteria the council will be guided by when assessing the suitability of the applicant(s)/operator, which is linked into the application process and based around the grounds for refusal specified by paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

- To ensure the policy remains proportionate, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this policy without the need for consultation, with the agreement of the Chairperson of the Licensing & Regulatory Committee, Cabinet Member for Licensing and the Corporate Manager for Licensing.

1. The Appropriate Authority

1.1. The 'Appropriate Authority' is responsible for determining applications for sex establishment licences. For the purposes of the 1982 Act 'Appropriate Authority' means Mid Suffolk or Babergh District Council which have both passed a resolution under section 2 of that Act to adopt Schedule 3 in its area.

2. Committee or Sub-Committee (delegation of functions)

2.1. Functions under Schedule 3 are the responsibility of Mid Suffolk and Babergh District Council's Full Council. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or panel of the appropriate Authority.

2.2. With the exception of policy setting, which is set by the Cabinet upon recommendation from Licensing Committee, Mid Suffolk and Babergh District Council has delegated its functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to its Licensing Committee - as set up to discharge licensing functions under the Licensing Act 2003. However, when dealing with an application for a sex establishment licence, the Members of the committee are not acting as the Licensing Committee under the 2003 Act and are instead exercising their functions under Schedule 3 of the 1982 Act. The Licensing Committee may establish a Panel for the purpose of determining individual applications.

3. Definition of Sexual Establishments

3.1. The legislation has classified a sex establishment as comprising 'sex shop', 'sex cinema' and 'sexual entertainment venue'.

Sex shops

3.2. A sex shop is defined as any business which can be a premises, vehicle, vessel, or stall that primarily deals with selling, hiring, exchanging, lending, displaying, or demonstrating provision, or distribution of products, materials, or services related to relevant articles.

3.3. Relevant articles comprise of sex articles or acts of force or restraint associated with sexual activity and other things intended for the purpose of stimulating or encouraging sexual activity.

Sex cinemas

3.4. A sex cinema is defined as premises used to a significant degree for the exhibition of moving pictures concerned primarily with relevant images.

3.5. Relevant material must deal primarily and not in part with;

- sexual activity; or
- acts of force or restraint which are associated with sexual activity;

Or

- are concerned primarily with the portrayal of, or primarily deals with or relate to, genital organs or urinary or excretory functions.

A sex cinema does not include dwelling-houses to which the public is not admitted.

Sex entertainment venues (SEVs)

3.6. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called ‘sexual entertainment venue’.

3.7. A ‘sexual entertainment venue’ is defined as premises where relevant entertainment is provided before a live audience, with the primary purpose of financial gain for the organiser or entertainer involved.

3.8. There are two categories of relevant entertainment:

- live performance; or
- live displays of nudity.

In each case, they must be of such a nature that they must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means.

‘Nudity’ is the exposure of the pubic area, genitals, or anus and, in the case of women, their nipples.

3.9. The following premises are not sexual entertainment venues;

- Sex shops and sex cinemas
- Premises which provide relevant entertainment on an infrequent basis

i.e., premises where –

- no relevant entertainment has been provided on more than 11 occasions within a 12-month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted more than 24 hours.

3.10. Examples of relevant entertainment will include, but not limited to:

- Lap dancing
- Pole dancing
- Table dancing
- Strip Shows
- Peep Shows
- Live sex shows

4. Application Forms

4.1. Applications for the grant, renewal, transfer or variation of a sex establishment licence must be submitted using the prescribed form which can be obtained on the Councils' website at: www.babergh.gov.uk/licensing and www.midsuffolk.gov.uk/licensing or by contacting the Licensing team directly licensingteam@baberghmidsuffolk.gov.uk .

4.2. Applications must be submitted with the following information:

- Premises details - a site plan of the premises, drawings showing the front elevation as existing, drawings showing the front elevation as proposed. Note, the requirements of the layout plan are set out below
- Copies of any proposed advertising displays/signs on the premises
- Planning permission
- Proof of applicant's identity and address
- Proof of right to work if an applicant is an individual
- Relevant fee

4.3. Requirements for layout plan:

- Layout of the premises including, stage, bars, cloakroom, WC's, performance area, dressing rooms.
- The extent of the boundary of the premises outlined in red.
- The extent of the public areas outlined in blue.
- Uses of different areas in the premises, for example performance areas, reception.
- Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
- Location of points of access to and egress from premises.
- Location of emergency exits.
- Location and type of any fire safety and any other safety equipment.
- Position of CCTV cameras.

4.4. Applicants for SEVs must also submit a copy of their 'club rules' and customer code of conduct. Such club rules must contain the required conduct of performers.

4.5. Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Council prior to approval.

4.6. With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the application must wait for the Council to determine the application before they can operate a SEV.

5. Advertisement of Application

5.1. Applicants for a sex establishment licence must make their application public by publishing an advertisement in a local publication distributed within the Councils

district. This advertisement should be published no later than seven days after the application is received.

5.2. Where the application relates to a premises, a notice must also be displayed on or near the premises in a location where members of the public can easily read it. The notice must be displayed for 21 days, beginning on the day the application is submitted.

5.3. The applicant must provide a copy to the chief officer of police within seven days of the application date.

5.4. The Council will engage with the police and any other appropriate authorities as needed.

5.5. Variation applications may be submitted in accordance with the Act. Officers will decide whether a variation application should be treated as a new or renewal application on a case-by-case basis. Public advertisement may or may not be required, depending on the scope of the modification.

6. Fees

6.1. Schedule 3 to the 1982 Act states that an applicant for the grant, renewal or transfer of a sex establishment licence shall pay a reasonable fee, as determined by the Licensing Authority.

6.2. When determining 'reasonable and proportionate' for fee purposes, the Council has due regard to 'The UK Guidance on the Provision of Services Regulations' when setting and administering local licence fees within the service sector. https://www.gov.uk/government/publications/complying-with-provision-of-services-regulations-for-businesses-and-competent-authorities

6.3. The application process involves paying a non-returnable application fee. The fee levels will be subject to annual review.

6.4. Separate fees will be charged for applying, varying, transferring and renewing a licence.

7. Waivers

7.1. The Council will not typically provide a waiver for a sex establishment licence but will assess applications on their own merits. Applicants must establish extraordinary circumstances for the licencing requirement to be relaxed.

7.2. Applications will be evaluated by the Licensing & Regulatory Committee, or a delegated Licensing Sub Committee thereof, and reasons for the decision will be provided.

8. Objections

8.1. Any person who objects to an application for the grant, renewal, or transfer of a sex establishment licence must provide written notice no later than 28 days following the date of the application.

8.2. Objections received after this date may only be considered at the discretion of the Council if it feels that they are relevant. In determining whether to exercise the discretion to take late representations into account, the Council will have regard to the following:

- How late the objection is.
- Whether there is a good reason of the objection being late or whether the lateness was intentional.
- Whether it introduces new grounds of objection or information or whether it merely repeats other objections which were made in time.
- Whether consideration of the late objection would result in unfairness to the applicant or disrupt the Committee's procedures.
- The seriousness of the objection information and whether there is potential likelihood of harm to persons.

8.3. Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set in in the 1982 Act.

8.4. No weight shall be given by the Council to objections made on moral grounds or that are, in the opinion of the Council, frivolous or vexatious. In this policy, 'frivolous' and 'vexatious' have their ordinary meanings.

8.5. Where an objection is received, the applicant must be notified of the general grounds of the objection, prior to the application being determined by the Council.

8.6. Unless the objector consents to their details being released, the anonymity of the objectors shall be maintained.

8.7. Valid objections to any application will be considered by the Licensing & Regulatory Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

9. Hearings

9.1. Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants shall be given the opportunity to appear before and be heard by the Licensing Committee that is responsible for determining the application.

9.2. Whilst Schedule 3 does not make explicit provision for objectors to be heard, and while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Babergh & Mid Suffolk District Council shall normally offer this facility to allow objectors the opportunity to amplify or support their written representations, although the Council accepts that objectors may not wish their identity or address to be known to the applicant.

9.3. Any hearing shall similarly be conducted under the general hearing procedures that apply to applications to determine Licensing Act 2003 premises or club applications. The hearing shall take the form of a discussion led by the Authority and cross-examination shall not be permitted unless the Authority considers it is necessary for it to consider all the relevant issues.

10. Determination of an Application

10.1. All new licence applications will be determined by the Licensing & Regulatory Committee or delegated to Licensing Sub Committee.

10.2. Non-contested renewal applications will be delegated to Licensing Officers.

10.3. Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds.

10.4. Mandatory grounds:

A licence **must not** be granted to a:

- person under the age of 18;
- person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate Authority within the last 12 months;
- person, other than a body corporate, who is not resident in the United Kingdom or an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- body corporate which is not incorporated in the United Kingdom or an EEA State; or
- person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the 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.

10.5. Discretionary grounds:

A licence **may be refused** where:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- 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 they made the application themselves;
- the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- 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 layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

10.6. Any decision made by the Council to refuse a licence shall be relevant to one or more of the above grounds. Full and clear reasons shall be given, including in writing, for any decision taken.

11. Suitability of Applicant

11.1. In respect of 9.3(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- Whether the applicant(s), partners or directors have any relevant convictions, cautions or other relevant offences (and it may take into account 'spent' convictions for these purposes). The fact that an applicant or connected individual may have convictions will not automatically render them unsuitable as each case will be assessed on its individual merits. Serious offences involving violence, dishonesty or sexual offences will be of particular relevance as to whether an applicant is suitable to be granted a licence;
- The trading history and relevant experience of the applicant(s). Whether there has been any previous disqualification (beyond the mandatory limitations of paragraph 12 of Schedule 3);
- The steps and measures (including rules, policies and procedures) that the applicant(s) intend to take to ensure that they operate sensitively in the community and without any disproportionate negative impacts in the locality;
- Whether the business is for the benefit of any third party that would not be granted a licence;
- Whether the Police object on any reasonable grounds to any applicant(s), partners or directors being granted a licence;
- Whether the Police object on any reasonable grounds to any other person at a management or operational level being involved with the licensed operation;
- Whether there are any restrictions on an applicant's ability to reside or work in the UK; and
- Any other reasonable or relevant factors that may come to light.

12. Relevant Locality

12.1. Paragraphs 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the 'relevant locality'. A licence may be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the Council considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.

12.2. Schedule 3 to the 1982 Act does not define 'relevant locality' further than to say that:

- in relation to premises, it is the locality where they are situated; and
- in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

12.3. The decision regarding what constitutes the 'relevant locality' is a matter for the Council and it shall determine the 'relevant locality' on a case-by-case basis on the facts of the individual application and utilising its own knowledge of its area. This may also involve a site inspection.

12.4. When considering a particular application, the relevant locality need not be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while the Council is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless, the Council shall endeavour to undertake a reasonable view of what constitutes a 'locality' on a case-by-case basis. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

12.5. Once the Council has determined the relevant locality in a particular case, it shall seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The views of the Planning Authority and other relevant bodies will be key to making this assessment, as will looking at the type(s) of use and nature of other premises in the locality.

12.6. Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the Council may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

12.7. The Council shall not apply a rigid rule to its decision making and shall determine each application on its individual merits. Although it recognises that it has powers to do so, the Council shall not pre-empt or specify in advance which specific locations may, or may not, be suitable for the operation of a sex establishment. It shall however keep this policy and its ability to use these powers under review.

12.8. In general, the Council shall not normally grant applications for sex establishment licences in locations, where relevant objections are raised and where those concerns may not be adequately overcome, that are in the vicinity of sensitive premises or inappropriate in the context of the uses/character of the location. Examples of 'sensitive premises or locations' for these purposes, may include but shall not be limited to –

- the fact that the premises are sited in a residential area;
- the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- 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;
- the premises are sited near places and or buildings of historical/cultural

interest, tourist attractions.
- the premises are sited near civic buildings

12.9. The operation should also have the correct planning consent for the use intended, and it will be the responsibility of the premises operator to check/obtain this.

13. Licence Conditions

13.1. No condition will be imposed by the Council that cannot be shown to be appropriate, reasonable and proportionate to the application that has been submitted.

13.2. In the event that conditions are attached to the grant of a licence they will be adapted to the operating circumstances and requirements of the individual premises and may also take into account any objections, comments or observations received, particularly where they have been received from the Police.

13.3. The Council may attach any of those conditions shown in Part 1, 2 or 3 of this policy, which are relevant to the activities granted to the sex establishment licence applied for. These conditions are not exhaustive however and further conditions may be applied to the licence on the advice of the Police or may be attached by the Council following a hearing by Members of the Committee.

14. Duration of Licence

14.1. The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

15. Renewal Applications

15.1. Provided an application for renewal has been accepted by the Licensing Authority prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

15.2. The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at point 4 & 5 of the policy. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be determined by the Committee.

16. Revocation of a Licence

16.1. A licence can be revoked by the Council at any time on any one of the grounds set out in 10.4(a - e) or any one of the grounds set out in 10.5(a and b) of the policy.

16.2. The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing Sub Committee and be heard.

16.3. Where a licence is revoked, the Council shall give the licensee a statement in

writing of reasons for its decision within seven days of the request being made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

16.4. When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

17. Cancellation of a Sexual Entertainment Venue Licence

17.1. The Council may at the written request of the licence holder cancel the licence.

17.2. If a licence holder dies, then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

17.3. The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

18. Variation of a Sexual Entertainment Venue Licence

18.1. A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at point 4 & 5 of the policy. On receiving such an application, the Council can either:

- make the variation as requested;
- make such variations as it thinks fit;
- refuse the application.

18.2. The applicant will be given an opportunity to attend a Licensing Sub Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

18.3. Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

19. Appeals

19.1. The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.

19.2. Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.

19.3. It is important to note that appeals only lie against the mandatory refusals on the basis

that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 10.5(c and d), namely:

- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it;
- or the use of premises in the vicinity or the layout, character or condition of the premises.

19.4. The only discretionary grounds against which an appeal lies are those in paragraph 10.5(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

20. Commitment to Equality, Diversity and Inclusion

20.1. The Council is committed to supporting equality, diversity, and inclusion.

20.2. The Council recognises the significance of building an inclusive and non-discriminatory environment that respects and values the district's diversity.

20.3. The Council is committed to ensuring that all individuals within the districts have equal access to opportunities, services, and protection from discrimination.

Part 1: Conditions which apply to all premises.

1. General

1.1. A copy of the licence shall be exhibited in a position that can easily be read by all persons entering the premises.

1.2. The licensee shall remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the premises.

1.3. The licensee shall notify the licensing authority in writing of any change in directors, trustees, partners, or other persons concerned in the management of the licensed premises and activities within fourteen days of such change.

1.4. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them.

1.5. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.

1.6. The licensee shall admit authorised officers to the premises at all reasonable times and at any time when the premises are providing sexual entertainment. The licensee shall provide in a timely fashion, copies of any documents reasonably required by an authorised officer to prove compliance with this licence.

1.7. The licensee must give written notice to the Council if they wish to surrender the licence.

2. Management

2.1. A suitable and sufficient number of SIA door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is being offered. Their duties will include monitoring customers and performers to ensure that the code of conduct for dancers and the house rules are being obeyed and enforcing if necessary.

2.2. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by the Security Industry Authority.

2.3. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving

licence. Proof must also be provided of their SIA registration. All profiles are to be made immediately available to Authorised Officers upon request.

2.4. The licensee shall prepare and implement a code of conduct for performers. The code shall be approved by the Council and will not be altered without consent from the Council.

2.5. The licensee shall prepare house rules governing the conduct of customers, refer to section 6 of this Policy. These rules shall be approved by the Council and will not be altered without consent from the Council.

2.6. The licensee is to implement a suitable policy for the safety of the performers when they leave the premises.

3. Premises

3.1. The approved layout of the premises shall not be altered without prior consent of the Council.

3.2. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises)

3.3. CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice.

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

3.5. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.

3.6. Members of the public may not enter or remain in the toilet cubicles in the company of any performer.

4. Advertising

4.1. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the Councils District:

on any public highway, street, waterway or railway; in any place of general public use or access; or in publicly accessible areas of premises open to the public.

This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway.

For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons under the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

4.2. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

5. Admission to the Premises

5.1. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.

5.2. The Challenge 25 proof of age scheme will be implemented, under which anyone suspected of being under the age of 25 will be required to present identification confirming they are over the age of 18. Only recognised photographic identity cards, such as a driver's licence or passport, are accepted forms of identification Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

5.3. The premises shall keep a refusals log in which any time a person is refused entry this shall be recorded and made available to an authorised officer upon request.

5.4. The content of the house rules will be made known to customers prior to their admission to the premises when sexual entertainment takes place.

6. House Rules

6.1. The Licensee shall prepare House Rules governing the conduct of customers.

6.2. The House Rules shall be prominently and legibly displayed at each entrance of the Premises.

6.3. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.

6.4. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.

6.5. Customers may not be permitted to photograph, film or electronically record any performance.

6.6. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

7. Performers

7.1. Sexual entertainment will be given only by the performers engaged by or through the licensee and there will be no audience participation.

7.2. On days when sexual entertainment is provided, the licensee, or their representative, shall keep a record of those performers working at the premises on that day in a daily record. The daily record shall be immediately available for inspection by authorised officers.

7.3. The licensee shall ensure that each performer signs the code of conduct in their legal name, acknowledging that they have read and understood and are prepared to abide by the code of conduct, and signed copies be kept on the premises for inspection by authorised officers.

8. Fees

8.1. The licensee shall prominently and legibly display the entertainment fee in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far, as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made, nor payment accepted by the Licensee for any services other than in accordance with the fees or clearly advertised discounts to the fees.

8.2. The licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant fee table at the amount shown on that fee. These records must be made available within a reasonable time if requested by an authorised officer.

9. Code of Conduct

9.1. The licensee shall prepare and implement a suitable Code of Conduct for performers.

9.2. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are

prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.

9.3. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.

9.4. Without prejudice to standard condition 9.3 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.

9.5. The Licensee must not permit gratuities or any other items to be thrown at performers.

9.6. During a performance there shall be no full body physical contact between performers, and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.

9.7. Performers shall be provided with a changing room to which the public have no access.

9.8. Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].

9.9. Performers must re-dress at the conclusion of a performance.

Part 2: Conditions which apply to sex shops

1. General

1.1. The business shall be carried on only in the name, style or title specified in the licence and at the premises mentioned therein.

1.2. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex shop in their absence and the names and address of all those employed in the sex shop. The register is to be completed each day of the sex shop opening for business and is to be available for inspection by an Authorised Officer.

2. Opening Times

2.1. The licensed premises shall not be opened for the purposes for which the licence is granted earlier than 10:00hrs and shall be closed no later than 22:00hrs.

3. Management

3.1. Neither the licensee nor any employee shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the sex shop.

3.2. 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.

3.3. The Licensee shall maintain good order in the Premises.

3.4. No person under the age of 18 years shall be admitted to the Premises or employed in any position with regard to the business of a sex shop.

3.5. The Licensee shall ensure that the public are not admitted to any part of the premises other than those parts which have been approved by the Council.

3.6. The Licensee shall ensure that no part of the premises shall be used by prostitutes (male or female) for soliciting or for any immoral purpose.

3.7. The Licensee shall comply with all statutory provisions and any regulations made there under.

4. Premises

4.1. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.

4.2. The premises shall only be used as a shop.

4.3. No residential use shall be made of any part of the premises unless a separate access is provided from outside of the premises.

4.4. All parts of the premise shall be maintained in good repair and in a clean and wholesome condition.

4.5. A notice will be displayed at the entrance to the premises such that no one could reasonably obtain access to the premises without being aware of its contents.

4.6. The interior of the premises shall not at any time be visible from outside and the window shall only bear a suitable display approved by the Council.

4.7. 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: - 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. 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.

4.8. A lobby area shall be provided at the entrance to the shop to ensure that the inside of the shop is not visible when the front door is opened.

4.9. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the council.

4.10. No alcohol shall be consumed on the premises.

5. Goods Available in Sex Shops

5.1. 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 premises the maximum prices to be charged.

5.2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the sex shop.

Part 3: Conditions which apply to Sex Cinemas

1. General

1.1. The showing of films, videos, and DVDs to children under the age of 18 is restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) where the film has been classified by that Board, or by the Licencing Authority where no classification certificate has been granted by the BBFC.

1.2. No film shall be exhibited unless:

(a) It has been classified as a U, PG, 12, 15, 18, or RESTRICTED (18) film by the British Board of Film Classification, and no notice of objection to its display has been received by the Council., or
(b) The Council has rated the film as U, PG, 12, 15, 18, or RESTRICTED (18).

1.3. If the Council notifies the licence holder in writing that it objects to the display of a film, indicating the grounds of objection, the film shall not be exhibited.