



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STATEMENT OF LICENSING POLICY FOR SEX ESTABLISHMENTS

Incorporating Guidance and Standard Conditions

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GLOSSARY

Local Authority:

Under section 2 of the Local Government (Miscellaneous Provisions) Act 1982, local authorities in London are defined as the councils of London Boroughs. For the purposes of this statement this is the London Borough of Sutton.

The Authority:

The capacity in which the Council acts when performing its roles and duties set out in the Local Government (Miscellaneous Provisions) Act 1982. This capacity is delegated to officers in certain situations and circumstances detailed in the Policy.

The 1982 Act:

Local Government (Miscellaneous Provisions) Act 1982.

Nudity

Defined as meaning:

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus;
- (b) in the case of a man, exposure of his pubic area, genitals or anus.

Sex Establishment Category

For the purposes of this policy, a category of premises for which a licence is required under the 1982 Act, as set out in Schedule 3:

- Sex Shop
- Sex Cinema
- Sexual Entertainment Venue

Sex Shop

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

- a. sex articles; or
- b. other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i. sexual activity; or
 - ii. acts of force or restraint which are associated with sexual activity.

Sex Articles

Anything made 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; and

Anything containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and to any recording of sound or vision, which:

- Is concerned primarily with the portrayal or, primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- Is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Significant Degree & Sex Articles

Licences for sex shops are required where 18R rated films are being sold, or where there is a “significant degree” of “sex articles”.

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, the Authority will consider:

1. the ratio of sex articles to other aspects of the business,
2. the absolute quantity of sales,
3. the character of the remainder of the business,
4. the nature of the displays in the business,
5. turnover,
6. other factors which appear to be materially relevant.

Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—

- a. are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
 - i. sexual activity; or
 - ii. acts of force or restraint which are associated with sexual activity; or
 - iii. 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.

Sexual Entertainment Venue

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant Entertainment

Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Organiser

The organiser in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of (a) the relevant entertainment; or (b) the premises.

Performer

Defined as a person or persons actually providing relevant entertainment at a premises, whether or not the premises are licensed as a sexual entertainment venue. Often, lap dancing performers are self employed.

Premises

Defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to include any vessel, vehicle, or stall but does not include any private dwelling to which the public is not admitted.

Qualifying club

These clubs are organisations where members have joined together for particular social, sporting, or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except when guests make a purchase. A Licence for a club is issued under the Licensing Act 2003. A qualifying club should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which are not eligible to be qualifying clubs. Qualifying clubs when operating as sexual entertainment venues, are subject to the relevant licensing provisions under the Local Government (Miscellaneous Provisions) Act 1982.

Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business, and the management of voluntary approved contractor scheme.

PREFACE

The London Borough of Sutton, with a population of around 200,000 (source GLA 2018), is committed to the delivery of sustainable economic growth throughout the Borough. The Council believes that our Town and District Centres are vital to generating a thriving local economy and have the opportunity to bring with them both economic and social benefits.

Our Town Centres are evolving and Sutton is looking to the future to ensure the Borough can think ahead and position itself to maximise benefit from these changes. This will include strengthening our leisure offer by creating a lively and attractive social economy that is fully inclusive, encourages families back into the high street in the evening and most importantly is safe. There is a renewed emphasis on quality of life and how we shape our neighbourhoods in the future. The emergence of local places, businesses and communities demonstrates this is more important than ever.

The Borough is experiencing a period of significant population increase, as seen across London as a whole, which requires a substantial increase in the provision of housing and employment opportunities. It is estimated that Sutton's population will increase from 200,000 to 240,000 by 2040 (Office of National Statistics population estimates). Since the adoption of Sutton's current Local Plan (2018), there have been changes in circumstances at a national-level across London and within Sutton. These changes mean that Sutton is required to take a fresh look at possible development sites and locations for growth. In response to this challenge, the Council is preparing a new Local Plan that will set out a vision for the future of the Borough and guide what types of development go where, including homes, schools, infrastructure and transport links. When adopted, the new Local Plan will replace the current Local Plan.

Looking at some of the evidence base that informs, influences and underpins the Council's approach to licensing, it is estimated that 5.8% of businesses in the Borough operate within the category of the arts, entertainment, recreation & other services, while a further 4.4% of the Borough's businesses are categorised as accommodation or food services. Whilst these figures are slightly lower than the London averages of 6.8% and 4.6%, respectively, data shows that businesses operating in these sectors within Sutton were more likely to still be trading five years after inception when compared to London and the rest of England. (Source: Office for National Statistics IDBR 2020).

The Council expects and encourages those engaged in operating premises subject to licensing under the Local Government (Miscellaneous Provisions) Act 1982 to carefully examine how they operate and how they may affect residents and businesses.

INTRODUCTION

1. This policy sets out the London Borough of Sutton's approach to the regulation of Sex Establishments and the procedure that it will adopt in relation to applications for Sexual Entertainment Venue Licences, Sex Establishment Licences and Sex Cinemas.
2. The legal controls for sex establishment premises are contained in the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Police and Crime Act 2009.
3. In this policy:
 - The Local Government (Miscellaneous Provisions) Act 1982 as amended is referred to as the '1982 Act' unless otherwise stated; and
 - The London Borough of Sutton as Licensing Authority for Sex Establishments is referred to as 'the Authority'.
4. The Authority has wide experience in regulating licensed premises. Its role as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Authority recognises that Parliament has made it lawful to operate a Sex Establishment and such businesses are a legitimate part of the retail and leisure industries.
5. The policy is intended as a guide to applicants, licence holders, residents and others that wish to object to applications and to members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.
6. The policy relates to all applications for a new licence, renewals of an existing licence, transfer of an existing licence, and any applications to vary a licence in respect of defined categories of sex establishments.
7. There are 3 types of sex establishments which fall into the licensing regime:
 - Sex Shops;
 - Sex Cinemas;
 - Sexual Entertainment Venues.
8. When the decision making powers of the Authority are engaged, each application will be dealt with fairly on its own merits, on a case by case basis. This policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of the application process should an application be made. The Licensing Authority must have regard to this policy as part of their

decision making process, however they are not rigidly bound by it. Should the Licensing Committee choose to depart from this policy, clear and concise reasons for doing so will be provided.

9. Appendix to the policy contain standard conditions which will be applied to the different types of sex establishment which form part of any licence granted.

POLICY DEVELOPMENT AND CONSULTATION DETAILS

10. In developing this policy, the Authority has had regard to the legal requirements of the 1982 Act and the Policing and Crime Act 2009 and its duties under:

- section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
- the Regulators 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
- the Provision of Services Regulations 2009 to ensure requirements are:
 - non-discriminatory,
 - justified by an overriding reason relating to the public interest,
 - proportionate to that public interest objective,
 - clear and unambiguous,
 - objective,
 - made public in advance, and
 - transparent and accessible.

11. Consultation on this policy involved local residents, a wide range of authorities, organisations and representatives. The Council consulted specifically with:

- **TO DETAIL**

12. This policy was agreed by the Licensing Committee at its meeting on <DATE>, and supersedes all other versions of the Policy.

EXEMPTIONS

13. It should be noted that any premises may provide sexual entertainment on eleven occasions within a period of 12 months without a sexual entertainment licence, provided that:

- a. The sexual entertainment does not last for more than 24 hours; and

- b. Sexual entertainment has not been provided at that premises within a period of one month preceding the date of the current entertainment.
14. Premises opting to provide infrequent relevant entertainment under this exemption are reminded that the provisions of the Licensing Act 2003 still apply, and as such premises must ensure that they have obtained the appropriate authorisations under that Act.
15. This exemption does not apply to sex shops or sex cinemas.

APPLICATION PROCESS

16. Applicants should be aware that planning is a separate jurisdiction to licensing. Potential licence applicants should ensure that **appropriate planning permission** is in place prior to submission of an application for a licence.
 17. Premises may be required to hold a Licence under the 1982 Act as a Sex Establishment and also a separate licence under the Licensing Act 2003 (for example for the sale of alcohol and late night refreshment).
 18. The following applications are the only permitted applications in respect of Sex Entertainment Licences:
 - a. The grant of a new licence;
 - b. The renewal of an existing licence;
 - c. The variation of an existing licence; and
 - d. The transfer of a licence.
 19. Applications can be made in the following way:
 - By post/personal service to: The Licensing Team, London Borough of Sutton, Civic Offices, St Nicholas Way, Sutton SM1 1EA
 - Email: licensing@sutton.gov.uk
 - Online: <https://www.sutton.gov.uk/-/sex-establishments>
 20. Application requirements for the grant of a **new licence**
 - Completion of the application form provided by the Authority for this purpose
 - Payment of the current fee
 - Submission of a plan (at 1:50 or 1:100) showing
 - the boundary of the building, including any external and internal walls and, if different, the perimeter of the premises
 - points of access to and egress i.e. doors
 - location of escape routes from the premises
-

- the area within the premises to be used for each licensable activity
- the location of any bars or other areas where alcohol will be sold
- fixed structures including furniture and temporarily fixed objects, such as seating, which may affect escape routes
- location and height of any stage or raised area relative to the floor
- location of any steps, stairs, elevators or lifts
- location of all toilets
- location and type of any fire safety and other safety equipment
- location of a kitchen, if any, on the premises
- Drawings showing the proposed elevation, including sign-writing and advertisements, of any external elevation visible to members of the public.
- Applicants for Sexual Entertainment Venues must also submit a copy of their 'house rules'. Such rules must contain the required conduct of performers, which shall include matters pertaining to the standard conditions of licence. House rules are required by condition of licence, if granted, and may be subject to amendment by the Authority prior to approval.

21. Application requirements for the **renewal of a licence**

- Completion of the application form provided by the Authority for this purpose
- Payment of the current fee

22. Application requirements for the **variation of a licence**

- Completion of the application form provided by the Authority for this purpose
- Payment of the current fee
- Where the variation relates to changes in the layout or external appearance of the premises, submission of a plan or drawing in the format specified in the requirements of applications for a new licence.

ADVERTISEMENT AND NOTIFICATION OF APPLICATIONS

23. Applicants for a sex establishment licence must give public notice of the application by :

- Publishing a notice, in the format specified by the Authority for this purpose, in a local newspaper circulating in the Authorities area no later than 7 days after the date of the application; and

- Displaying a notice, in the format specified by the Authority for this purpose, at the premises for which the licence is required, for 21 days beginning with the day on which the application is made. Where this is not possible due to the nature or the location of the premises, and by agreement with the Licensing Team, a notice may be displayed in a location close to the premises.
24. Notices must be displayed where they can be clearly read by members of the public on the public highway or public right of way. They must be displayed continually for the 21 day period and must not be covered at night by shutters. The notice must not be displayed behind frosted glass, or be obscured by physical objects such as railings or bars.
25. Licensing Officers will undertake regular checks on the display of notices, and in situations where these requirements are not met, shall instruct the applicant/licence holder to advertise their application in the correct manner for a further period of 21 days.
26. On receipt of a valid application the Authority will consult directly with:
- The Metropolitan Police who are a statutory consultee;
 - All other responsible authorities listed under the Licensing Act 2003;
 - Ward Councillors.
27. Authorised Officers from the council, Fire Brigade, and Police Officers may determine that it is necessary to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activity.
28. The Authority will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
29. Applicants for a new licence or transfer of an existing licence may not operate a sex establishment until such time as the Authority has determined their application. If an application is for the renewal of a sex establishment licence, the premises can continue to operate past the licence expiry date; provided that the renewal application has been submitted to the Authority before the licence expires.

APPLICATION FEE

30. The current fees applicable to applications made under the 1982 Act are available on the Council's website

<https://www.sutton.gov.uk/w/sex-establishment-licence-fees>

or from the Council's Licensing Team on request.

31. Fee calculations are reviewed annually against any rise in the costs of administering the licence regime and have been carried out in consideration of the work involved in administering and enforcing the licensing regime.

MAKING OBJECTIONS

32. Any person including residents and businesses are entitled to object to any application for a new, renewal or variation of a licence. Only the police may object to applications for the transfer of a licence and may only do so on the basis of the Mandatory Grounds outlined at paragraph 43, or discretionary grounds (a) and (b) given at paragraph 45 below.
33. Objections must be made in writing (including email) within 28 days from the date the application is made to the Authority. Objections must state the name and full address of the person making the objection.
34. Objections will only be accepted on the basis that they relate to one or more of the grounds set out in paragraph 43 and 45 below, those being the grounds on which a licence can be refused.
35. Any objections received by the Authority which do not relate to these grounds will be deemed invalid and must be rejected by the Licensing Team. Where objections are rejected, the objector will be given written reasons.
36. In addition to individuals, objectors can include residents/tenants associations, community associations and trade organisations. Councillors and Members of Parliament may also raise objections. Councillors may represent those making objections providing they do not also sit on the Licensing Committee.
37. Where an objection is made by a representative body, the objection must be accompanied by evidence that the objection has been formally authorised by the body concerned. For example the minutes of a meeting at which the objection was agreed.
38. Where petitions are submitted, the name and full contact details of the person organising the petition ('lead petitioner') must be provided. This person will be considered responsible for notifying all signatories of the progress of the application, and the details of any Licensing Committee hearing. Lead petitioners are reminded that each page of the petition must be headed with the purpose and grounds of the petition and the date the petition was collected, and that each signatory must provide their name and address. Any signatory who has not provided their name, address or signature will be disregarded and, similarly, the petition will be considered invalid if its purpose/grounds do not appear on each page of the petition.

39. The Authority will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by officers. Where objections are rejected, the objector will be given a written reason.
40. A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
41. Objectors should note that, without their proper written consent, personal details, including their name (and if appropriate the body they represent), will not be revealed to the applicant, in accordance with Paragraph 10 (17) of Schedule 3 to the 1982 Act. Personal details will however be made available to members of the committee formed to determine the application.
42. The application form, any accompanying documents as well as the contents of any objections which are referred to the Licensing Committee for determination will be published in reports that are made publicly available. This published information will be redacted to remove personal details.

DETERMINATION OF APPLICATIONS

43. Applications will be determined by the Licensing Sub-Committee and/or officers in accordance with the Schedule of Delegations outlined at [Annex 1](#).
44. In the event that relevant objections are received in respect of an application, a public hearing will be held in order to determine the application. The procedure followed at the hearing is available upon request, and will be made available in advance to all parties to the hearing.

GROUND FOR REFUSAL

45. The 1982 Act provides the grounds under which an application can be refused. These grounds are divided into those that are mandatory, and those that are discretionary.

MANDATORY GROUNDS

46. The Authority must refuse to grant or transfer a licence to:
- a. A person under the age of 18;
 - b. A person who is for the time being disqualified from holding a licence;
 - c. A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;

- d. A body corporate which is not incorporated in the United Kingdom; and
- e. A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

47. All applications made will be tested against these criteria on receipt, and will be automatically rejected if it is identified that one or more of the tests are failed.

DISCRETIONARY GROUNDS

48. The following grounds, which are outlined in the 1982 Act, are those upon which the Authority will base decisions to refuse an application for the grant, renewal, or transfer of a licence:

- 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 or renewed, 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. That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Authority considers is appropriate for that locality; and
- d. That the grant or renewal of the licence would be inappropriate having regard to: -
 - i. The character of the relevant locality;
 - ii. The use to which any premises in the vicinity are put; or
 - iii. The layout, character or condition of the premises, vehicle, vessel, or stall in respect of which the application is made.

49. Where the applicant is not a body corporate, the Authority will rely upon evidence from the Police on the suitability of the applicant to hold a sex establishment licence.

50. Applicants will be required, in their application, to declare the name of the manager of the premises and whether any part of the profit of the business to which the premises are owned / managed are shared with other parties, be they bodies corporate, incorporate, or individuals. Where applicable sufficient information will be required of individuals to enable the police to undertake suitable checks. Applicants are advised to provide additional information in support of their application in order to satisfy the Authority that their application should not be rejected on the basis of this ground.

51. The Authority has not determined the number of sex establishments which it considers is appropriate in any given locality, preferring instead to make a determination on a case by case basis and in consideration of any objection.
52. The Authority considers that locality should not be a predefined area, but be subject to consideration in respect of each case. In doing so, the Authority will primarily, but not exclusively, consider the locality to be the area which, it could reasonably be said, will be or is likely to be affected by the presence of a sex establishment within it.
53. In making this consideration, the category of sex establishment it is proposed to be provided may also be taken into consideration, together with other such matters as may be considered appropriate in response to objections, or otherwise by the determining committee.
54. The Authority does not propose to determine specific policy in relation to what may be considered inappropriate, and therefore form reasons to refuse a licence under this ground. The definition of the terms 'close' and 'near' are purposefully not defined in this policy and will be subject to determination on a case by case basis, having regard to any objections received.

CONDITIONS

55. The Authority has adopted a set of standard conditions relating to sex entertainment premises, together with specific conditions relating to certain categories of establishment. A copy of these conditions is given at Annex 2 to this policy.
56. Additional conditions may be added in the following circumstances:
- When offered by the applicant as part of the application;
 - Voluntary following recommendations made by any relevant Authority, for example the Police;
 - By the Licensing Committee following receipt of an objection and a hearing.
57. Applicants who wish to be exempt from the requirements of any of the Standard Conditions should state, with full reasons why they should be so exempted, when making an application.

DURATION OF LICENCE

58. Where licences for sex establishments are granted, they will be valid for a period of one calendar year. Applications for the renewal of a licence will only be accepted if made within the last two calendar months of the present licence period of validity.

59. The Authority is empowered by the 1982 Act to revoke a licence at any time during the licence period. Revocation will be considered in the event that the Authority becomes aware that there may be grounds under which any new or renewal application for the same premises would be refused in respect of the mandatory or discretionary grounds.
60. Whilst the Authority is able to consider revocation without request from another party, it will also consider whether revocation of a licence may be necessary following receipt of a written request by any party where that request provides relevant reasons as to why it should be considered.
61. The Authority will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Committee.

APPEALS

62. The right of appeal is restricted in the case of applications made under the 1982 Act. There is no right of appeal to the Magistrates Court in respect of decisions to refuse an application where the decision is made:
- a. In respect of mandatory grounds (unless an applicant can prove the appropriate ground of refusal does not apply to them);
 - b. In respect of discretionary grounds (c) and (d) set out in paragraph 45 above.
63. In these circumstances, the only remedy available to the applicant is that of Judicial Review.
64. There are however grounds of appeal against any decision to refuse that is based upon discretionary grounds (a) or (b), or against the imposition of any conditions applied to the licence. Any appeal must be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision or became aware of the condition(s).
65. Where an appeal is lodged against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to apply until the determination or abandonment of the appeal.

CANCELLATION OF LICENCE

66. The licence-holder may surrender the licence at any time and may request by writing to the Authority that the licence is withdrawn.

67. In accordance with the 1982 Act, in the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked. The representatives must comply with the conditions of the licence and should not be someone who would not normally be granted a licence in their own right.
68. Where the Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, and that no other circumstances make it undesirable, it may extend or further extend the period during which the licence remains in force.

WAIVER

69. The Authority can issue a waiver notice, negating the requirement for a licence under the 1982 Act, where it considers it to be unreasonable or inappropriate to require such a licence. The type of reasons for which premises may be granted a waiver are detailed in the legislation and will depend on the individual circumstances relating to each application. This kind of application will be determined by the Licensing Sub Committee.
70. Applications for a waiver must be made in writing, and must state the reasons why the applicant feels the granting of a sex establishment licence would be unreasonable or inappropriate.
71. The Authority will not grant waivers in order to accommodate late applicants where an application for a licence could have been made in advance.

EQUALITIES

72. The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity, and to foster good relations between persons with different protected characteristics. The duty ensures all forms of equality and applies in respect of all protected characteristics, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
73. In consideration of its wider responsibilities beyond licensing legislation and related guidance, the Authority considers that access to licensed premises and the full range of entertainment provided by a licence should not be denied to anyone who may be disabled. The Authority therefore expects all proprietors of licensed premises to give due consideration to the needs and requirements for access to their premises by disabled or less mobile

customers and to make adequate arrangements to ensure their operations are inclusive in accordance with relevant equality and access legislation.

74. Consideration also needs to be given to conditions that ensure adequate arrangements exist to enable the safe evacuation of disabled customers in the event of an emergency.

ADVICE AND GUIDANCE

75. Officers from the Licensing Team are available to give advice to any person on technical matters of the legislation, including the procedures for making objections and making applications.
76. The Licensing Team must at all times remain impartial in the advice it provides, and as such officers will be unable to advise on the likely success or otherwise of any application or objection.

COMPLIANCE MONITORING AND ENFORCEMENT

77. The Authority will adopt an intelligence led and risk based approach to its monitoring and inspection regime. The Authority also reserves the right to conduct random spot checks from time to time as it sees fit.
78. Sexual Entertainment Venues are also often subject to regulation under other legislation, due to the nature of their operations, and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.
79. The Authority's approach to enforcement is set out in enforcement policies which are available on request.
80. Breach of conditions or legislative requirements may result in formal action being taken by the Authority which can include revocation of, or a decision not to renew, a licence. The Authority may also prosecute in respect of serious offences.

EXCHANGE OF INFORMATION

81. The Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.

DELEGATION OF LICENSING DECISIONS

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Officers
Adoption of a policy on the licensing of sex establishments	All cases		
Application for the grant of a sex establishment licence		If objections are received	If no objections are received
Application for renewal of a sex establishment licence		If objections are received	If no objections are received
Application for variation of a sex establishment licence		If objections are received	If no objections are received
Application for transfer of a sex establishment licence		If objections are received	If no objections are received
Application for a Wavier		In all cases	
To refuse to grant a licence when mandatory grounds apply			In all cases
To revoke a licence		In all cases	

STANDARD CONDITIONS APPLICABLE TO LICENCES

A) GENERAL CONDITIONS APPLICABLE TO ALL PREMISES

Conduct and Management of Sex Establishment

1. Where the licence holder is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change. The licence holder shall furnish the Authority with such details as the Council may require in respect of any new director, secretary or manager within 14 days of a request made in writing by the Authority.
2. The name of the person responsible for the management of the sex establishment, being someone previously notified to the Authority in writing, shall be prominently displayed within the premises throughout the period during which they are responsible for the conduct of the premises.
3. The licence holder shall maintain a register in which shall be recorded the name and addresses of any person employed in the premises, together with details of the dates of their employment and dates worked. The register is to be held on the premises and be available for inspection by the police and authorised officers of the Council on request.
4. The licence holder shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
5. The licence holder shall take such steps as necessary to maintain good order in the premises.
6. No person under the age of 18 shall be admitted to the premises or shall be employed in the business of the establishment.
7. The licence holder shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
8. The licence holder shall ensure that the public are not admitted to any part or parts of the premises other than to those which have been approved by the Council, and are so marked on a plan of the layout of the premises appended to this licence.
9. The licence holder shall ensure that no employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.

External appearance and design

10. No display advertisement or any matter or writing shall be exhibited so as to be visible from outside the premises except: -
 - a. Any notice required to be displayed by law or by any condition of any licence granted by the Council.
 - b. Such display, advertisement or writing as shall have been approved by the Council.
11. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
12. The windows and openings to the premises, shall be of a material or covered with a material which will render the interior of the premises obscured to passersby.
13. External doors shall be closed at all times other than when persons are entering or leaving the premises or unless there is an internal lobby with doors preventing the inside of the premises being viewed from externally.
14. When the premises do not have internal doors an internal screen will be in place so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving.

State, condition and layout of premises

15. The premises shall be maintained in good repair and condition.
16. Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of the time that the premises are open to the public.
17. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council.
18. All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
19. Doors and openings other than exits which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "private".
20. No access shall be permitted through the premises to any other premises adjoining to or adjacent except in the case of emergency.

21. The external doors to the premises shall be fitted with a device to provide for their automatic closure, and such devices shall be maintained in a good working order.
22. The licence holder shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled or have reduced mobility.
23. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

B) ADDITIONAL CONDITIONS APPLICABLE TO SEX SHOPS

24. The sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
25. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.

Goods available

26. All sex articles and other things displayed within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
27. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the premises.
28. On an external facing surface of an inner door there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 "WARNING Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age".
29. No moving picture or display of recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than five minutes for the sole purpose of demonstrating to a prospective purchaser or hirer of the condition of the article in question. Any such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the licence holder to sell or hire such articles.
30. The licence holder shall not make any charge or permit any charge to be made for such a display.

31. The licence holder shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage, for any period of time, on any pavement, footpath, forecourt, garden or yard.
32. A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.
33. The licence holder shall forthwith notify the Council of his ceasing to carry on the business.

C) ADDITIONAL CONDITIONS APPLICABLE TO SEXUAL ENTERTAINMENT VENUES

34. All striptease performers shall be provided with a copy of the premises "house rules" and / or performers code of conduct prior to the commencement of their first performance on any day.
35. Striptease shall only be performed in the area of the club as marked on the plan of the layout of the premises appended to the licence.
36. There shall be no physical contact between customer(s) and the striptease performer except for the placing of money, or items of money's worth, either
 - a. in a garter belt affixed to the performer's thigh,
 - b. or from the customer's hand to the hand of the performer at the beginning or at the conclusion of the performance.
37. A notice stating that there shall be no physical contact between customers and performers shall be clearly displayed at prominent positions throughout the premises and at the entrance.
38. On any day when striptease performances are taking place no performer shall make physical contact with another performer.
39. Striptease performers shall remain standing during a performance of striptease.
40. Striptease performers shall re-clothe at the conclusion of a performance and are to remain clothed whilst acting in the capacity of host or hostess. For the purposes of this condition the dressing in underwear alone is considered to be clothing.
41. A minimum of (insert number) Security Industry Authority (SIA) registered Door Supervisors shall be employed on the premises from (insert time) on

(insert days) until the premises are closed and all members of the public have left the premises.

42. At least <number> of these supervisors shall be located within the room / area where performances are being provided.
43. All door supervisors shall be provided with a copy of the premises "house rules" and / or performers code of conduct at the commencement of their shift, and shall be empowered to ensure that the house rules are complied with.
44. The licence holder is to ensure that prior to employment, all performers provide documents proving that they are over 18 years of age and that they are legally entitled to work in the U.K. A copy of all such documents shall be retained securely on the premises until 6 months after the performer ceases employment. This applies to all performers, including those provided by an agency. All records are to be made available to the authorised officers of the council, police or other enforcement organisation upon request
45. The premises shall operate a closed-circuit television system (CCTV). The CCTV shall cover the whole of the venue including private booths and rooms to ensure the safety and security of performers and other persons within the premises but excluding performers changing areas and toilets.
46. The CCTV system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.
47. The CCTV shall be maintained in effective working order, and shall be in operation at all times the premises are open to the public, with a minimum of one member of staff on duty who can operate the system. All recordings made by the CCTV system shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
48. Viewable copies of the recordings shall be made available on request to police or authorised local authority officers as soon as reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation).
49. The licence holder shall notify the Licensing Authority within 24 hours when they become aware that the closed-circuit television (CCTV) system provided by [*insert details*] is not in operation.

D) ADDITIONAL CONDITIONS APPLICABLE TO SEX CINEMAS

50. No Sex Articles nor other items intended for use in connection with, or the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

51. The Licence Holder shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
52. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
53. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984.
54. The Licence Holder shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
55. The wording "ADULT CINEMA" but no other indication as to the nature of the business carried on at the licensed premises shall be displayed outside the premises.