

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

3 NOVEMBER 2011

REPORT OF CORPORATE MANAGEMENT TEAM

COUNCIL DECISION

Portfolio - Housing & Community Safety – Lead Cabinet Member – Councillor Nelson

SEX ESTABLISHMENT LICENSING POLICY

1. Summary

The purpose of this report is to seek Members approval for the adoption of a Sex Establishment Licensing policy following consultation with relevant stakeholders.

2. Recommendations

1. That Members approve the adoption of the draft Sex Establishment Licensing Policy in relation to applications made under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009

3. Reasons for the Recommendations/Decision(s)

The adoption of a policy for sex establishments allows the Council to outline its views for applicants about issues such as suitability of applicants, the number of establishments and where they can be located. In determining applications Members and officers will have due regard to the policy whilst considering each application on its merits.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same

purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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**REPORT OF CORPORATE
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COUNCIL DECISION

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SUMMARY

The purpose of this report is to seek Members approval for the adoption of a Sex Establishment Licensing policy following consultation with relevant stakeholders.

RECOMMENDATIONS

1. That Members approve the adoption of the draft Sex Establishment Licensing Policy in relation to applications made under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009

DETAIL

1. On 22nd December 2010 Cabinet determined that a draft Sexual Establishments Policy by officers should be prepared for consultation with relevant parties (minute CAB 134/10 refers).

On 26th July 2010 the Licensing Committee determined that the Corporate Director of Development and Neighbourhood Services carry out consultation on the draft policy document with all relevant stakeholders and that the draft Sex Establishment Policy together with the results of the consultation exercise be referred to Cabinet for approval (minute L 17/11 refers).

2. Consultation on the draft policy was undertaken with:

- Cleveland Police Force;
- Cleveland Fire Brigade;
- Existing Premise Licence holders;
- Existing Club Premise Certificate holders;
- Existing Personal License holders;
- Representatives of businesses and residents in the Stockton Borough Council area;
- The Local Safeguarding Children's Board;
- Trade bodies and Associations; and
- A number of Solicitors Practices who undertake licensing work in this area.

Additionally a notice was placed in the local press and copies of the consultation document placed on the Trading Standards and Licensing website.

3. Comments received supported the introduction of the draft policy, additionally one Councillor stated "The only comment I would like to make is we should adopt a policy of prohibition. This is despite the act of parliament we should collectively decide against allowing such an establishment in our Borough. I can't see what advantage there would be to the town to allow any sort of permanent venue or shop".
4. This consultation followed an earlier questionnaire the results of which were detailed in the Cabinet Report of 22nd December 2010 that is repeated at Appendix One. Attached as Appendix Two is the draft Sex Establishment Licensing Policy

FINANCIAL IMPLICATIONS

The cost of licensing sexual establishments will be met from the fees paid by applicants. The fee structure, in terms of the application/renewal fees to be charged, will be determined with a view to full cost recovery.

LEGAL IMPLICATIONS

The adoption of this policy will assist members and officers when considering applications. Each application will be considered on its merits but Members and officers will give due regard to the policy.

RISK ASSESSMENT

The implementation of the Sexual Establishment Policy is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

Environment and Housing The adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act has an impact on the communities' environment. Through the maintenance of the proposed strategic Sex Establishment Licensing Policy there will be opportunities to further improve the environment, to the benefit of all

Safer Communities Community Safety is one of the main reasons for adopting the revised Schedule 3 of the Act. The administration and enforcement of the Act in accordance with the proposed policy should assist in reducing crime and disorder

EQUALITIES IMPACT ASSESSMENT

This report has been subject to an Equality Impact Assessment and has been judged to have a positive impact. No remedial actions are required.

CONSULTATION INCLUDING WARD/COUNCILLORS

Consultation was undertaken with Members and those individuals/groups outlined in paragraph 2 of the report

Name of Contact Officer: David Kitching
Post Title: Trading Standards & Licensing Manager
Telephone No. 01642 526530
Email Address: dave.kitching@stockton.gov.uk

Education related? No

Background Papers None

Ward(s) and Ward Councillors: N/A

Property N/A

Summary of Consultation Responses To Initial Consultation

	% Yes	% No
1. Should the Council adopt the amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982?	89	11
2. If the Council does adopt the Schedule should it have Sexual Entertainment venues Policy guidelines?	100	0
3. Should the Policy include:		
a) Standard hours of operation?	78	22
b) Number of premises within one area?	89	11
c) Proximity to sensitive areas? (i.e. places of worship, schools etc)	95	5
d) Whether the applicant is fit and proper to hold a licence?	100	0
e) Planning Issues?	78	22
f) Duration of the licence?	84	16
g) Standard Conditions?	100	0
h) Location of venues?	84	16

4. What parts of the Borough would you consider to be suitable?

Comments Received:

- Industrial Estates
- Away from residential areas
- Town Centre locations not Housing Estates or places like Teesside Park
- The Arc
- School areas, church areas, private estates
- Town centre in proximity to existing nightclubs etc
- Commercial/non-residential areas
- Town centre as an entertainment venue
- All parts if monitored correctly
- None ideally, but if we are forced to have such places then as far as possible from residential areas
- Town centre where it would be easier to Police
- Rear of High Street/Prince Regent Street
- Residents within 400 meters should have a major say
- Local residents to be notified and to have a say in a 400 metre radius
- Not really, but they should be well away from Town Centres and local communities where there are young people.

5. Other comments received

“Any sites should be only in night club and entertainment areas”

“Whilst not totally in agreement with the need for such entertainment, it is imperative that venues should be excluded from areas frequented by children and young persons”

“I feel that we shouldn't have any sexual entertainment venues in Stockton. If we do, then there should be located away from retail and residential areas – preferably on industrial estates”

“Places like these establishments should never be placed where they could cause offence to the local residents especially the older generation i.e. near pensioners bungalows”

“Keep away from suburbs, keep away from places where young people congregate, limit numbers of licences drastically”

“With all the restrictions and licenses on the workingmen's clubs at the present time, they need items of entertainment which will bring their members into the clubs, within reason. Some, not all clubs, will periodically stage ladies and also gents evenings, perfectly organised and monitored by their committees. The revenues from which are helping to keep our clubs open through very difficult times. We all have our CPC's and should be adhering to them in which we look after our children's welfare at any cost”

“We should make it as difficult as possible for anyone to establish such places of entertainment”

“Licences should be short term – no more than a year and renewals should be subject to a full process”



Stockton-on-Tees
BOROUGH COUNCIL

DRAFT

Sex Establishment Licensing Policy

July 2011

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SEX ESTABLISHMENT LICENSING

Introduction

1. Stockton-on-Tees Borough Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) (the "Act") so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as "sex establishments" unless we say otherwise.
2. 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 a licensing authority to administer the licensing regime in accordance with the law.
3. The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk.
4. In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under
 - (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
 - (b) the Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - (c) the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to the public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible.
 - (d) The European Convention on Human Rights Article 1, Protocol 1 (protection of property) and Article 10 (right to freedom of expression).

The Borough Of Stockton-On-Tees

5. The Borough of Stockton-on-Tees is one of five councils in the Tees Valley district and covers an area of 20,400 hectares and is an area of contrasts – a mixture of busy town centres, urban residential areas and villages whilst maintaining a strong industrial presence. The population is around 192,000 living in approximately 81,000 households.
6. The main urban areas are Stockton, Thornaby, Ingleby Barwick, Billingham and Yarm. These are shown on the map at Appendix 1.
7. Potential operators should refer to the Local Plan and the emerging Local Development Framework (through our Development Control Team or on our website at www.stockton.gov.uk) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.
8. At the time of adopting this policy, the Council has no licensed sex establishments under the 1982 Act.

The Policy

9. There are a number of terms that are used in the Act which have a specific meaning as defined in the Act, or which are open to interpretation, and this policy seeks to set out the interpretation that will generally be applied by this Council.
10. “*Sex shops*” are defined in the Act as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for the purpose of stimulating or encouraging sexual activity.
11. “*Sex cinemas*” are defined in the Act as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.
12. “*Sexual entertainment venues*” are defined in the Act as any premises, vehicle, vessel or stall at which relevant entertainment is provided before a live audience (which can be only one person) for the financial gain of the organiser or the entertainer. It is important to note that the definition of ‘premises’ does not include a private dwelling to which the public are not admitted. ‘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 the audience. ‘Displays of nudity’ are displays of a person’s pubic area, genitals or anus, and in the case of women, nipples also.
13. The term ‘*significant degree*’ is used in respect of sex shops and sex cinemas and is not defined in the Act. Although there has been some case law regarding the meaning of this term, there is no rule of thumb that can be applied when determining whether the sale of articles etc. constitutes a significant degree of the business in question. It is clear from the relevant case law that the ratio between sexual and other aspects of the business will always be material, as will the absolute quantity of sales, movies shown etc. It is the policy of this Council that when determining whether licensable activities constitute a significant degree of the business, it will have regard to character of the remainder of the business, the nature of the display and the nature of the articles, films, etc.
14. Whilst the term ‘*significant degree*’ is not used in relation to sexual entertainment venues, the principle has in fact been established within the Act as premises that have relevant entertainment less frequently than once a month are excluded from the definition of ‘sexual entertainment venues’.
15. It should also be noted that only licensed sex shops can sell or supply DVDs and other recordings that are certified ‘R18’, and it is an offence under The Video Recordings Act 1984 to do so without a licence.
16. This policy sets out guidelines for licensing these types of premises in this Councils area. The objectives of this policy are to:
 - Enable applicants, licensees and interested parties to understand the principles that will be applied by the Council when regulating such premises;
 - To establish the general principles that will be applied by the Council in its regulatory activities; and
 - To assist in applying the national legislation within the context of the borough as a whole and within the wards that make up the borough.

17. The overriding objective of this policy is to ensure that premises licensed by this Council under this legislation do not contribute directly or indirectly to crime, disorder or harm to individuals or groups within the community; whilst seeking also not to be unduly restrictive of the rights of persons seeking to operate well run premises in appropriate locations. It will be the intention of the Council to consider each application on its own merits, and to act in a fair and proportionate way to achieve this objective.
18. The Council in carrying out its functions in accordance with this policy seeks to achieve control of sex establishments within the terms of the Act. Terms and conditions will focus on achieving the objectives stated above with reference to:
 - Matters within the control of individual licensees
 - The specific premises and/or the places used for the business
 - The vicinity of those premises and places
 - The direct impact of the activity taking place at the licensed premises on the normal activity of the public who live and work in the area concerned
19. This policy should be read in conjunction with the Act itself and any Home Office guidance issued from time to time.
20. This policy does not in any way fetter the discretion of the Council and each application will be considered on its individual merits. The main consideration when determining matters under this policy is whether to apply the policy as set out or whether there is good reason, having regard to all relevant matters and disregarding all irrelevant matters, to depart from the policy.

Implementation And Review

21. This policy will take effect from (date to be confirmed following report to Cabinet)
22. The Council will keep this policy under review and will consult where appropriate on proposed revisions. A full review of the policy will be conducted every three years from the date of effect above.
23. From the effective date this policy will override and supersede all existing policies in relation to sex establishments.
24. The Council may monitor and review this policy or areas of the policy prior to the three year review period when considered necessary.
25. Subsequent to the introduction of this policy, the Council may make decisions, which change the content of this policy. The changes may have immediate effect or expressed as coming into effect on a given date. This policy document will be updated to reflect these changes. Copies of this policy will be available from the Trading Standards and Licensing office and via the internet.

Integration With Other Statutes

26. Certain premises licensed under The Licensing act 2003 may already be providing regulated entertainment that will also require them to obtain a sexual entertainment venue licence.
27. There are exemptions in the Act when the regulated entertainment is provided on fewer occasions, less frequently or for a shorter period of time than is required to trigger the requirement for a sexual entertainment venue licence. Licensees may also request the Council to waiver the requirement for a licence, which is discussed further below.

28. Where premises are required to be licensed as sexual entertainment venues, it will not be necessary to also have a licence under the Licensing Act 2003 to permit the entertainment. However, if other activities licensable under the Licensing Act 2003 (e.g. the sale of alcohol) are to be permitted at the premises then it will still be necessary to obtain a premise licence, club certificate or temporary event notice to authorise those activities.
29. Premises will not be excluded from the scope of both licensing regimes, so if sexual entertainment is provided on an infrequent basis which exempts it from the requirement for a sexual entertainment venue licence, a premise licence or club certificate or temporary event notice would still be required.

Licence Applications

General

30. It is important that applicants clearly set out the steps that they intend to take to promote the objectives of this policy. This is the applicant's opportunity to demonstrate that they intend to run a responsible business.

The Council will expect applicants to give consideration to the following issues:

- Whether the activities are to be held in places where the passing public may see or hear them, for instance due to visibility/audibility from outside the premises or from the activities taking place in the premises
- Ensuring that children are not admitted to and cannot witness these activities
- Pre-employment checks and ongoing criminal record checks of staff
- Effective and responsible management of the premises
- The external appearance and siting of external advertising, signage, and lighting including security lighting
- Provision and maintenance of CCTV and storage of CCTV recordings
- The location of the premises and proximity to residential and other sensitive premises (see additional guidance on the location of the premises)

In respect of sexual entertainment venues, applicants will also need to consider:

- Codes of conduct for performers and staff including supervisors and security
 - Rules of conduct for customers
 - Disciplinary measures for performers, staff, and customers in the event of breaches of the above
31. The Council considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the achievement of the objectives of this policy. For this reason applicants will be expected to demonstrate how they intend to implement appropriate measures in this respect. If applicants are not able to do so then the application is likely to be refused.

Right To Waiver

32. The Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate. The waiver, if granted, may last for such period as the Council think fit, but can be terminated at any time with 28 days notice.

33. Each application for waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances.

Application Details

34. The applicant shall make their application in accordance with Clause 10, Schedule 3, of the Act and using the Councils application form, a copy of which is at Appendix 2.
35. The applicant must:
- (a) Send the Council:-
 - (i) a completed and signed application form
 - (ii) the documents listed in the application form
 - (iii) the required fee
 - (b) Advertise the application in a local newspaper within seven days of making the application. (A prescribed form of advertisement can be found at Appendix 3)
 - (c) Where the application is in respect of a premises display notice of the application on or near the premises subject to the application, where it can be conveniently read by the public, for a period of 21 days. (A prescribed form of notice can be found at Appendix 4)
 - (d) Send a full copy of the application to the chief officer of police within 7 days of making the application, unless the application is made electronically when the Council will be responsible for sending the copy.
36. It is the policy of this Council that notice of such applications shall also be placed on the Council's website and the application will be available for public inspection at the Council's offices the address of which is detailed below.

Fitness Of The Applicant

37. An applicant must be a fit and proper person to hold a licence. In determining the suitability of any applicant the Council will include in its determination:
- a) Previous relevant knowledge and experience of the applicant
 - b) Any evidence/information/report of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other Licensing Authority area.
 - c) Any convictions, cautions, warnings or reprimands
 - d) Any relevant comments from statutory objectors
 - e) Any observation from a statutory consultee
38. Whilst every application will be considered on its merits, the Council will be unlikely to grant an application from any person, or for the benefit of any person, with unspent criminal convictions.

The Location Of The Premises

39. In accordance with relevant case law, the Council shall decide on the suitability of a particular locality for a Sex Establishment as a matter of fact to be determined by the particular circumstances of each case and not by the prescription of boundaries as stated on a map.

- 40 The Council is mindful of its power to determine that no Sex Establishment should be located in a particular locality.
41. Notwithstanding the above, licences will only be granted in predominantly commercial areas and the Council is mindful of its power to determine each application on its own merits. Applications will not normally be granted if they are to be within:
- (a) areas that are exclusively, or predominantly residential in character; or
 - (b) in close proximity to a school or any other premises used by children or vulnerable adults; or access routes to such premises; or
 - (c) a publicly accessible open space that is regularly frequented by children or vulnerable adults
 - (d) in close proximity to a place of worship; or access routes to such premises; or
 - (e) areas that are likely to be adversely effected due to the cumulative impact of the existing sex industry.

Commenting On Licence Applications

- 42 Unlike some other licensing regimes a wide range of people can raise objections about sex establishment licence applications. The police are a statutory consultee for all applications.
43. Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the Act and should not be based on moral grounds/values.
44. Objectors can include residents/tenants associations, community associations and trade associations. Councillors and Members of Parliament may also raise objections. Elected Councillors may also represent interested parties provided that they do not sit on the Licensing committee determining the application in question.
45. The Council will not consider objections that are considered to be frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the Act). Decisions on whether objections are considered to be frivolous or vexatious will be made objectively by officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason.
46. A frivolous objection is generally taken to be one lacking in seriousness. A vexatious objection is generally to be taken to be one which is repetitive, without foundation or made for some other reason such as malice.
47. Objections will be considered by the Licensing Committee when the Council will give both the applicant and objectors an equal opportunity to state their case in accordance with the Councils protocol which is available on the website at www.stockton.gov.uk or from the licensing office.
48. Objections should:
- Be made in writing within 28 days of the application being made
 - Be preferably in black ink on A4 paper
 - Indicate the name and address of the person or organisation making the objection (although this will not be disclosed to the applicant).
 - Indicate the premises to which the objection relates

- Indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this.
- Clearly set out the reasons for making the objection

49. Where notice of an objection is received the Council will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However the Council will not without the consent of the person making the objection disclose their name or address to the applicant.

Consideration of an Application

General

50. When an application is received it will be processed and checked by licensing staff within 5 working days to ensure it complies with the requirements of the Act and this policy.

51. A consultation period of 28 days from the date of receipt of the application, unless it is deemed deferred pending further enquiries, shall follow to allow for any objections and/or observations to be made.

52. At the expiry of the consultation period the application will then be submitted to the Councils Licensing Committee for determination. This will usually be the next available scheduled meeting but subject to a minimum period of 20 working days to permit reports to be prepared and notice of the hearing to be given to the applicant and all interested parties. This period may be extended in exceptional circumstances and when all parties will be notified of the timescale and the reasons for the extension.

53. The Council will give the applicant(s) and objectors the opportunity of appearing before and being heard by the Licensing Committee before determining the application.

54. In determining an application relating to a Sex Establishment licence the Licensing Committee of the Council will assess the application on its merits having regard to the content of this policy, the relevant legislation and any relevant guidance that may be issued from time to time, any observations submitted by the chief officer of police and any representations received.

55. Where it is felt necessary for the Council to depart from this policy clear and compelling reason for doing so will be given.

56. The Licensing Committee may consider refusing the application or granting a licence of 12 month duration or for a shorter term.

57. The decision of the Licensing Committee will be notified to the applicant and any objectors in writing and will include reasons for their decision.

58. The Council, when determining an application, shall have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

Conditions

59. Schedule 3, section 13 of the Act provides a power for the Council to make regulations prescribing standard conditions in relation to Sex Establishment Licences.

60. The Councils Standard Conditions/Regulations are detailed in Appendix 5 of this policy.

61. All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded or varied by the Licensing Committee.
62. If other conditions are required in particular circumstances, they will be tailored to reflect the individual style and characteristics of the premises and activities concerned.
63. Conditions will not be imposed where the Council considers other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
64. Applicants who consider that some or all of the standard conditions should not be applied in their case will be expected to explain their reasoning in writing and will be expected to explain how the licensing objectives will be attained without such imposition.

Determination of Licence Applications

Refusal of a Licence

65. Paragraph 12 of Schedule 3 of the Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.
66. A licence must not be granted:
 - (a) to a person under the age of 18;
 - (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - (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.
67. A licence may be refused for the following reasons:
 - (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Council consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard-
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
68. A decision to refuse a licence must be relevant to one or more of the above grounds.

Variation Of A Licence

69. The holder of a sex establishment licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
70. 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

71. The holder of a sex establishment licence may apply for the renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application must be submitted before the current licence expires.
72. The process for applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Transfer Of licence

73. An application for the transfer of a licence may be made at any time.
74. The process for applying for the transfer of a licence is the same as that for applying for the initial grant of a licence except that a plan of the premises is not required.

Appeals

75. Where the Council refuses an application for the grant, renewal or transfer of a Sex Establishment Licence the applicant may appeal the decision to a magistrates' court within 21 days of being notified of that decision, unless the refusal is for reason that the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Council consider is appropriate for that locality or that the grant or renewal of the licence would be inappropriate, having regard-
- (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
76. In which case there is no right of appeal. In such cases the applicant can only challenge the refusal by way of a judicial review.

Enforcement And Complaints

77. The Council will investigate complaints about premises where appropriate, in relation to premises that are licensed and are breaching licence conditions or otherwise acting inappropriately, and in respect of unlicensed premises where it appears that the premises should be licensed.
78. The Council have adopted the Government's Concordat on Good Enforcement, which commits us to following fair, effective and consistent policies and procedures. On occasions we have to deal with matters that may constitute a criminal offence, for which a

range of actions may be taken against an individual, partnership or company. These matters will be investigated thoroughly to establish all the facts and where appropriate Officers will use their legal powers to enter premises, take samples, inspect and copy records, or seize goods and documents. On all occasions we will comply with the Human Rights Act and the Regulation of Investigatory Powers Act. At the end of our investigation a decision will be made whether to deal with the matter informally, or whether to follow a more formal course of action that may ultimately lead to prosecution. How we reach that decision is explained in our Enforcement Policy for Regulatory Services. To view the Concordat and our Enforcement Policy please select the appropriate [|View|](#) button on our website at www.tradingstandards.gov.uk/stockton/aboutus.htm#Enforcement.

79. The Council will work in partnership with the Police, Trading Standards, Environmental Health and any other relevant authority to enforce the licensing legislation. This may include carrying out inspections of licensed premises, test purchases and the investigation of complaints. This partnership approach is intended to prevent duplication of effort, maximise the potential for controlling crime and disorder at premises and to ensure compliance with relevant conditions.
80. Inspections will take place at the discretion of the Council and its partner agencies and will be concentrated on areas of need. A light touch approach will be employed for well managed and maintained premises with a targeted and graduated inspection and enforcement regime for problem and high-risk premises.
81. Where possible and appropriate, the Council and its partner agencies will give early warning to operators of any concerns.
82. The Council will carry out its responsibilities for enforcement so as to promote the objectives set out in this policy.

Fees

83. Reasonable fees will be set to cover the cost of administration, enforcement and the cost of any hearings and will be reviewed annually.
84. Fees will be non refundable.
85. Details of our current fees can be obtained from the licensing office or via the Councils website.

Further information

Further information and application forms can be obtained from:

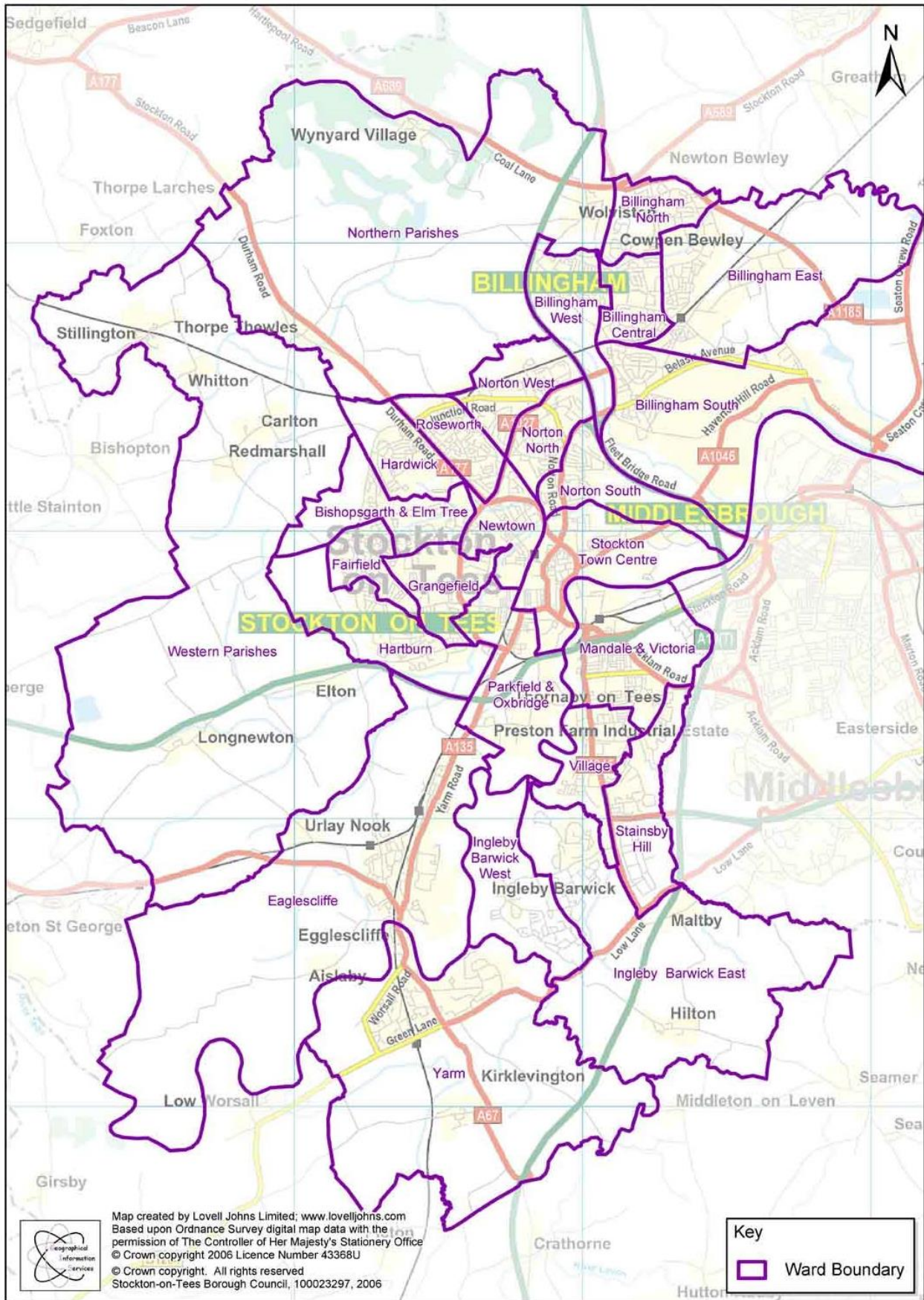
Stockton on Tees Borough Council
Development and Neighbourhood Services
Trading Standards and Licensing
16 Church Road
Stockton on Tees
TS18 1TX

Tel: 01642 526558

Email: licensing.services@stockton.gov.uk

Website: www.tradingstandards.gov.uk/stockton

Appendix 1 – Map of the Borough



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 3

All questions must be answered except where stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

Please send the completed application form and the appropriate fee to the address above. (Cheques should be made payable to “Stockton on Tees Borough Council”)

Please complete this form in block letters (continue on a separate sheet if necessary)

I/We hereby apply to Stockton on Tees Borough Council for the:

- Grant Renewal Transfer of a licence to use a
 Premise Vehicle Vessel Stall

As a Sex Establishment. (Please tick appropriate boxes)

Section A – The Applicant

Title	Mr	Mrs	Miss	Ms	Other: (Please state)
-------	----	-----	------	----	-----------------------

Full Name(s) of Applicant	
State any other name or names by which the applicant is, or has been, known	
If the applicant is an individual state present permanent address	

<p>If the applicant is a body corporate or an unincorporated body state address of registered office or principal office, as the case may be</p>	
--	--

If the applicant is an individual please give the following information:

<p>Have you resided at the address given above throughout the whole of the 3 years immediately preceding the making of this application</p>	
---	--

If the answer to the previous question is "NO" please give all other addresses at which you have resided during that time:

Address	From	To

Date of Birth		Place of Birth	
Telephone Number			
Mobile Number			
E-Mail Address:			

If the applicant is a corporate body, partnership or other unincorporated body complete the table in respect of each director, partner or other person responsible for the management of the body.

Surname	Forename(s)	Other names now or formerly known by	Home address	Description (e.g. director, partner, manager, secretary etc).	Date of Birth

Has every person whose name is given in the table above resided at the address given opposite that person's name throughout the period of 3 years immediately preceding the date this application is made	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

If the answer is "NO" please give all other addresses at which any such person has resided during that period. (Continue on a separate sheet if necessary)

Address	From	To

Have you or any of the persons identified above ever been disqualified from holding a Sex Establishment Licence under Schedule 3 paragraph 17 of The Local Government (Miscellaneous Provisions) Act 1982?	<input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

If yes, please give full details:

This question need only be answered where the Applicant is a Company	
Is the applicant a wholly or partly owned subsidiary of another Company?	
What type of Company is the applicant (e.g. public or private limited by share or guarantee etc?)	
In which Country is the Company incorporated?	
What is the date of incorporation of the Company?	
Please supply a certified copy of the applicant Company's Memorandum and Articles	

If the applicant is a subsidiary of another Company give the following details and information:
Please supply a certified copy of the parent Company's Memorandum and Articles
Please supply a list of all other Companies controlled by the parent Company together with full details of any ultimate holding Company
Please supply the name and private addresses of the Directors and Company Secretary of the parent Company

If the applicant is a Company give a full list of names, addresses and holding of shareholders holding 10% or more of the issued share capital and the number of remaining shareholder.			
Name	Address	Date of Birth	Percentage of Holding

Is the whole of the business which is the subject of this application owned by the applicant?	<input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

If the answer is "NO" please state names and addresses of other part owners and extent of various interests

Name	Address	Extent of Interest

Has any person or body other than the applicant any interest in the business, whether by sharing in gross returns, or in profits or losses, or by way of annuity loan or otherwise? Yes No

If the answer is "Yes" please state names and addresses of the holders of such interest and the nature and extent of such interests

Name	Address	Nature & Extent of Interest

Is the business in respect of which this application is made required to purchase merchandise solely or mainly from a particular company, person or body? Yes No

If the answer is "Yes" please supply a copy of any agreement and state what is to be purchased and from whom

Merchandise Purchased	From Whom

Section B – About The Premises

Please state whether this application is for a licence for a:

- Sex Shop Sex Cinema Sexual Entertainment Venue

Please state whether this application is in respect of a:

- Premise Vehicle Vessel Stall

<p>In the case of premises state the full Address; for a vehicle state registration number, make and model; for a vessel state name and give a brief description; for a stall give a brief description</p>	
<p>If the application relates to a vehicle, vessel or stall state where it is to be used as a sex establishment</p>	
<p>If the application is in respect of a licence for a vehicle, vessel or stall has the applicant been refused a licence for it within a period of 12 months immediately preceding the making of this application and the refusal has not been reversed on appeal?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If the application relates to premises state whether the applicant is the freeholder or the leaseholder</p>	
<p>If the applicant is the leaseholder state the name and address of the lessor and the annual rent paid for the premises to which this application relates</p>	
<p>Are the whole of the premises described above to be used as a Sex Establishment</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If the answer is "No" please state which parts of the premises are to be used for the purpose of a Sex Establishment;</p>	

The use to which the remainder of the premises are to be put;	
State the names of those who are responsible for managing the remainder of the premises	
State the current use of the premises	
If it is currently being used as a Sex Establishment, state the name and address of the person or body operating the business	
Is there planning permission for the use of the premises, vehicle, vessel or stall as a Sex Establishment	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, state date of the planning permission	
If not, state whether and why the use as a Sex Establishment is lawful, e.g. because there is a certificate of lawful use, giving full details	
Under what Trading Names are or will the premises be known?	
Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please provide full details including the name of any Designated Premise Supervisor	

Do you intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you intend to operate the Sex Establishment in conjunction with any other licence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, please provide full details	
Is customer access to the premises, vehicle, vessel or stall Directly from the street or a public thoroughfare?	<input type="checkbox"/> Yes <input type="checkbox"/> No
From other premises	<input type="checkbox"/> Yes <input type="checkbox"/> No
If from other premises, please provide full details	
Is customer access from the street to be supervised at all times the premises are open to the public?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, give full details of proposed door control and supervision	
State whether all door supervisors are to be licensed with the Security Industry Authority	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, state the proposals for affording such access	

In respect of every person who is to be responsible for the management of the premises or the vehicle, vessel or stall if a licence is granted please supply the following details:-

SURNAME	FORENAMES	OTHER NAMES NOW OR FORMERLY KNOWN BY	HOME ADDRESS	DATE OF BIRTH

Have any of the persons or bodies named in this application been convicted of any offence?

Yes

No

If the answer is 'Yes' please give details.

SURNAME	FORENAMES	NAME UNDER WHICH CONVICTED IF DIFFERENT	DATE OF CONVICTION	PLACE OF CONVICTION	NATURE OF OFFENCE	SENTENCE

Note: This question is asked subject to the provisions of the Rehabilitation of Offenders Act 1974.

<p>What means are to be taken to prevent the interior of the establishment being visible to persons outside?</p>	
<p>What, if any window displays are to be exhibited? Please indicate the size and nature of any intended display</p>	
<p>State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images used</p>	
<p>Please note a plan of the exterior showing such signage and advertising is required to be submitted with this application</p>	

<p>Give details of the days and times during which it is proposed that the establishment be open to the public</p>		
Day	Start Time	Finish Time
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles	
State what age restrictions are to be applied in respect of admissions, and how are these to be enforced	
State what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For Sex Shops provide details of arrangement for preventing proxy sales	
What are the arrangements for CCTV and the retention of recordings?	
Will all public areas be covered by CCTV at all times the business is open	<input type="checkbox"/> Yes <input type="checkbox"/> No
Will feed from all cameras be recorded	<input type="checkbox"/> Yes <input type="checkbox"/> No

Answer only where the application is for a Sexual Entertainment Venue	
State whether the proposal is for full nudity	<input type="checkbox"/> Yes <input type="checkbox"/> No
Give full details of the nature of the entertainment, e.g. lap dancing, pole dancing, stage strip tease	

<p>State what if any separation between performers and audience is proposed, e.g. performers on stage, 1 metre, no contact or full contact allowed</p>	
<p>Are any arrangements proposed for private booths or areas</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If Yes, provide full details, including proposals for supervision of such areas</p>	
<p>This question need not be answered in the case of renewals</p>	
<p>State proposal for preventing nuisance to residents</p>	
<p>State proposals for promoting public safety</p>	
<p>State proposals for preventing crime and disorder</p>	
<p>State proposals for the protection of children from harm</p>	

<p>What is your system for checking the age and right to work of all employees</p>	
<p>For Sexual Entertainment Venues, set out the system for training all staff in the Code of Conduct for performers, and for monitoring and enforcing compliance</p> <p>Please note the Code of Conduct must be attached to this form</p>	
<p>For Sexual Entertainment Venues, set out the system for notifying customers of the Rules for Customers and for monitoring and enforcing compliance</p> <p>Please note the Rules for Customers must be attached to this form</p>	
<p>For Sexual Entertainment Venues, set out the system for monitoring compliance with the venue's Policy for Welfare of Performers</p> <p>Please note the Policy for Welfare of Performers must be attached to this form</p>	

Does the applicant operate any other Sex Establishments, whether licensed or not?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, state the name, address and type of Sex Establishment (e.g. sex shop, sex cinema, sexual entertainment venue) of each	
Does the applicant wish to apply for the requirement for a licence to be waived under the provision of paragraph 7 of Schedule 3 to the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Set out any further information which you wish the authority to take into account. Include proposed conditions (you may attach a schedule of conditions) or any reason relied upon to provide an exception to the Councils Sex Establishment Policy	
Is there any information on this form which you do not wish to be seen by members of the public?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, state which information and the reasons why you do not wish it to be seen	

SIGNATURE AND DECLARATION

The following declaration must be signed in all cases:

- (a) If the applicant is an individual, by that individual;
- (b) If the applicant is a partnership, by all individuals who are partners;
- (c) If the applicant is a company, by a director or the company secretary;
- (d) in any other case, by a duly authorized officer of the applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do so may result in any license issued being revoked.

I /we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Council should any of the information given in this application change.

How We Collect And Use Information

The Information Collected, On This Form And From Supporting Evidence, By Stockton On Tees Borough Council Will Be Used To Process Your Application. The Information May Be Passed To Other Enforcement Agencies As Permitted By Law.

We May Check Information Provided By You, Or Information About You Provided By A Third Party, With Other Information Held By Us. We May Also Get Information From Certain Third Parties, Or Give Information To Them To Check The Accuracy Of Information, To Prevent Or Detect Crime, Or To Protect Public Funds In Other Ways, As Permitted By Law. These Third Parties Include Government Departments And Local Authorities.

We Will Not Disclose Information About You To Anyone Outside Stockton On Tees Borough Council Nor Use Information About You For Other Purposes Unless The Law Permits Us To.

Stockton On Tees Borough Council Is The Data Controller For The Purposes Of The Data Protection Act 1998. If You Want To Know More About What Information We Have About You, Or The Way We Use Your Information, You Can Ask At: Trading Standards And Licensing, PO Box 232, 16 Church Road, Stockton On Tees, TS18 1XD

Applicants Are Warned That Any Person Who, In Connection With An Application For The Grant Or Renewal Of A License Makes A False Statement Which They Knows To Be False In Any Material Respect, Or Which They Do Not Believe To Be True, Is Guilty Of An Offence And Liable On Summary Convictions To A Fine Not Exceeding £20,000.

Name(s)	
Position in Organisation	
Signature of Applicant(s)	
Dated	

Please complete details overleaf

Applicant Contact Details

Please give the contact details which you would like to be used for the purpose of this application.

Name	
Organisation	
Address	
Telephone Number	
Mobile Number	
E-Mail Address	

I have enclosed the following documents with my application:

Document	Tick
Appropriate Fee (Cheques should be made payable to "Stockton Borough Council")	
A plan of the exterior showing signage and advertising	
Code of Conduct for performers	
Rules for Customers	
Policy for Welfare of Performers	
Certified copy of the applicant Company's Memorandum and Articles (if applicable)	
Certified copy of the parent Company's Memorandum and Articles (if applicable)	
A list of all other Companies controlled by the parent Company together with full details of any ultimate holding Company (if applicable)	
The name and private addresses of the Directors and Company Secretary of the parent Company (if applicable)	

Notes for Applicants

1. In the case of an application in respect of premises, a Notice of Application must be displayed for 21 days (beginning with the date of application) on or near the premises in respect of which the application is made, in a place where the Notice can be conveniently read by the public. (See the guidance notes for an example)
2. In every case a Notice of Application must be published in a local newspaper not later than 7 days after the date of application. (See the guidance notes for an example)
3. The completed application form should be returned to: Stockton on Tees Borough Council, Trading Standards & Licensing, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD

Appendix 3 – Form of Newspaper Advertisement

NEWSPAPER ADVERTISEMENT

Application For A Sex Establishment Licence Under The Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES)

APPLIED ON (Insert Date)

TO Stockton on Tees Borough Council

in respect of the premises known as

located at (address of premises)

for a licence to use the premises as a 'Sexual Entertainment Venue'

ANY PERSON wishing to oppose the application should write to:-

Stockton on Tees Borough Council
Trading Standards & Licensing Manager
PO Box 232
16 Church Road
Stockton on Tees
TS18 1XS

By no later than:-**

Letters in support should also be sent to the Trading Standards & Licensing Manager by that date.

Please note that any written representations received in response to this consultation are likely to be required to be made available for public inspection in accordance with the Local Government (Access to Information) Act 1985.

** Insert 28 days after the date of application.

Note: This form is recommended for the text of a newspaper advertisement for the purpose of the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3.

**APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE MADE
UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT,
1982, PART II, SCHEDULE 3**

NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES):

APPLIED ON (Date):

**TO: Stockton on Tees Borough Council for a new
licence/renewal/transfer/variation of a licence * * ***

in respect of the premises known as:

located at (address of premises):

**for a licence to use the premises as a 'Sexual Entertainment
Venue'**

**ANY PERSON wishing to oppose the application should write to the Trading Standards &
Licensing Manager, PO Box 232, 16 Church Road, Stockton on Tees TS18 1XD
by no later than:-* ***

**Letters in support should also be sent to the Trading Standards & Licensing Manager by that
date.**

**Please note that any written representations received in response to this consultation are
likely to be required to be made available for public inspection in accordance with the
Local Government (Access to Information) Act 1985.**

*** *** Insert 28 days after the date of application being made to the Council

*** * *** Delete as appropriate

Appendix 5 – Standard Licence Conditions/Regulations

Regulations Made By Stockton On Tees Borough Council Under Paragraph 8 Of Schedule 3 To The Local Government (Miscellaneous Provisions) Act 1982 As Amended By The Policing And Crime Act 2009 Prescribing Standard Conditions For Licences For Sex Establishments Effective From.....

General

1. Throughout these regulations ‘sex establishment’, ‘sexual entertainment venue’, ‘sex cinema’, ‘sex shops’, and ‘sex article’ shall have the meaning ascribed to them in Schedule 3 of The Local Government (miscellaneous Provisions) Act 1982 and;

‘The Council’ means the Council of the Borough of Stockton-on-Tees; and

‘The premises’ means the premises, vehicle, vessel or store which is the subject of the licence.
2. In the event of a conflict between these Standard Conditions and any Special Condition contained in a licence relating to a Sex Establishment, the Special Conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of The Local Government (Miscellaneous Provisions) Act 1982.

Management Of The Premises

4. The premises shall not , without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the hours:

Monday – Saturday 09.00am – 20.00pm

The premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day, Good Friday or Easter Monday.
5. The licence or a clear copy shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises.
6. The licensed premise shall be used only for the purposes specified in the licence.
7. The licensee shall give written notice to the Council if he wishes to surrender the licence.
8. All notices, documents and advertisements issued by or on behalf of the business shall bear the trade name, style or title and address of the premises specified in the licence and shall contain no indication that it is licensed by the Council.
9. The Licensee or some other responsible person over 18 years of age nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and shall be present on the premises at all times when the premises are open to the public. Such written approval shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

10. The name of the person responsible for the management of the premises, whether the Licensee or the manager, shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises throughout the period during which he is responsible for the conduct of the premises.
11. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary, or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
12. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
13. All members of staff shall be easily identifiable as such and if required by the council in writing wear a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
15. The Licensee shall take all reasonable precautions for the safety of the public and employees, and except with the consent of the Council, shall retain control over all portions of the premises.
16. No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
17. The licensee shall operate a 'Challenge 21' policy with all staff insisting on evidence of age of any person appearing to be under 21 years of age and is attempting to gain entry to the premises. This evidence shall be photographic, such as a passport, photographic driving licence or an approved proof of age card such as a Validate Card, Portman Card or a Citizen Card.
18. The Licensee shall maintain good order on the premises and in particular shall ensure that none of the following take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempted threat of such acts.
19. The Licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Solicitation includes the distribution of leaflets.
20. No alcohol shall be consumed within the premises unless the sale or supply of which is authorised by a licence under The Licensing Act 2003 and when service shall be to seated customers only.

21. No change of use of any part of the premises from that approved by the Council shall be made until the consent of the Council has been obtained.
22. No film or video or DVD shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film or DVD so certified.
23. The Licensee shall provide copies of any documents reasonably required by an authorised officer of the Council or a Police Officer in relation to compliance with this licence.

External Appearance

24. 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.
25. Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them opaque screens or blinds of a type and size approved by the Council to render the interior of the premises invisible to passers by.
26. The Licensee shall display a notice on the outside of the premises of such size and in such location as agreed by the Council stating 'No person under the age of 18 allowed. Any person appearing to be under 21 years of age will be required to show photographic proof of their age.'
27. The Licensee may with the consent of the Council exhibit on the outside of the premise the name of the business and a notice of such size and in such location as agreed by the Council consisting of the words 'Licensed Adult Establishment'
28. No other words, signs, posters, photographs, sketch, painting or any form of advertisement, display shall be displayed by or on behalf of the Licensee on, or outside or within the premises in a position where it is visible to passers by without the prior consent of the Council.
29. No external loudspeakers may be installed.

State, Condition and Layout Of The Premises

30. Notwithstanding the Licensees duties under other legislation and any obligations under any lease or other agreement for the use of the premises he shall maintain the premises in good repair and condition.
31. External doors shall be closed at all times except when persons are entering or leaving the premises and shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in effective working order.
32. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises or any entertainment taking place inside the premises is visible to passers by when persons are entering or leaving the premises.
33. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.

34. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of emergency.
35. Artificial lighting sufficient to illuminate all areas of the premise as approved by the Council shall be in operation at all times when the sex establishment is open to the public.
36. No alterations or additions shall be permitted to the exterior or interior of the premises without the written consent of the Council.
37. A CCTV system approved by the Council and the Police Licensing Officer shall be installed on the premises covering all of the internal areas of the premises and any external areas that may be specified. The system shall be maintained in good working order and shall operate at all times when the premises are open. Recordings shall be maintained in a secure place for a period to be agreed with the Police Licensing Officer and the manager and a sufficient number of staff shall be trained in its use to ensure that recordings can be made available to the police or an authorised officer of the council when requested.
38. Notices shall be exhibited within the premises informing customers of the presence of CCTV

Sex Shops (Additional Conditions)

39. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail
40. Compilation videos or DVDs showing restricted 'R18' material shall not be played or shown within the premises. This condition will not however, apply to the previewing of individual 'R18' films by a prospective purchaser so long as the excerpt is no longer than 2 minutes duration and is not shown in the presence of other patrons.
41. All Sex Articles and other things displayed for sale, hire exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices to be charged.
42. All mail order transactions from the premises shall be recorded in a suitable register approved by the Council.
43. Should the Council consider that any article, preparation, substance or material available for sale from the premises is likely to be dangerous to health, then on receipt of written notification stating the Council's reasons for the decision the licensee shall immediately remove the said article, preparation, substance or material from the premises and no like article, preparation, substance, article or material shall be sold or exposed for sale at the premises without the consent of the Council.
44. All printed matter offered for sale, hire or exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the premises where it can be easily read by prospective purchasers.
45. The Licensee shall without charge display and make available in the Sex Establishment 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 from time to time. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

Sexual Entertainment Venues (Additional Conditions)

46. 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 be easily read by persons before entering the premises. Repeater notices containing this information shall also be prominently displayed inside the premises where they can easily be read by customers. No employee shall stand in such a position to obscure the notices.
47. No order shall be accepted unless the customer has been provided with a copy of the said tariffs and has been given sufficient time and opportunity to read it.
48. Any individual employed on the premises to conduct a security activity (within the meaning of The Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
49. The Licensee must ensure that a suitable number (to be agreed by the Council), of trained staff are employed to supervise the interior of the premises whilst performances are taking place under this licence.
50. Performers shall be aged not less than 18 years and the licensee shall carry out proof of age checks prior to employment. The licensee shall maintain written records of the names, addresses and dates of birth of performers including details of the identity checks and criminal record checks carried out.
51. A code of conduct for performers shall be produced by the Licensee, together with a disciplinary procedure for breaches of the code, and which shall be implemented if approved in writing by the Council. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council.
52. The Licensee shall ensure that all performers are aware of the code of conduct for performers and the disciplinary procedure and a copy of the code and disciplinary procedure shall be given to each performer and a copy shall be prominently displayed in the performers changing rooms.
53. Rules shall be produced by the Licensee for customers indicating conduct that is deemed acceptable and action that may follow for non compliance. These rules shall be prominently displayed at all tables, at the entrance to the premises and in the public toilets provided in the premises.
54. The Licensee shall implement a policy to ensure the safety and welfare of performers during periods of work and when they leave the premises after a period of work.
55. Only activities which have previously been agreed in writing by the Council shall take place.
56. There shall be no mixed gender performance at any time.
57. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed premises as may be agreed in writing with the Council.
58. Performers must remain clothed in public areas and all other areas except when performing in areas specified by the Council as where sexual entertainment may be provided.
59. Suitable and secure changing/dressing rooms shall be provided for performers.
60. At no time shall any customer, member or guest be permitted in the changing room(s).
61. Exit routes for performers to the changing/dressing rooms shall be kept clear.

62. Separate sanitary facilities shall be provided for performers.
63. Secure smoking areas shall be available for performers.
64. Performers must dress fully at the end of each performance.
65. Performers must never be alone in the company of a customer except in an area open to the public within the premises (except the toilets)
66. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
67. There shall be a minimum distance of one metre separation between the performer and any patron during any performance.
68. There shall be no physical contact between the customer and the performer before, during and after the performance except for the placing of monetary notes or dance vouchers into the hand or an article of clothing worn by the performer and notices outlining this requirement shall be prominently displayed at each table.
69. The Licensee shall ensure that during performances to which this licence relates:
 - a) Performers may not perform any act that clearly simulates any sexual act;
 - b) Performers may not intentionally touch a customer any time during the performance unless by accident or due to a third party;
 - c) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - d) Performers must never intentionally touch the genitals or breasts of another dancer or knowingly permit another dancer to intentionally touch their genitals or breasts;
 - e) Performers shall not use sex toys as part of their performance;
 - f) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;
 - g) Performers only perform nude or semi-nude dancing (of any description) within the areas specified by the Council.
 - h) Performers must not sit on or straddle customers.
 - i) Performers must not place their feet on the seats
70. The Licensee shall ensure that during any performance:
 - a) customers must be seated in an upright position against the back of the booth(if permitted by the Council) or seat with their hands by their sides before a dancer can start a table dance;
 - b) customers must remain seated during the entire performance of the dance;
 - c) for the purpose of restraint only, performers may only touch a customer above the customers chest with their hands only;
 - d) customers must not participate in any performance
 - e) customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment;
 - f) customers must remain appropriately clothed at all times.
71. The taking of any photographs, film, video or mobile phone photographs or video footage (excluding CCTV required by condition of licence) shall not be permitted and notices to this effect shall be prominently displayed at each table and at the entrance to the premises.

72. The Licensee shall produce and implement a drugs policy to the satisfaction of the Police Licensing Officer.
73. An incident book must be kept on the premises and maintained by the Licensee at all times. This must record date, time and description of incident/person involved that occur on the premises. The book must be made available to a Police officer or an authorised officer of the Council on request.

Sex Cinemas (Additional Conditions)

74. No film shall be exhibited at the premises unless it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18)and no notice of objection to its exhibition has been given by the Council.
75. Films in the RESTRICTED (18) category may be shown at the premises only with the Councils prior written consent and in accordance with the terms of any such consent.
76. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified in accordance with the above conditions. Such a film may only be exhibited if the Councils prior written consent has been obtained and in accordance with the terms of any such consent.
77. No film shall be exhibited at the premises:
 - (i) which is likely:-
 - a. to encourage or to incite crime; or
 - b. to lead to disorder; or
 - c. to stir up hatred against any section of the public on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - d. to promote sexual humiliation or degradation of or violence towards women.
 - (ii) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
 - (iii) which contains a grossly indecent performance thereby outraging the standards of public decency.
78. If the Licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.
79. Sex cinemas wishing to operate as a Club Cinema shall submit a copy of the cinemas Club Rules for approval and shall not operate until the written consent of the Council has been received.

