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Borough Council of  
**King's Lynn &  
West Norfolk**



**Andy Piper**  
Executive Director

**Environmental Health and Housing**

To whom it may concern

1<sup>st</sup> September 2011

**Re: Draft Statement of Licensing Policy – Licensing of Sex Establishments**

On the 30<sup>th</sup> September 2010 the Borough Council of King's Lynn & West Norfolk adopted the amendment to the Local Government (Miscellaneous Provisions) Act 1982 to allow the licensing of sexual entertainment venues. The general effect of this is to allow the Borough Council to regulate "sexual entertainment venues" in the same way as it regulates sex shops and sex cinemas.

Unlike the Licensing Act 2003 and the Gambling Act 2005 the Local Government (Miscellaneous Provisions) Act 1982 does not require local authorities to have a policy in relation to sex shops, sex cinema or sexual entertainment venues. However, the Borough Council considers it good practice to adopt a policy and would like to consult with interested parties before doing so. A draft 'Statement of Licensing Policy for Sex Establishments' has therefore been prepared from which we would welcome any comments you would wish to make.

The policy can be viewed on our website using the following link: <http://www.west-norfolk.gov.uk/Default.aspx?page=21421> or is available in hard-copy by contacting the Borough Council on 01553 616200. Should you wish to make comments on the policy's content then please do so in writing (by letter to the Licensing Manager at the above address or by email to [ehlicensing@west-norfolk.gov.uk](mailto:ehlicensing@west-norfolk.gov.uk)) by the 30<sup>th</sup> November 2011.

Printed overleaf are a number of questions and answers which we hope will assist by way of background information of sex establishment licensing.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Gilbraith'.

John Gilbraith  
Licensing Manager

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX  
Tel: (01553) 616200; fax: (01553) 691663  
DX 57825 KING'S LYNN

Chief Executive – Ray Harding Deputy Chief Executive – David Thomason

***What is a sex establishment?***

A sex establishment is a 'sex shop', 'sex cinema' or 'sexual entertainment venue'.

***What is a sexual entertainment venue (SEV)?***

A "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. Relevant entertainment is defined as any live performance or 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). Examples would be lap-dancing, pole-dancing, strip shows etc.

***Why has the Borough Council adopted the new provisions?***

The new provisions have been adopted to allow the Borough Council to regulate sexual entertainment venues by placing greater controls on them than previous regulations allowed.

***Can objections be made to an application on moral grounds or values?***

No – objections must be relevant to the grounds specified in the legislation e.g. the applicant's unsuitability or that granting the licence would be inappropriate given the layout or location of the proposed premises.

***Are there any sex establishments in the Borough?***

Yes – there are currently two sex shops and one other venue that has been identified as needing a 'sexual entertainment venue' licence.

***When will the new provisions take effect?***

Sex shops are already licensed. For existing operators (i.e. premises offering relevant entertainment prior to the new laws taking effect) a new style licence will be required by the 1<sup>st</sup> December 2011. Any person wishing to operate a new sexual entertainment venue would need a licence now.

***What will the policy contain?***

The 'draft' statement of policy contains guidance under the following headings:

- Definition of 'Sex Establishment';
- Location of Licensed Premises;
- Making an Application;
- Objections;
- Determining Applications;
- Refusal of Licences;
- Revocation of Licences;
- Complaints;
- Enforcement;
- Standard Conditions.

***Will all premises that offer lap-dancing etc need a licence?***

No – premises where lap-dancing etc is provided on an infrequent basis i.e. no more than 11 occasions in a 12-month period with at least a month in-between performances will be exempt - but would need to be licensed for performance of dance under the Licensing Act 2003.

***What will happen to any comments I make about the draft policy?***

All comments received before the 1<sup>st</sup> December 2011 will be considered when preparing the final 'policy' for approval by full Council. Comments received may be published but names & addresses of those making the comments will not.

***When will the policy be introduced?***

Provided there are no delays Cabinet should consider the proposed Policy when they meet on the 10<sup>th</sup> January 2012 followed by Full Council on the 26<sup>th</sup> January 2012.



# **Local Government (Miscellaneous Provisions) Act 1982**

## **Draft Statement of Licensing Policy**

For

## **Sex Establishments**

Approved by Full Council: XXXXX 2011

Commences: XXXXX 2011

## **Preface**

This Statement of Licensing Policy 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), hereafter referred to as the 'Act'.

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area, which has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the council to set terms and conditions and fees for the grant, renewal, transfer and variation of such licences and the number of licences that may be issued in the area, including nil.

Any comments on the contents of this draft policy should be sent to:-

The Licensing Manager  
Environmental Health & Housing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

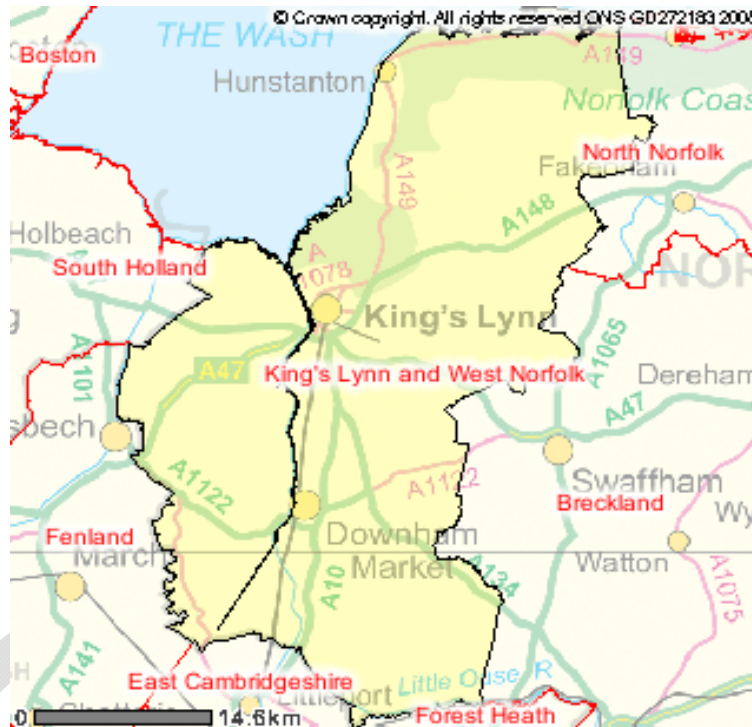
or by e-mail to [EHHlicensing@west-norfolk.gov.uk](mailto:EHHlicensing@west-norfolk.gov.uk)

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## Foreword

The Borough Council of King's Lynn & West Norfolk, hereafter referred to as the Borough Council is situated in the County of Norfolk. The Council area has a population of 135,345 (2001 Census) making it the largest in the County in terms of population. In terms of area it is also the largest, covering 1428.76 square kilometres (551 square miles). The Council area is mainly rural with urban areas of King's Lynn, Downham Market and Hunstanton. These areas are shown in the map below.



The Borough Council currently has two premises licensed as sex establishments.

This 'Statement of Licensing Policy' sets out the policy the Borough Council will generally apply when making decisions on applications for Sex Establishment Licences. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Borough Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

The policy should be read in conjunction with, and without prejudice to other existing legislation including the Human Rights Act 1998 and the Equality Act 2010.

## **1.0 Introduction**

- 1.1 The Borough Council resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on the 25<sup>th</sup> November 1982, providing that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the council.
- 1.2 The Borough Council resolved to adopt the provisions introduced by Section 27 of the Policing & Crime Act 2009 on the 30<sup>th</sup> September 2010 with a commencement date of the 1<sup>st</sup> December 2010.
- 1.3 This Statement of Licensing Policy for Sex Establishments sets out the council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act.

## **2.0 Definition of 'sex establishment'**

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'. Full definitions of those terms can be found in Schedule 3 of the Act.
- 2.2 It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to 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.

## **3.0 Location of Licensed Premises**

- 3.1 The Borough Council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 3.2 The Borough Council has not imposed a limit on the number of premises that may be licensed in any area, and will treat each application upon its own merits.
- 3.3 The Borough Council expects that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

## **4.0 Making an application**

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the Borough Council in accordance with the requirements shown in Annex A to this policy.

4.2 An application form is available separately and an example of a public 'notice' for advertising is attached in Annex B.

4.3 Applications can be made in the following ways:

4.3.1 By post/personal service to:

Licensing  
Environmental Health & Housing  
Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

4.3.2 On line at:

[www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk)

## **5.0 Grant, renewal or transfer of licences**

5.1 The Borough Council may grant to any applicant or renew any licence for the use of any premises as a 'sex establishment' on such terms and conditions as may be specified.

5.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

5.3 The Borough Council may, if they think fit, transfer a licence to any other person upon application by that person.

5.4 Where an application for renewal of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

## **6.0 Variation of licences**

6.1 The holder of a licence may apply to the Borough Council to vary the terms, conditions or restrictions on or subject to which the licence is held.

## **7.0 Objections**

7.1 Objections may be made to an application by any person.

7.2 An objection must be in writing and addressed to the Executive Director, Environmental Health & Housing at the Borough Council stating the grounds on which the objection is made.

7.3 The Borough Council will only consider objections that relate to the matters mentioned in paragraph 10 below. Objections should not be based on moral



grounds or values.

- 7.4 Objections will only be accepted if they are made within the period of 28 days following the date on which the application was given to the Borough Council.
- 7.5 The Borough Council will not consider any objection that does not contain the name and address of the person making it.
- 7.6 Where objections are made the Borough Council will provide copies to the applicant. However, the Borough Council will not divulge the identity of the objector/s to the applicant without their permission to do so.
- 7.7 Where objections are made and not withdrawn, a hearing before a Licensing Sub-Committee will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree a hearing is unnecessary.
- 7.8 In all cases, applicants and those making objections that are aggrieved by a decision of the Borough Council are entitled to appeal that decision to the Magistrates' Court.
- 7.9 Where no objections are made, the Borough Council may grant the licence using delegated authority.

## **8.0 Determining applications**

- 8.1 When considering applications, the Borough Council will have regard to:
  - 8.1.1 the Local Government (Miscellaneous Provisions) Act 1982;
  - 8.1.2 any supporting regulations;
  - 8.1.3 this Statement of Licensing Policy.
  - 8.1.4 Any objections made.
- 8.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 8.3 When determining applications, the Borough Council will take account of any comments or representations made by the Norfolk Constabulary and the Borough Council's, Community Safety & Neighbourhood Nuisance Team and Planning.
- 8.4 The Borough Council reserves the right to consult any other body that it considers appropriate.

## **9.0 Conditions**

- 9.1 The Borough Council will attach 'standard conditions' as specified in Annex C to this Policy document to all sex establishment licences.
- 9.2 Additional conditions may be added in the following circumstances:
  - 9.2.1 When offered by the applicant as part of the application.
  - 9.2.2 Voluntary following recommendations made by the Licensing Authority, Police etc.
  - 9.2.3 By the Licensing Sub-Committee following receipt of an objection.
- 9.3 Applicants who wish to be exempt from the requirements of any of the 'standard conditions' should state, with full reasons why they should be so exempted, when making an application.

## **10.0 Refusal of licences**

- 10.1 Except where the Borough Council are prohibited from granting, renewing, varying or transferring a licence, the council will not refuse a licence without first:
  - 10.1.1 Notifying the applicant or holder of the licence in writing of the reasons;
  - 10.1.2 Giving the applicant (or holder) of the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.
- 10.2 In accordance with Paragraph 12(1) of Schedule 3 to the 'Act' the Borough Council must refuse to grant or transfer a licence to:
  - 10.2.1 A person under the age of 18;
  - 10.2.2 A person who is for the time being disqualified from holding a licence;
  - 10.2.3 A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
  - 10.2.4 A body corporate which is not incorporated in the United Kingdom;
  - 10.2.5 A person who has, within the period of 12 months immediately preceding the date upon which 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.

10.3 In accordance with Paragraph 12(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 the Borough Council may refuse:

10.3.1 an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 10.4 below;

10.3.2 an application for transfer of a licence on either or both of the grounds shown in paragraph 10.4.1 and 10.4.2 below.

10.4 The grounds for refusal are:

10.4.1 That the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;

10.4.2 That 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 him/her self;

10.4.3 That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality;

10.4.4 That the grant or renewal of the licence would be inappropriate having regard to:

10.4.4.1 The character of the relevant locality;

10.4.4.2 The use to which any premises in the vicinity are put; or

10.4.4.3 The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

10.5 Nil may be an appropriate number for the purposes of paragraph 10.4.3 above although the Borough Council has not set such a figure.

## **11.0 Revocation of licences**

11.1 The Borough Council may revoke a licence:

11.1.1 on any of the grounds specified in paragraph 10.2 above;

11.1.2 on either of the grounds specified in paragraphs 10.4.1 or 10.4.2 above.

11.2 The Borough Council will not revoke a licence without first giving the holder of

the licence the opportunity of appearing and making representations before a Licensing Sub-Committee.

- 11.3 Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence for a period of 12 months from date of revocation.

## **12.0 Cancellation of licences**

- 12.1 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.
- 12.2 In accordance with Paragraph 15 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, in the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 12.3 Where the council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

## **13.0 Complaints**

- 13.1 Where possible and appropriate the Borough Council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **14.0 Enforcement**

- 14.1 The Borough Council recognises that most licence holders seek to comply with the law. Notwithstanding, any enforcement action will take a graduated approach and in the first instance will include education and guidance. Where holders of licences continue to flout the law or act irresponsibly then firm action, including prosecution will be taken.

## **15.0 Exchange of Information**

- 15.1 The Borough Council may exercise its power under Section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners.
- 15.2 Details of applications and objections which are referred to the Licensing Sub-Committee will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

## **16.0 Administration**

- 16.1 The setting of fees in relation to sex establishments is delegated to officers in consultation with the Portfolio Holder.
- 16.2 Information and advice on all aspects of licensing can be obtained by either:
- Visiting the website on [www.west-norfolk.gov.uk](http://www.west-norfolk.gov.uk), or
  - Telephoning the Borough Councils Information Centre on (01553) 616200, or
  - By email to [EhLicensing@west-norfolk.gov.uk](mailto:EhLicensing@west-norfolk.gov.uk) or
  - By writing to:  
Licensing  
Environmental Health & Housing  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX
  - In person at King's Court
- 16.3 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 can be accessed on the following link:  
<http://www.legislation.gov.uk/ukpga/1982/30/schedule/3>

## **Requirements for applying for Grant, Variation, Transfer or Renewal of a Sex Establishment Licence**

### All Applications

1. To apply for the grant, variation, transfer or renewal of a sex establishment licence an applicant must:
  - a) Send to the Borough Council:
    - i) a completed application form;
    - ii) Where the application is either for the 'grant' or a 'variation' with a change in layout then a plan to the scale of 1:100 of the premises to which the application relates;
    - iii) The fee.
  - b) display a notice on or near the premises;
  - c) Send a copy of the application (and plan if applicable) to the Licensing Officer, 4<sup>th</sup> Floor, Vantage House, Fishers Lane, Norwich, Norfolk NR2 1ET.  
*[Does not apply when application made by electronic on-line as in this circumstance it is for the Borough Council to send a copy within 7 days]*

### Plan requirements

2. The plan shall show:
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) in a case where the premises is to be used for more than one activity, the area within the premises used for each activity;
  - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - i) the location and type of any fire safety and any other safety equipment

- including, if applicable, marine safety equipment; and
  - j) the location and use of other rooms, if any, on the premises.
3. The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

#### Public notices

4. 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.
5. The notice must be 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.
6. 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 representations may be made to the council and that representations should be made in writing,
7. A similar notice must be published in a local newspaper within 7 days of giving the application to the council.

#### Variation of a licence

8. The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
9. 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.

#### Renewal of a licence

10. The holder of a 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

together with the appropriate fee must be submitted before the current licence expires.

11. The process of applying for 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.

#### Transfer of a licence

12. A person may apply for transfer of a licence at any time.
13. The process of applying for 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.



### Example of Public Notice

<b>NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER OF A SEX ESTABLISHMENT LICENCE</b>  <b>Local Government (Miscellaneous Provisions) Act 1982</b>  <b>Schedule 3</b>
<p>NOTICE IS HEREBY GIVEN that we [ <i>insert name of applicant</i> ] of [ <i>insert applicant's address</i> ] have made an application to the Borough Council of King's Lynn &amp; West Norfolk being the licensing authority for the purpose of Section 2 of the above 'Act' for the [ <i>insert type of application e.g. grant, renewal etc.</i> ] of a [ <i>insert type of licence e.g. sex shop, sex cinema or sexual entertainment venue</i> ] licence in respect of premises known as [ <i>insert trading name of premises</i> ] at [ <i>insert full address of premises</i> ].</p> <p>Anyone wishing to object to this application should do so, in writing stating reasons by [ <i>enter date</i> ] to the Executive Director, Environmental Health &amp; Housing, BCKLWN, King's Court, Chapel Street, King's Lynn, PE30 1EX.</p>

#### **Notes:**

- This Notice may also be used to display the application on the premises or for publication in a local newspaper.
- The date to be inserted in the notice by which objections must be made will be that of the 28<sup>th</sup> day following the day on which the application is given to the Borough Council.

#### **Newspaper Notice**

- It must be published in a local newspaper circulating in the vicinity of the premises.
- The Notice must be published on **AT LEAST ONE OCCASION** during the period of **SEVEN DAYS** starting on the day after the day on which the application was given to the Borough Council.

#### **Premises Notice**

- This Notice must be of a size **EQUAL TO OR LARGER THAN** A4 paper. It must be **PRINTED IN BLACK INK** or **TYPED IN BLACK** in a **FONT SIZE EQUAL TO OR LARGER THAN 16**.
- It must be displayed prominently on or near the premises to which the application relates where it can be conveniently read from the exterior of the premises.
- The Notice must be displayed for a period of **NOT LESS THAN 21 CONSECUTIVE DAYS** starting on the day after the day on which the application was given to the Borough Council.

### **Standard Conditions - Sex Establishments**

#### **The following Conditions Apply to all Sex Establishments**

##### **1.0 Definition**

- 1.1 In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
- 1.1.1 "Sexual Entertainment Venue", "Sex Cinema", "Sex Shop" & "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  - 1.1.2 "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.
  - 1.1.3 "Approval, Approved or Consent of the Borough Council" means the approval or consent of the Borough Council in writing.
  - 1.1.4 "The Borough Council" means the Borough Council of Kings Lynn & West Norfolk.
  - 1.1.5 "Film" shall have the meaning ascribed to it in the Films Act 1985.

##### **2.0 General**

- 2.1 In the event of a conflict between these regulations and any special conditions contained on a licence relating to a Sex Establishment the special conditions shall prevail.
- 2.2 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) Act 1982.

##### **3.0 Variation of Conditions**

- 3.1 The Borough Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case. However, before doing so the Borough Council will consult with the licence holder.

##### **4.0 Licensed Name**

- 4.1 The name of the premises specified on the licence shall be known as the "Licensed Name". The licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph 5 below.
- 4.2 An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have

an absolute and unfettered discretion to allow or refuse such a change.

## **5.0 Conduct and Management of Sex Establishments**

- 5.1 Where the Licence Holder 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 Borough Council within 14 days of such change. The notification should include a completed 'Information on Individuals' form which is attached to an application form for a sex establishment licence at Annex A. Additionally, should the Borough Council request information in respect of any new director, secretary or manager this must be furnished within 14 days of such a request in writing from the Borough Council.
- 5.2 The Licence Holder, or a responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details have been supplied to and approved in writing by the Borough Council shall be in charge of and upon the Premises during the whole time they are open to the public.
- 5.3 The name of the person responsible for the management of a Sex Establishment (whether the Licence Holder or a manager) approved by the Borough Council shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
- 5.4 The Licence Holder shall maintain a daily register in which he shall record the name and address of any person who is 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 Borough Council.
- 5.5 The Licence Holder shall retain control over all portions of the Premises and shall not let or part with possession of any part of the premises.
- 5.6 The Licence Holder shall maintain good order in the Premises.
- 5.7 No person under the age of 18 shall be admitted to the premises or employed in any part of the business of Sex Establishment.
- 5.8 The Licence Holder shall ensure that the public is not admitted to any part or parts of the premises other than those which have been approved by the Borough Council.
- 5.9 Prostitutes shall not use any part of the premises for the purposes of solicitation or of otherwise exercising their calling.
- 5.10 Neither the Licence Holder nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the premises.
- 5.11 The Licence Holder shall comply with all statutory provisions and any regulations made there under.
- 5.12 The Licence Holder shall ensure that during the hours of sex establishment is open for business every employee wears a badge of a type to be approved by the Borough Council indicating his name and that he is an employee.
- 5.13 The copy of the licence and of these conditions are required to be displayed in accordance with Paragraph 14(1) of Schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 and shall be reproduced to the same scale as those issued by the Borough Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the condition of these Regulations shall be retained in a clean and legible condition.

## **6.0 Use**

- 6.1 No change of use of any part of the Premises from that approved by the Borough Council shall be made until the consent of the Borough Council has been obtained.
- 6.2 No change of use between a Sex Cinema, a Sex Shop or a Sexual Entertainment Venue shall be effected without the prior consent of the Borough Council.

## **7.0 External Appearance**

- 7.1 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
  - 7.1.1 Any notice of a size and in a form approved by the Borough 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 Borough Council.
  - 7.1.2 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 Borough Council.
- 7.2 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.
- 7.3 Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Borough 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.

## **8.0 State, Condition & Layout of Premises**

- 8.1 The Premises shall be maintained in good repair and condition.
- 8.2 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 Borough Council and shall comply with the following requirements:
  - 8.2.1 All such doors or openings approved by the Borough Council shall be clearly indicated on the inside by the word "exit".
  - 8.2.2 Doors and openings, which lead to parts of the Premises, to which the public are not permitted, shall have notices placed over them marked "private".
  - 8.2.3 Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
- 8.3 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.
- 8.4 Where premises do not have an entrance lobby there shall be provided within the entrance of the premises a partition screening the interior of the premises from passers by at all times whilst the entrance doors may be opened.

8.5 Alterations of 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 Borough Council.

8.6 All parts of the premises shall be kept in a clean and good condition to the satisfaction of the Borough Council.

## **9.0 Safety**

9.1 The Licence Holder shall take all reasonable precautions for the safety of the public and employees.

9.2 The Licence Holder shall comply with any health and safety measures that may be required of him by the Borough Council.

### **The Following Conditions Apply to 'Sex Shops' only**

#### **10.0 Times of Opening**

10.1 Except with the prior written consent of the Borough Council a Sex Shop shall only be open between 9am and 8pm Monday to Saturday inclusive.

10.2 Except with the prior written consent of the Borough Council a Sex Shop shall not be open on Sundays or any Bank Holidays or any public holidays.

10.3 A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

#### **11.0 Use of Sex Shop**

11.1 Neither Sex Articles nor other things intended for use in connection with, or 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 or Sexual Entertainment Venue.

#### **12.0 Goods available in Sex Shops**

12.1 All Sex Articles and other items 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.

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

12.3 The Licence Holder shall without charge display and make available such free literature on counselling on 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 Borough Council. Such literature is to be displayed in a prominent adjacent to all cash collection points in the Sex Establishment.

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

13.1 Lighting in all parts of a Sex Shop shall be in operation continuously during the whole of the time that the premises are open to the Public.

### **The Following Conditions Apply to 'Sexual Entertainment Venues' only**

#### **14.0 General Rules and Conduct**

- 14.1 All reference to striptease includes all forms of striptease or nudity, including the wearing of transparent clothing.
- 14.2 No payment shall be made by or on behalf of the Licence Holder for bringing persons to the premises (i.e. no touting).
- 14.3 Striptease and nudity shall not be visible from outside the premises. The layout of premises should be as such to ensure that this requirement applies equally when doors are open for access and egress.
- 14.4 No persons (whether as customers, employees, performers or other persons) under the age of 18 years shall be permitted on the premises during performances. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following term: "No person under 18 shall be admitted".
- 14.5 All members of staff at the premises, including door supervisors, shall seek credible photographic proof of age evidence from any person who appears to be under the age of 18 years, and who is seeking access to the premises.
- 14.6 Striptease performers shall be aged not less than 18 years and no striptease performers may perform at the premises until such time as photographic proof of identity, showing date of birth, is provided, confirming that the performer is over the age of 18 years.
- 14.7 A customer Code of Conduct shall be prominently displayed and clearly visible throughout the premises advising patrons of the rules in relation to the performance
- 14.8 There shall be in place a Code of Conduct for all performers. Each performer is to sign a copy of the Code of Conduct before being allowed to commence dancing at the premises. A copy of the code of conduct will be submitted to the Police and Borough Council and shall not be amended without consultation with the Borough Council.
- 14.9 No still or moving photographic recordings or other recordings shall be made of any performances by customers at the time in the premises.
- 14.10 Performers shall not take or give telephone numbers or business cards.
- 14.11 There must be no movement of the performer's G-string (including flashing, hands or fingers inside G-strings) or removal of the G-string except in the dressing rooms or the private dance area.
- 14.12 Performers must report all inappropriate behaviour and breaking of the house rules (Customer Code of Conduct) to the management.
- 14.13 Performers found taking drugs on the premises or under the influence of alcohol or drugs should not be allowed to perform.

#### **15.0 Door Supervisors**

- 15.1 The licence holder shall employ SIA registered door supervisors at all times the premises is open for business as a sexual entertainment venue.
- 15.2 The licence holder shall ensure that a register is maintained on the premises and will include a contemporaneous entry showing the name, registration number and tour of duty of every door supervisor employed in/on the premises at any one time. The

register shall be so kept that it can be readily inspected at any reasonable time by a police officer, an authorised officer of the Borough Council or an officer of the Security Industry Authority (SIA).

- 15.3 The licence holder shall ensure that every person engaged as aforesaid in the capacity of door supervisor shall, at all times whilst on duty, wear in a readily visible position, an SIA badge.
- 15.4 The licence holder shall ensure that all door supervisors are aware of the position of:
  - 15.4.1 emergency lighting switches;
  - 15.4.2 the method of entry and exit by both normal and emergency exits;
  - 15.4.3 the location of telephones and radios, with instructions for calling the emergency services.

#### **The Following Conditions Apply to 'Sex Cinemas' only**

##### **16.0 Film Classification**

- 16.1 No film or video film shall be exhibited 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. Any such film or video film shall comply with the Video Recordings Act 1984.

##### **17.0 External of Layout of Sex Cinema**

- 17.1 The windows, doors fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for the following in the form approved by the Council:-
  - 17.1.1 The Licensed name of the premises;
  - 17.1.2 The address of the premises;
  - 17.1.3 A notice stating the opening hours of the establishment;
  - 17.1.4 The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises.

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