



## **CAMBRIDGE CITY COUNCIL**

### **SEX ESTABLISHMENT LICENSING POLICY**

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**Appendix A – Model Conditions for Sexual Entertainment Venues and Sex Establishments**

## **1. The City of Cambridge**

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council (the Licensing Authority), in association with local partnerships, wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision to lead a united city, 'One Cambridge – Fair for All', in which economic dynamism and prosperity are combined with social justice and equality. This is a vision shared with Cambridge citizens and partner organisations. Our vision includes:
  - An international city which celebrates its diversity and actively tackles discrimination on gender, race, nationality, ethnic background, religion, age, disability, gender identity, and sexual orientation.
  - A city in which all citizens feel that they are listened to and have the opportunity to influence public decision making, and which values, supports and responds to individual and community initiatives.
  - A city where all citizens and organisations appreciate their duties as well as their rights, where people are free to enjoy themselves but also show consideration for others, and where the community works together to reduce harm and nuisance including by education and, where needed, robust enforcement of the law.
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
  - Promote the Authority's visions and values
  - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
  - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
  - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
  - Ensure consistent and transparent decision making
- 1.5 The City of Cambridge was awarded purple flag status in September 2019. A Purple Flag helps members of the public to identify town and city centres offering an entertaining, diverse, safe and enjoyable night out.

## **2. Introduction**

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.

- 2.2 This policy provides Cambridge City Council's approach to the regulation of sex establishments as set out in the 1982 Act and gives guidance to the Licensing Authority when considering and making decisions on applications.
- 2.3 Each application will be determined 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.
- 2.4 The Council may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. Full reasons will be given for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19<sup>th</sup> October 1989, Cambridge City Council resolved to bring into force from 27<sup>th</sup> November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).
- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6<sup>th</sup> April 2010, amended Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21<sup>st</sup> October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1<sup>st</sup> December 2010.
- 2.7 In carrying out our licensing functions, Cambridge City Council will have regard to the following:
- The Local Government (Miscellaneous Provisions) Act 1982
  - Any supporting regulations
  - Guidance issued by Central Government
  - This statement of licensing policy
- Cambridge City Council must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that can be reasonably done to prevent crime and disorder in Cambridge.
- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, The Provision of Services Regulations 2009, and the Regulators' Code 2013 (as set out under the Legislative and Regulatory Reform Act 2006).
- 2.9 The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimization; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.
- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate refuse service on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or display discriminatory signs.

- 2.11 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is our role as the licensing authority to administer the licensing regime in accordance with the law.
- 2.12 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or schedules issued under the Act.

### **3. Consultation**

- 3.1 In preparing this policy statement we have consulted with the following:
- the Chief Officer of Police for Cambridgeshire
  - the Chief Officer of the Cambridgeshire Fire and Rescue Service
  - persons/bodies representative of local holders of premises licences
  - persons/bodies representative of local holders of club premises certificates
  - persons/bodies representative of businesses and residents in the City of Cambridge
  - the child protection agency
  - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 The policy has been reviewed and was open for consultation between 10<sup>th</sup> May 2021 and 1<sup>st</sup> August 2021.
- 3.3 The views of all those consulted have been considered prior to the policy being determined by the Licensing Committee in January 2022

### **4. Sexual Entertainment Venues**

- 4.1 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.'*
- 4.2 '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).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing

- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless Bars
- Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is “relevant entertainment” will depend on the content of the entertainment and not the name it is given.

#### 4.4 The following premises are not sexual entertainment venues:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 of the 1982 Act)
- Premises which provide relevant entertainment on an infrequent basis. These are premises where-
  - a) relevant entertainment has been provided on no 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.

#### 4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).

#### 4.6 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 express or implied.

### 5. Sex shops and sex cinemas

#### 5.1 Sex Establishment Licences are required for “sex cinemas” and “sex shops”. A “Sex shop” is defined as any premises, vehicle, vessel or stall that is used for a business which consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating :

##### 5.1.1 sex articles; or

##### 5.1.2 other things intended for use in connection with, or for the purpose of stimulating or encouraging-

##### i) sexual activity

##### ii) acts of force or restraint which are associated with sexual activity

5.2 The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will

consider:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover
- other factors which appear to be materially relevant

5.3 A “sex cinema” is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

5.3.1 are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-

- i) sexual activity,
- ii) acts of force or restraint which are associated with sexual activity; or

5.3.2 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.

## **6. Requirement for a Licence**

6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.

6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

## **7. Waiver**

7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD’s and CD’s are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits; however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 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 we may reasonably require in order to make our decision.

- 7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

## **8. The Licensing Act 2003**

- 8.1 Premises holding a sexual entertainment licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.
- 8.2 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 Licensing Act.
- 8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

## **9. Location of Licensed Premises**

- 9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:
- 9.1.1 a residential area
  - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
  - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
  - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we 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 considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

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

## **10. Commenting on licence applications**

10.1 Any person or organization can object to an application for a sex establishment licence. The Police are a statutory consultee for all applications.

10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections. The objector must provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any).

10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.

10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.

10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.

10.6 No weight will be given to objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Officers will make decisions on whether objections are frivolous or vexatious and where objections are rejected the objector will be given a written reason.

## **11. Determining Applications**

11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to:

- the Local Government (Miscellaneous Provisions) Act 1982;
- any supporting regulations;
- this Sex Establishment Licensing Policy;
- any observations submitted by the Chief Officer of Police; and
- any relevant objections that we have received within the 28-day period.

11.2 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.

11.3 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.

11.4 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:

- 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.

## **12. Terms, conditions and restrictions**

- 12.1 The Council may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendix A to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

## **13. Grounds for refusal**

**The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.**

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
  - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
  - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA state; or
  - e) to a 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.
- 13.2 We may refuse:
- grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:  
The grounds are:
    - a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
    - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
    - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
    - d) that the grant or renewal of a licence would be inappropriate having regard

to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 13.3 The 'relevant locality' means: in relation to premises, 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.
- 13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.
- 13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.
- 13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

#### **14. Hearing**

- 14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.
- 14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.
- 14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.
- 14.4 The hearing will be conducted in accordance with our hearings procedure.
- 14.5 The Licensing 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.
- 14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.
- 14.7 Applicants have a right of appeal to a Magistrates Court.

#### **15. Enforcement**

- 15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.
- 15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's

obligations relating to enforcement and is consistent with the Regulators Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

## **16. Complaints**

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

## **17. Amendments to Policy**

17.1 Any significant future amendment to this policy will only be implemented after further consultation.

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.

17.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

17.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

## **18. Integration with Council Strategies and the avoidance of duplication**

18.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy. and regulatory regimes that already place obligations on employers and operators.

18.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

## **19. Exchange of information**

19.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

19.2 Details of applications and objections which are referred to a Licensing Committee for determination 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.

## **20. Administration, exercise and delegation of functions**

- 20.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 20.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

## **21. Fees**

- 21.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments>  
We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

## **22. Effective Date and Review**

- 22.1 This policy statement will take effect from February 2022.
- 22.2 The policy statement will be kept under review and will be subject to further review and consultation.

## **23. Contact details, advice and guidance**

- 23.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

Website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk)

e-mail: [taxi@cambridge.gov.uk](mailto:taxi@cambridge.gov.uk)

telephone: 01223 457879

fax: 01223 457909

Cambridge City Council, PO Box 700, Cambridge, CB1 0JH

in person: Customer Service Centre, Mandela House, 4, Regent Street, Cambridge, CB2 1BY – by appointment only between 9 am and 5.15 pm, Monday to Friday.

Electronic applications can also be made online via the GOV.UK website:

[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

- 23.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 23.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

## Appendix A – Standard Conditions

### SEXUAL ENTERTAINMENT VENUES

#### 1. Exhibition of a Licence

a) 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 Council.

#### 2. Hours of Opening and Closing

a) The premises shall not open outside of the permitted hours stated on the licence.

#### 3. Management of Licensed Premises

a) The licence holder or some responsible person, being 21 years of age or over, nominated by him/her in writing shall be in attendance at the premises at all such times as the premises are open to the public and any nomination shall be produced to any Police Officer or Authorised Officer of the Council or Police and give the name and address of the person nominated.

b) 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 is responsible for the conduct of the premises.

c) All members of staff shall be easily identifiable as such. If required by the Council in writing the Licence Holder shall ensure that during the hours the premises are open for business every employee or person working in the license premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

d) The licence holder shall exhibit in a conspicuous place inside the licensed premises and at the point of access to the licensed premises a notice stating that persons under the age of eighteen years are not permitted on the premises.

e) No other notices unless pursuant to these Regulations may be exhibited.

f) The licence holder shall not display in any position visible to persons outside the premises any matter which does not comply with the Indecent Displays (Control) Act 1981.

g) The licence holder shall not display any advertisement which is visible to persons outside the premises except as permitted by these Regulations or under the Act and no advertisements shall be displayed wherever visible which depict any sex article as defined.

h) The licence holder 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 1 hour of the premises opening for business and is to be available for inspection by the police and by authorised officers of the Council and police.

i) The licence holder must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence and must be complied with. All performers must sign an agreement to adhere to these House Rules.

j) Where the licence holder 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 Council 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 Council.

#### 4. Operation of the Premises

a) The Licence Holder shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

b) The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the public in connection with the display, sale, hire, exchange, loan or demonstration of sex articles.

c) No person under the age of 18 shall be admitted to any part of the premises which issued as a sex establishment or be employed in the business of the sex establishment.

d) All persons working in the premises, including performers, shall be aged not less than 18 years old.

e) Neither the licence holder nor any employees or agent shall personally solicit custom for the sex establishment outside or in the locality of the premises.

f) The licence holder shall not permit the display outside the premises of photographs or other images which indicate or suggest that relevant entertainment takes place in the premises. External advertising of relevant entertainment shall not include any of the following:

- Any depiction of full nudity
- Any depiction of partial nudity
- Any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm

g) No sex articles shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or sex cinema.

h) The licence holder shall not knowingly allow the licensed premises to be the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution.

i) The licensed premises shall not be used for any purpose other than the business of a sex establishment.

j) The licensed premises shall not be open for the purposes of which a sex establishment is granted on any occasion when the Council may signify in writing to the licence holder, occupier or other person having at the time the care and management of the premises, that the same should not be open.

#### 5. External Appearance

a) A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises.

b) The licence holder shall ensure that the interior of the sex establishment is not visible to persons outside the premises.

c) The exterior of the licensed premises shall be of a design and materials approved by the Council. The exterior of the premises shall consist of material and colours of a discreet nature appropriate to the character of the locality and shall be in keeping with the appearance of other premises in the vicinity. Detailed proposals for the external appearance of the premises shall be agreed with the Council's Delegated Officer within 14 days of the notification of the determination of a grant of the application for a new

premises licence. The approval shall be subject to ratification by the Council's Licensing Committee.

d) The interior and exterior of the licensed premises shall be kept in good repair and condition.

e) No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council's Delegated Officer and shall be subject to ratification by the Council's Licensing Committee.

f) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. Doors and openings, other than exits, which lead to parts of the premises to which public are not permitted to have access shall be clearly marked "Private".

g) No external doors shall be fixed in an open position at any time during the permitted hours.

h) The entrances, windows and openings 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.

#### 6. Internal Layout and Condition of Premises

a) The licence holder shall maintain the premises in good repair and condition as well as carrying out his duties under the Health and Safety at Work etc Act 1974 and other related legislation.

b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.

c) Lighting shall be in operation continuously during the whole time that the sex establishment is open to the public.

d) Any alterations or additions to the premises shall not be made without prior written consent from the Council. A variation application will be required to make any such changes to the internal or external look of the building.

e) No fastenings shall be fitted to any booth or cubicle within the Sex Establishment. Appropriate fastenings are permitted on toilet doors.

#### 7. Provision of Relevant Entertainment

a) Any person who is providing relevant entertainment must be briefed verbally or in writing by the licence holder or his deputy about the conditions that relate to the premises and any code of conduct.

b) Any person providing relevant entertainment shall be made aware that their activities will be recorded on CCTV.

c) The performer(s) shall sign in a register that they have received briefings and these shall be retained for 12 months and made available for inspection by any Police Officer or authorised officer of the Council.

d) During any performance of relevant entertainment there must be no physical contact between the performer and any member of the public. The only exceptions are the placing of money or tokens in an item of clothing worn by the performer or in the performer's hand.

e) There shall be no penetration of a performer's genitals or anus by any means.

f) Performers shall not engage in masturbation and/or oral sex.

g) No customer shall participate in any relevant entertainment except at the consent of the performer and must remain seated at all times.

h) No customer shall be required or encouraged to participate in any relevant entertainment against their will.

i) No customer shall have any clothing removed during any relevant entertainment.

j) On completion of relevant entertainment performers shall dress immediately and leave the performance area.

k) Performers are not to solicit, exchange addresses or telephone numbers with customers, or arrange to meet customers off the premises.

#### 8. Safety and Security

a) The licence holder shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not cause annoyance to residents and persons passing by.

b) Relevant entertainment may only take place in 'designated areas' marked on the plan of the premises which was submitted as part of the application process.

c) The licence holder shall have in place a policy concerning the safety of performers arriving at and leaving the premises, which shall be made in writing and made available to the Police or authorised officer of the Council or Police on request.

d) The licence holder or deputy shall be present on the premises at all times whilst the relevant entertainment is taking place.

e) The licence holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.

f) A CCTV system shall be installed in the premises to the satisfaction of the Council's Licensing Officer. The system shall efficiently record the operation of the licensed premises and shall automatically indicate the date and time of the events recorded to a standard that would be acceptable as evidence in court.

All CCTV recordings shall be securely retained for a minimum of 28 days and shall be made available at the place licensed for inspection by a police officer or an authorised officer of the Council or police.

## **SEX ESTABLISHMENT**

### **LICENCE CONDITIONS**

#### **1. Hours of Opening**

1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 8.00pm from Monday through to Saturday (inclusive)

1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

#### **2. Management and Staffing of the Licensed Premises**

2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.

2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority shall reserve the right to object to persons being involved with the premises where they are unsuitable e.g. by way of previous relevant criminal convictions.

2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management. An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

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

2.7 Neither the Licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.

2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2.9 No amusement or gaming machines of any kind, whether for prizes or otherwise, shall be kept or used upon the licensed premises at any time.

#### **3 External Appearance**

3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light-coloured screens or blinds of a type

and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

3.2 The Licensing Authority shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.

*(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)*

3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**WARNING**

***“Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age”***

**4 Maintenance and Repair**

4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

**5 General**

5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.

5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

## **SEX CINEMAS**

### 1. Exhibition of a Licence

a) 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 Council.

### 2. Film Categories

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U – Universal – suitable for all
- PG – Parental Guidance – some scenes may be unsuitable for young children
- 12 – Passed only for persons of 12 years and over
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- 15 – Passed only for persons of 15 years and over
- 18 – Passed only for persons of 18 years and over
- Restricted 18 – Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

### 3. Unclassified Films

a) The licence holder must notify the Council in writing no later than 28 days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

### 4. Restricted Films

a) Films restricted 18 (R18) may be shown at the premises only with the Council prior written consent and in accordance with the terms of any such consent.

### 5. Persons Under 18

a) No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licence holder shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**“PERSONS UNDER 18 YEARS OF AGE CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME”**

b) No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

### 6. Advertising

a) No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority as 18 or R18.

b) The licence holder shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

c) When the programme includes a film restricted 18, the licence holder shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**“CINEMA CLUB – MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 YEARS OF AGE CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.”**

### 7. Restricted 18

a) A register of all members and all visitors, books of their guests shall be available for immediate inspection by police or an officer of the Council during any performance or at any other reasonable time.

b) Tickets shall in no circumstances be sold to persons other than to members.

## 8. Membership

a) The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

b) Membership shall be open to persons of both sexes of not less than 18 years of age.

c) Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

d) No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

g) Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitor's book and countersigned by the member. Any guest must be over the age of 18 years.

h) Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

i) Membership cards shall be personal to the member and carry a photograph of the holder.

j) Neither membership tickets nor guest tickets shall be transferable.

k) Guests may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

l) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

## 9. Sale of Sex Articles

a) Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

b) Where a sex shop forms part of the structure of a building containing a sex cinema there shall be no access from the sex cinema to the sex shop or from the sex shop into the sex cinema.

## 10. Display of Tariff and Charges

a) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises.

## 11. Conduct and Management of Premises

a) A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

#### 12. Internal access to cinema

a) Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers-by and/or other areas within the building that are open to the public for other activities.

b) The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

#### 13. Security

a) A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.