



**SOUTH CAMBRIDGESHIRE  
DISTRICT COUNCIL**

**LICENSING POLICY**

**SEX ESTABLISHMENTS**

**and**

**SEX ENTERTAINMENT VENUES**

<b>Preamble</b>	<b>3</b>
<b>Introduction - Meaning of Sexual Entertainment Venue</b>	<b>4</b>
<b>Requirement for a Licence</b>	<b>5</b>
<b>Amendments to the Licensing Act 2003</b>	<b>6</b>
<b>Grant/Renewal/Transfer/Refusal of a Licence</b>	<b>6</b>
<b>Objections</b>	<b>8</b>
<b>Notification</b>	<b>8</b>
<b>Hearing/Appeal</b>	<b>8</b>
<b>Enforcement</b>	<b>9</b>
<b>Consultation</b>	<b>9</b>
<b>Amendments to Policy</b>	<b>10</b>
<b>Conditions</b>	<b>10</b>
<b>Integration with Council Strategies</b>	<b>10</b>
<b>Definitions</b>	<b>11</b>
<b>Appendices</b>	<b>14</b>

## **SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUE POLICY**

### **Preamble**

1. The overarching objectives of the policy are to:
  - promote the Authority's visions and values,
  - protect the rights and health and safety of the general public, workers, residents, small businesses, minority and vulnerable groups, and
  - to ensure consistent and transparent decision making.
2. This document outlines the policy, which will guide South Cambridgeshire District Council when considering applications for licences. The Authority will determine each application on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
3. The Local Government (Miscellaneous Provisions) Act 1982 (1982 Act) introduced a licensing regime to control Sex Establishments. South Cambridgeshire District Council adopted Schedule 3 of the Act on 28 September 2006 (Appendix A). This means that the Authority can control and regulate the operation of certain kinds of Sex Establishments within the area. No Sex Establishment or Venue can operate unless it has obtained a licence from the Authority. Any such licence will contain conditions that will restrict how that premises may trade.
4. Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent crime and disorder in the area. This policy has regard to the likely impact of such licences on related crime and disorder in the area.
5. The Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as Human Rights Act 1988 and Disability Discrimination Act 1995.

## Introduction

### Meaning of Sexual Entertainment Venue

6. New measures came into force on 6 April 2010 in England, under section 27 of Policing and Crime Act 2009 (“2009 Act”), to reclassify lap-dancing clubs as Sexual Entertainment Venues.
7. The reclassification allows Local Authorities to regulate such venues as Sex Establishments under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
8. South Cambridgeshire District Council adopted the provisions of The Policing and Crime Act 2009 Act (2009 Act) on 25 November 2010 (Appendix B), however at present there are no premises identified as falling within the definitions of sex establishments. The Authority will contact any premises identified as holding activities of a sexual nature with a view to assessment.
9. Following the adoption of 2009 Act, the Authority has more power to control the number and location of lap dancing clubs and similar venues within South Cambridgeshire. The provisions allow the Authority to take a broader range of considerations into account before making decisions about licences, and give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.
10. A Sexual Entertainment venue is defined as *‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.’*
11. The meaning of ‘relevant entertainment’ is *“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g. where the entertainment takes place in private booths).*
12. The Authority judges each case on its individual merits, however it considers that the definition of relevant entertainment would apply to the following forms of entertainment:
  - Lap dancing
  - Pole dancing
  - Table dancing
  - Strip shows
  - Peep shows
  - Live sex shows
  - Topless Bars
  - Premises where private entertainment booths as defined in para 11 are present
13. South Cambridgeshire District Council does not consider the list to be exhaustive as the nature of premise may vary. Decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

14. Prior to the amendment Schedule 3 of the 1982 Act defined “sex establishment” to mean a “sex cinema” or a “sex shop”, and includes businesses which consist to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating with “sex articles” within the licensing regime.
15. Premises that are not sexual entertainment **venues** are as follows:
  - Sex shops and sex cinemas
  - Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:
    - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
    - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
    - c) no such occasion has lasted longer than 24 hours.
  - other premises or types of performances or displays exempted by an order of the Secretary of State.
16. Premises providing relevant entertainment on an infrequent basis will continue to be regulated under 2003 Act.

#### **Requirement for a licence**

17. Any person wishing to operate a sex establishment as defined by Schedule 3 requires a sex establishments licence, unless the requirement for a licence has been waived by the appropriate authority.
18. A licence would normally be granted for a period of one year, however the Authority may exercise its discretion to issue a licence for a shorter period if deemed appropriate.
19. South Cambridgeshire District Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
20. Waivers may be granted to;
  - Book shops, including shops where sale of DVD’s and CD’s are present
  - Sexual Health Clinics
  - Cases where the requirement for a licence is considered by the Authority as borderline i.e. a nude scene in a burlesque show
  - Educational Establishments as part of a recognised educational curriculum
21. Each application for a waiver will be considered on its individual merits, however, any establishment that would normally require licensing under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.
22. In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that the authority may reasonably require in order to make its decision.
23. A waiver may be for such period as the Authority thinks fit. Where South Cambridgeshire District Council grants an application for a waiver, notice will be given to the applicant stating that it has granted the application. The Authority may at any

time give a person who would require a licence, notice that the waiver is to terminate, on such date not less than 28 days from the date on which it gives the notice, or as may be specified in the notice.

24. Spontaneous entertainment does not require a sex establishment licence. *'Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.'*

### **Amendments to the Licensing Act 2003**

25. Premises holding a sexual entertainment venue licence will not require a premises licence under the 2003 Act unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment.
26. Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the 2003 Act.

### **Grant/Renewal/Transfer/Refusal of a Licence**

27. South Cambridgeshire is a rural area comprising of 103 Parishes, in which the communities live and work. Many of the localities falling within the area can be described as family residential, leisure, parks and farming land.
28. In determining an application relating to a Sex Establishment or Sexual Entertainment licence the Authority will assess the application on its individual merits having regard to the content of this policy, the relevant legislation and any relevant guidance that may be issued by central Government.
29. Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only a Licensing Officer and Appeals Sub-Committee may authorise a departure from the policy if it is felt appropriate for a specific application.
30. No specific areas within the district have been identified as exclusion zones for the purposes of applying for a sex establishment/venue licence. In general the authority would discourage applications for areas it considers to be inappropriate having regard to the character of the relevant locality.
31. In addition, the Authority will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be deemed as inappropriate. Where the Authority receives an application, which it considers to be within close proximity to those identified in para 29, it will not be automatically refused. Applications presenting genuinely exceptional circumstances will be considered on their individual merits.
32. Further consideration to grant a licence will be given where a premises, as defined by the 1982 Act, wishes to display a high profile exterior frontage and/or wishes to depict

external nude images. Any decision to depart from the authorities standard conditions will be referred to the Licensing Committee for final approval.

33. An applicant must be a fit and proper person to hold a licence in determining suitability for a new licence, or a transfer of an existing one, the Authority will take the following into account:
- Previous relevant knowledge and experience of the applicant;
  - The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
  - Any report about the applicant and management of the premises received from statutory objectors.
34. Whilst every application will be considered on its individual merits, the Authority will be unlikely to grant an application from any person, or for the benefit of any person, with unspent criminal convictions.
35. The authority shall not grant a licence;
- a) to a person under the age of 18
  - b) to a person who is disqualified from making an application by reason of having been convicted of an offence or for any of the matters included in paragraph 17(3)
  - c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident through the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in the United Kingdom; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application is made, been refused the grant or renewal of a licence, unless the refusal has been reversed on appeal.
36. Applications may be refused on grounds relating to an assessment of the “relevant locality”, including the impact on the local amenity. A licence may be refused if either, at the time the application is determined, the number of sex establishments/venues, or sex establishments/venues of a particular kind, in the relevant locality is equal to or exceeds the number that the authority 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 premise. Nil may be the appropriate number.
37. This Authority considers the ‘relevant locality’ to mean the area which surrounds the premises specified in the application and in accordance with legislation does not seek to further define any precise boundaries or markings.
38. A decision to determine the number of sex establishment venues appropriate for this particular area has not been made, however this may be subject to review.
39. Applications for a premise licence may be refused where the Authority is not satisfied that the application has been advertised in accordance with requirements of the Act. (Appendix C).
40. The Authority may refuse to accept an application where it considers that relevant information has been omitted or an application is incomplete.

41. In considering any application for the grant, renewal or transfer of a licence, the authority will have regard to any observations submitted by the Chief Officer of Police and those persons meeting the requirements of para 6 below.
42. Where the Authority refuses to grant, renew or transfer a licence, notice of the reasons why will be sent in writing to the applicant within seven days.

### **Objections**

43. The Authority will have regard to objections submitted within the prescribed timescales as set out in Sch 3 Para 10(15) of the 1982 Act. Legislation imposes no pre-qualifications on who may be objectors, or whether objectors are likely to be affected by the operation of an establishment. As such the authority will consider the views of any person or corporate persons that are submitted in writing. The Act imposes no constraint on the subject matter of objections, however South Cambridgeshire District Council may give consideration to the weight that should be given to objections considered as vexatious, malicious or frivolous. If doubt arises over the relevance/validity of an objection, the final decision on whether to accept the objection will be made by the Licensing Officer.
44. The Authority will notify applicants of any objections made within the prescribed advising period. The authority will not, without the consent of the person making the objection, reveal his/her name or address to the applicant at this stage.
45. Where a hearing is required to determine an application, it is the policy of this Authority to disclose the names and address of objectors unless there are clear reasons to depart from the Policy. The Licensing Officer will make the final decision on whether details of objectors are to be disclosed.
46. The Licensing Sub-Committee will consider all applications where there are relevant representations.

### **Notification**

47. The Authority will endeavour to notify the following partner authorities of accepted applications made within two working days of receipt:
  - Cambridgeshire Constabulary
  - SCDC Planning Services
  - SCDC Environmental Health
  - SCDC Equality and Diversity Officer
  - Parish Council
  - Local Councillor
  - Women's Aid (Cambridge)
  - Choices for Men (Cambridge)
  - Cambridgeshire Fire Authority

### **Hearing/Appeal**

48. The Authority will give applicants the opportunity of appearing before a Licensing Appeals Panel before a decision is made to refuse the grant/renewal/transfer of a licence.



49. Where the Authority is required to determine an application by reference to a Licensing Appeals Panel, the applicant and objectors will be advised of the date, time and venue of hearing.
50. In preparation for the hearing, all parties will receive a copy of the Licensing Officer's report prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.
51. At the hearing, all parties will have the opportunity to address the Sub-Committee and ask questions of all parties that they feel relevant to the determination process.
52. The Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.
53. Whilst the Act does not stipulate a timescale for hearing applications where objections have been submitted and accepted, South Cambridgeshire District Council aims to determine an application within 28 days, from the last day of advertising.
54. Applicants have a further right of appeal to a Magistrates Court within 21 days from the date of the decision.
55. The 1982 Act strictly limits who can appeal to Magistrates Court, and the matters about which they can appeal. The Act affords rights of appeal to the industry only. The decisions against which a right of appeal lies are refusals of grants, renewals, transfers or variations, the imposition of conditions and also revocations.

#### **Enforcement**

56. Prior to pursuing enforcement action the Licensing Department will have regard to the relevant Council Enforcement Policy in place and consult with any partners as deemed appropriate.
57. In pursuing the objectives in para 1, the Authority will operate a proportionate and reasonable enforcement regime.
58. The responsibility for the overall supervision of Sex Establishment Licensing lies with the Licensing Officer and Cambridgeshire Constabulary.

#### **Consultation**

59. In developing this policy South Cambridgeshire District Council **consulted** with the following individuals and partner agencies;
  - Cambridgeshire Police
  - South Cambridgeshire District Council Planning Services
  - South Cambridgeshire District Council Environmental Health Department
  - South Cambridgeshire District Council Equality and Diversity Officer
  - Parish Council
  - Members
  - Woman's Aid (Cambridge)
  - Choices for Men (Cambridge)
  - Public
  - Cambridge Fire & Safety

### **Amendments to Policy**

60. Any significant future amendment to this policy will only be implemented after further consultation with the individuals and partner agencies originally consulted.

All such amendments to this Policy will be undertaken in accordance with the Authority's Constitution.

For the purpose of this section, any significant amendment is defined as one that:

- (a) is likely to have a significant financial effect on the licence holders, or
  - (b) is likely to have a significant procedural effect on the licence holders, or
  - (c) is likely to have a significant effect on the community.
61. Any minor amendments to this Policy may be authorised by the Licensing Officer and undertaken in accordance with the Authority's Constitution.
62. The Authority maintains the right to review the policy as deemed necessary by the Licensing Officer, Licensing Committee, or as required due to legislative changes and Government guidance.

### **Conditions**

63. This policy provides for a set of "standard conditions" to be attached to each licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied. (Appendix D). Further conditions may be attached to individual licences where the authority deems it necessary. The standard conditions are also applicable to "Sex Establishments", "Sex Cinemas", Sex shops" **Sexual Entertainment Venues** and premises involved with the sale/supply of "Sex Articles".
64. The Authority will seek to avoid duplicating licence conditions where a premise holds licences under both the 2003 Act and Schedule 3. Furthermore the Authority will endeavour to avoid imposing conditions on either licence that are contradictory to one another.

### **Integration with Council Strategies**

65. When considering and reviewing this policy the Authority will consider local and regional strategies and policies including Crime Prevention, Equality and disabled discrimination law. However, it recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations on employers and operators such as The Health and Safety at Work Act 1974, The Environmental Protection Act 1990, Children Act 2004, Discrimination Legislation and the Regulatory Reform (Fire Safety) Order 2005.
66. The Authority is aware of its obligations under the Race Relations Act 1976 as amended with the Authority's Race Equality Scheme and will have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.

## Definitions

<b>Term</b>	<b>Definition</b>
The <i>Authority</i>	South Cambridgeshire District Council
The “2009 Act”	Policing and Crime Act 2009
“Section 27”	Section 27 of the Policing and Crime Act
“Schedule 3”	Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982
The “1982 Act”	Local Government (Miscellaneous Provisions) Act 1982
The “2003 Act”	Licensing Act 2003
“Premises”	includes any vessel, vehicle, stall or premises (which will include any building, any part thereof, forecourt, yard or storage place in connection with any building) but does not include a private dwelling to which the public are not admitted. (Note that this is not an exclusive definition and includes a touring strip show performing within a circus tent or marquee).
“Licence Holder”	A person who holds a Sex Establishment Licence under the Act
“The Policy”	South Cambridgeshire District Council’s Sex Establishment Policy
“Display of Nudity”	In the case of a woman, means exposure of her nipples, pubic area, genitals or anus.
“Organiser or entertainment”	<p>The ‘organiser’ means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf on the person responsible for the management of the premises.</p> <p>The ‘organiser’ must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.</p>

“Sex Establishment”	means a sex cinema or a sex shop.
“Sex Cinema”	<p>means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—</p> <p>(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—</p> <p>(i) sexual activity; or</p> <p>(ii) acts of force or restraint which are associated with sexual activity; or</p> <p>(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.</p> <p>(2) No premises shall be treated as a sex cinema by reason only—</p> <p>(a) if they are licensed under Article 3 of the Cinemas (Northern Ireland) Order 1991, of their use for a purpose for which a licence under that Article is required; or</p> <p>(b) of their use for an exhibition to which Article 8 of that Order (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Article 8(6) of that Order.</p>

Meaning of “sex shop”  
and “sex article”

“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) 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*** ***'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer***

## **Appendix A**

### **Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 – Sex Establishments:**

On Thursday, 28 September 2006, Council **RESOLVED**

- (a) that Part 2, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in respect of the licensing of Sex Establishments be adopted;
- (b) that, subject to the following amendments, the standard conditions of licensing as stated in Appendix A of the covering report to the Licensing Committee be approved:
  - (i) the opening hours for premises should be Monday to Saturday 9am to 7pm (paragraph 11 of the licence conditions relate); and
  - (ii) paragraph 12 of the licence conditions be amended to read: The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Good Friday or Christmas Day;
- (c) that the agreement of the policy for the setting of the fee for the application, renewal or transfer of a licence for a sex establishment be set at £3,500;
- (d) that the applications for sex establishment licences be put before a 5-Member Sub-Committee to be named 'Licensing Sub-Committee (Sex Establishments)'; and
- (e) that there be no restrictions on the numbers considered relevant for the district at this time.

## **Appendix B**

### **Adoption of s27 Policing and Crime Act 2009:**

On Thursday, 25 November 2010, Council **RESOLVED** to adopt Schedule 3 of the Local Government (Miscellaneous Provisions Act) 1982 as amended by s27 of the Policing and Crime Act 2009 to apply in the district of South Cambridgeshire.

## **Appendix C**

1. An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application by publishing an advertisement in such newspapers circulating in the district of the council as the council may require.
2. The applicant shall supply a copy of every advertisement published under subparagraph (7) to the council.
3. The publication shall not be later than 7 days after the date of the application.
4. Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.

5. Every notice under this paragraph which relates to premises shall identify the premises.
6. Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

## **Appendix D**

### **South Cambridgeshire District Council**

#### ***Regulations made pursuant to paragraph 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 prescribing standard conditions applicable to licences for sex establishments***

*In this licence the following words and/or expressions shall have the meaning hereby respectively assigned to them. In these conditions, the following expressions shall have the following meanings:*

- “The Authority” – South Cambridgeshire District Council.  
Licensing Section, Cambourne Business Park, Cambourne, CB23 6EA
- “Sex Establishment”, “sex cinema”, “sex shop”, and “sex article” shall have the meanings given to them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- “Premises” - any vehicle, vessel, stall or premises (which shall include any building, any part thereof, forecourt, yard or storage place in connection with any building), which is the subject of a licence, granted under Schedule 3 aforesaid.

### **Standard Conditions for Sex Establishment Licence**

**South Cambridgeshire District Council reserve the power to alter, modify or dispense with these conditions as it sees fit at any time.**

#### **Management of the Premises**

1. The Licensee or some responsible person nominated by him and approved in writing by the Authority for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Authority within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Authority.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for

inspection by the police, the fire authority, and authorised officers of the Authority or the local trading standards authority.

4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he/she or they are responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Authority must be notified within 24 hours in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
6. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
7. No person under the age of 18 shall be admitted to the Premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the Premises.
8. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
9. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Authority indicating his/her name and that he/she is an employee.
10. 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 Establishment in the Licensee's 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 being opened for business and is to be available for inspection by the police and by authorised officers of the Authority.

#### **Opening of the Premises**

11. The Premises shall not, without the written consent of the Authority, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9 am – 6 pm

12. The Premises shall not, without the written consent of the Authority, be opened and used for the purposes for which the licence is granted on Sundays, Good Friday, or Christmas Day.

#### **Conduct of the Premises**

13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Authority.
14. No sex articles or other objects 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.



15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. No film or video recording (or computer game) 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.
17. No moving picture shall be provided or displayed at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview; the preview should be no longer than 3 minutes in length.

### **External Appearance**

18. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Authority, consisting of the words 'Licensed Adult Establishment'.
19. The holder of a sex establishment licence shall exhibit on the outside of the Premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times of opening and of the words 'No person under the age of 18 allowed. People over the age of 18 but under the age of 21 will be required to show proof of their age.'
20. No other words, advertisement, letter, model, sign, placard, board, notice sign, device, representation, drawing, writing, display or any other matter, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 18 and 19 or otherwise approved by the Authority in writing.
21. No external loudspeakers may be installed.
22. The windows and openings of the Premises shall be of a material or covered with material, which will render the interior of the Premises invisible to passers-by.

### **State, Condition and Layout of the Premises**

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his/her obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
26. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
27. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

28. Alterations or additions, either internal or external, shall be not be made to the Premises without prior written consent from the Authority.
29. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
30. 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.

#### **Safety and Security**

31. The Licensee shall submit details of the steps to be taken, for the approval of the authority, to check the age of customers entering the shop who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18. He/she shall ensure the approved steps are implemented.
32. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Authority.

#### **Goods Available in Sex Establishments**

33. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop, the respective prices being charged.
34. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
35. The Licensee shall without charge, display and make available in the Sex Establishment such free literature on counselling matters related to sexual problems as may be published by the Family Planning Association (fpa) and by such other similar organisations from time to time and in particular any such material related to AIDS. Such literature is to be displayed in a prominent position approved by the Authority adjacent to all cash collection points in the Sex Establishment.

#### **Documents referred to in the formulation of this policy –**

Sex Licensing Philip Kolvin QC

Home Office Guidance for England and Wales – Sexual Entertainment Venues