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1. Application of Policy

1.1 This Policy applies to all forms of sex establishments within the Borough of South Tyneside that is:

- sex shops;
- sex cinemas; and
- sexual entertainment venues.

1.2 This Policy came into force on 14th May 2012 and will be reviewed from time to time as deemed necessary but at least once every 5 year period.

2. Policy Consultees

2.1 In particular the Council consulted with:-

- Northumbria Police;
- Tyne and Wear Fire Authority;
- Members and representatives of the trade (including current premises licence holders under the Licensing Act 2003 who will be affected by this Policy);
- Local businesses/residents and persons representing them;
- Other organisations and individuals locally and nationally with an interest in the regulation of sex establishments.

2.2 The views of all those persons and bodies listed in the Appendix 1 were sought on the draft of this Policy and their comments were given due consideration and weight in preparing the final document.

2.3 In order to provide best practice and consistency, the Council also had regard to the Home Office Guidance, issued in relation to sexual entertainment venues, when preparing this Policy.

3. Administration and Delegation

3.1 In November 1982 the Council's then Licensing Committee proposed the adoption of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") which were accepted by both the Environmental Health Committee and then Full Council on the 22nd November 1982.

3.2 All matters appertaining to the 1982 Act are currently administered by the Council's Regulatory Committee who have delegated responsibility for all licensing functions of the Council which are not within the remit of the "Licensing Committee" which the Council was statutorily required to establish under the Licensing Act 2003 ("the 2003 Act") for the purpose of administering its newly stated functions concerning alcohol, regulated entertainment and late night refreshment licensing from September 2005.

3.3 The Regulatory Committee continues to be responsible for the licensing and administration of sex establishments in the Borough. Officers with delegated authority in relation to the functions of both the Licensing and Regulatory Committees operate in the Council's "Licensing Section".

3.4 For the purpose of speed and efficiency the Regulatory Committee have delegated all of its administrative and non-contentious functions to its Licensing Officers and those matters and the functions which it retains to itself are set out in the table in Appendix 2. Delegation does not preclude any matter being referred to Full Committee for consideration.

4. Regulatory Committee

4.1 The Council's Regulatory Committee is comprised of a membership of 10 to 15 persons but will sit in a sub-committee of 3 members for the purpose of determining any sex establishment licence applications which are contentious and are referred to it for determination.

4.2 Ward Members for the location within which any application is concerned will not sit as members of the sub-committee determining the application and neither will a sub-committee comprise of any members of the Regulatory Committee who have declared an interest in an application in accordance with the rules of Good Governance.

4.3 Unless there are compelling reasons to the contrary the Regulatory Committee or any of its sub-committees will meet in public, although members will retire into private session to consider their decision.

5. Objectives and Principal Considerations of the Policy

5.1 The aim of the Council through this Policy is to permit the licensing of well run sex establishments in appropriate locations within the terms of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) so as to ensure that any premises licensed by it does not contribute directly or indirectly to crime or disorder or to harm to individuals or groups of persons, whether adults or children, or cause a nuisance or nuisances (to be interpreted in the widest sense) to local communities.

5.2 The Council do not, within this Policy, impose a limit on the number, or types of, sex establishment licences that will apply to all or any parts of the Borough of South Tyneside but instead will consider any individual application on its merits at the time the application is made.

5.3 Nevertheless the Council is mindful of the possible concerns that Local Communities often have in regard to applications for sex establishments and in particular the potential for increased crime, anti-social behaviour, noise pollution and general disturbance to residents which can ensue from the location of a single premises or multiple numbers of these types of premises in close proximity to both residential and business properties.

5.4 Accordingly the Council will always have particular regard to the amenity of local residents and businesses when considering an application for a sex establishment licence and generally will not grant a licence for a premises in close proximity to:-

- areas of predominantly residential accommodation, including sheltered housing and vulnerable people;
- all types of educational establishments used primarily by or for children under the age of 16 years;
- religious buildings such as churches, church halls and other places of worship;
- community facilities and public buildings such as a swimming pool, library, leisure centre, public park or other like establishments which are regularly attended by unsupervised young people under the age of 16 years or other vulnerable persons;
- access routes to and from premises and places listed above;
- existing licensed sex establishment premises.

5.5 Terms and conditions upon which licences will be issued will focus on achieving the objectives stated above with reference to:-

- matters within the control of individual licensees;
- the specifc premises and the places used;
- the facility of those premises and places;
- the direct impact of the activity taking place at the licenced premises on public who live, work and carry out normal activity in the area concerned.

5.6 In terms of the premises appearance and layout the Council expects premises to:

- have an external appearance which is in keeping with the locality;
- have no external advertising;
- have adequate lighting to allow monitoring of all public places;
- have effective surveillance of the whole premises by CCTV during times the premises is open to the public.

6. Interaction with the Licensing Act 2003

6.1 Prior to the adoption of the amendments which the Policing and Crime Act 2009 ("the 2009 Act") have made to the 1982 Act it was necessary for any person who conducted, what is commonly referred to as lap-dancing, pole-dancing or other entertainment of a like kind, to obtain a licence for this type of "regulatory entertainment" under the Licensing Act 2003 ("the 2003 Act").

6.2 Schedule 7 to the 2009 Act amends the 2003 Act so that where there is in existence a requirement to obtain a sexual entertainment venue licence then the kind of activity permitted by that Licence is specifically excluded from being regarded as "regulated entertainment" under the 2003 Act and you do not also need a premises licence, club premises certificate or temporary events notice, when the sexual entertainment is taking place, for that activity.

6.3 However, if the premises licensed as a sexual entertainment venue also carries on other licensable activities within the meaning of the 2003 Act (e.g. the sale of alcohol, other types of regulated entertainment or late night refreshment), it will nevertheless continue to require a premises licence, club premises certificate or temporary event notice under the 2003 Act for those other activities, subject to any exceptions contained in the 2003 Act.

6.4 In practice this will mean that the vast majority of lap-dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of what is now referred to as "relevant entertainment" under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment under the Licensing Act 2003.

6.5 Premises which fall under the exception created for infrequent entertainment (see Part B Para 5 below) do not require a sexual entertainment venue licence but will instead need an appropriate authorisation under the 2003 Act for example to cover the performance of dance and/or the playing of recorded or live music whether or not this is accompanying the performance of dance in these circumstances.

6.6 There are transitional arrangements which apply to those persons currently licensed under the 2003 Act who will find themselves required to become licensed under the newly adopted provisions of Schedule 3 of the 1982 Act. The transitional arrangements are referred to in Part D of this Policy.

7. The Human Rights Act 1988

7.1 The Human Rights Act 1988 incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way that is incompatible with a convention right. The Council accepts that in determining applications for Sex Establishments the Regulatory Committee will have regard to the following particular convention rights:-

Article 1, Protocol 1 – that every person is entitled to the peaceful enjoyment of their possessions, including, for example, the possession of a Licence.

Article 6 – that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – that everyone has the right to respect for their home and private life.

Article 10 – that every person is entitled to freedom of expression

8. The Disability Discrimination Act 1995

8.1 The Disability Discrimination Act 1995 introduced measures

- lap dancing;
- pole dancing;
- table dancing;
- strip shows;
- peep shows;
- live sex shows.

4.3 Whilst the above list is not exhaustive ultimately decisions to licence premises as sexual entertainment venues will depend upon the content of the entertainment provided and not the name it is given.

4.4 The terms “display of nudity” and “the organiser” are both defined in Schedule 3 of the 1982 Act (see Appendix 8).

5. Exemptions

5.1 The Council recognise that the following are not sexual entertainment venues, these are:-

- Sex shops and sex cinemas.
- Premises which provide relevant entertainment on an infrequent basis, namely premises where:-

- On line by forwarding the Application and appropriate fee to www.southtyneside.gov.uk.
- By E-mail to licensing@southtyneside.gov.uk. On receipt of the appropriate fee the application will be progressed.

3.6 A public notice of the Application for the grant, renewal or transfer of a Sex Establishment Licence must be given by publishing an advertisement in a local newspaper circulating in the Borough of South Tyneside. The notice must be published no later than seven working days after the Application has been validly submitted to the Council.

and the Council acknowledge that not only can the Police object to an Application, in the same manner as all other persons, but they can uniquely make "observations" which the Council are obliged to take into consideration.

4.3 Any person wishing to object to an Application must give notice in writing to the Council, stating in general terms the grounds of the objection, not later than 28 days after the date of the Application. All objections must be addressed to: The Licensing Section, South Tyneside Council, Town Hall & Civic Offices, Westoe Road, South Shields, NE33 2RL or alternatively may be submitted by electronic means in accordance with paragraph 3.5 above.

4.4 Any petitions shall bear the prayer of that petition on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the Applicant and that they consent to disclosure of their details to the Applicant by putting their name/address on the petition. Each person signing must print their name and address. Each page of the petition should be dated.

4.5 Representations must not be frivolous or vexatious and must not relate to moral grounds as these are outside the scope of the 1982 Act. Decisions of whether objections are frivolous or vexatious are delegated to Officers who will make a determination objectively and not on the basis of any political judgment.

4.6 If a valid objection is received to the grant, renewal or transfer of a Licence the Council will not consider the Application until the Applicant has been given notice in writing of the general terms of the objection received. In giving such notice, the Council acknowledge that all individual objections must remain anonymous and the Licensing Section will not reveal the name or address of the objecting party without that persons consent.

4.7 The Applicant may respond in writing to any objections received against the application.

4.8 Unless the objection relates to the character of the Applicant the Council may seek to mediate between the parties to see if agreement can be reached prior to a Sub-Committee Hearing.

5. Fees

5.1 The fees for applying for the grant, renewal or transfer of a Sex Establishment Licence are detailed at Appendix 6 of this Policy.

5.2 The fees are non-refundable and include the cost of inspection of premises, processing the applications and where appropriate hearings before a Committee or Sub-Committee.

5.3 The fees will be reviewed annually against any rise or reduction in cost of administering the licensing regime.

6. Factors Relevant to Determining Applications for Grant, Renewal or Transfer of Licences

6.1 Under the 1982 Act the Council recognises that they are obliged to refuse any application where:-

(a) the Applicant is under the age of 18 years; or

(b) the Applicant is a person who is disqualified from holding or obtaining a licence under the Act; or

(c) the Applicant is a person who has not been resident in the European Economic Area for the preceding 6 months before the application was made; or

(d) the Applicant is a body corporate which is not incorporated in the European Economic Area; or

(e) the Applicant is a person who has, within a period of 12 months of making an application been refused the grant or renewal of a licence in respect of the premise, vehicle, vessel or stall subject to the application, unless the decision was reversed on appeal.

6.2 The Council recognises that they have discretion as to whether or not to refuse an application for the grant or renewal of a licence on all or any of the following grounds but for only the first two reasons if the application is for a transfer of the licence. The grounds are:-

(a) That the Applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.

(b) That if the licence were 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 a licence if they made the application themselves.

(c) That the number of sex establishments in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the Council consider is appropriate for that locality (bearing in mind that the Act recognises that nil may be an appropriate number for any locality).

(d) That the grant or renewal of the licence would be inappropriate having regard to:-
(i) the character of the relevant locality; or
(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.

6.3 All objections raised in relation to any licensing application should be relevant to the grounds stated above and must not be based on moral grounds or any other values.

6.4 Decisions to refuse licences will be determined at a hearing conducted as set out in Clause 11 below and all decisions will be relevant to one or more of the above grounds.

6.5 Decisions in relation to all applications will take into consideration the following:-

- The Local Government (Miscellaneous Provisions) Act 1982.
- Any Regulations or orders arising from the 1982 Act.
- The Home Office Guidance on sexual entertainment venues or any guidance replacing the same.
- This Statement of Licensing Policy.
- Any other legislation or guidance considered appropriate.

6.6 In granting, renewing or transferring a licence the Council expect that the Regulatory Committee will attach such terms, conditions or restrictions to any licence which they consider appropriate in the particular circumstances.

6.7 In addition to the specific terms, conditions or restrictions imposed on any individual licence application by the Regulatory Committee the Council has prescribed certain standard conditions which will apply generally to all licences for sex establishments granted, renewed or transferred by it. The conditions make different provision for the different types of licences and are set out in Appendix 7 to this Policy.

6.8 Subject to the above considerations the Council expect that:-

- valid applications with no representations will be approved under delegated authority to officers;
- valid applications with representations, recommending conditions be attached to the licence and which are acceptable to both the Applicant and Objectors, can be approved under delegated authority to officers;
- all other valid but contested applications will be referred to the Licensing Committee for determination.

7. Duration of Licences Granted, Renewed or Transferred

7.1 The Council expect that generally all licences will be issued for a period of one year but recognise that, if appropriate, the Regulatory Committee may grant a licence for a shorter period.

7.2 Where the holder of a licence makes an application for its renewal or transfer (with the appropriate fee) before the current licence expires it will be deemed to remain in force until its withdrawal or determination by the Authority. The date of the licence if renewed or transferred will be from the date after the day of expiry of the original licence.

7.3 The Council will cancel any licence at the written request of the holder of the licence.

8. Variation Applications

8.1 The holder of a licence may at any time apply to the Council for variation of any term, condition or restrictions on or subject to which the licence is held and as they specify in the application.

8.2 On receipt of the variation application the Council may:-

- make the variation applied for; or
- make such variation as they think fit; or
- refuse the application.

8.3 Where in the opinion of a Licensing Officer the variation applied for is unlikely to have any material or significant impact on the operation of the licence, the Council expect that the variation will be granted under delegated powers. If the officer considers that there is likely to be a material or significant impact on the operation of the licence the Council direct that the variation will be considered before a hearing of the Regulatory Committee or its Sub-Committee.

9. Revocation of Licences

9.1

11.2 The Sub-Committee will normally consist of 3 members, however no business will be transacted unless at least 2 members are present and the licence holder consents to the matter proceeding on that basis.

11.3 A report will be put before the Regulatory Sub-Committee Members by a Licensing Officer. This report will contain,

This document can be supplied upon application to the licensing authority.

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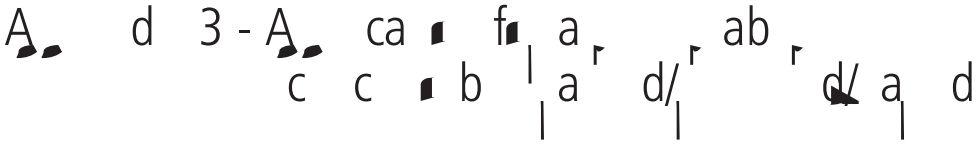
SCHEME OF DELEGATION OF DECISION MAKING AND FUNCTIONS SCHEDULE 3 LOCAL GOVERNMENT (MISCELLANEOUS REVISIONS) ACT 1982, AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009

The Regulatory Committee is responsible for making licensing decisions with sub committees (comprising three members) and officers having delegated powers to make some decisions.

The table below describes how the licensing decisions for sex establishments are made.

Matter to be dealt with	**Decision to be made by**		
	Full Committee	**Sub Committee**	**Officers**
Application for grant renewal or transfer of Sex Establishment Licence		If a relevant objection	If no relevant objection
Application to vary licence		If officer minded to refuse	If officer minded to grant
Application to waive necessity for a licence		If officer minded to refuse	If officer minded to grant
Possible revocation of licence		If holder of licence requests to appear before it	All other cases
Cancellation of licence			All cases
Power to prescribe/amend standard conditions	All cases		
Setting of fees			All cases
All licensing functions in connection with Schedule 3 of the Local Government (Miscellaneous Provisions Act			



Ad 7

THE FOLLOWING REGULATIONS ARE STANDARD CONDITIONS APPLYING TO SEX ESTABLISHMENTS OF THE TYPE STIPULATED, WHICH WERE MADE BY SOUTH TYNESIDE COUNCIL UNDER PARAGRAPH 13(1) OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STANDARD CONDITIONS APPLYING TO SEX SHOPS

Definitions	1. In these Regulations except where the context otherwise requires the following expressions have the following meanings :- (i) "Sex Establishment" "Sex Cinema" "Sex Shop" "Sexual Entertainment Venue" "Sex Article" and (relevant entertainment) have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. (ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a Licence for a Sex Establishment granted under the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 by the Council. (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing. (iv) "Approved" "Accepted" or "Permitted" means approved accepted or permitted by the Council in writing. (v) "South Tyneside Council" or "the Council" means the Council of the Borough of South Tyneside.
General	2. In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions will prevail. 3. The grant of a Licence for a Sex establishment is not to be deemed to convey any approval or consent which is required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
Opening Times of the Premises	4. Except with the previous consent of the Council a Sex Shop must not open on Good Friday or Christmas Day.
Licensed Name	5. The Council at the time of granting the Licence will approve the name, identified in the application form, or such other name as it considers appropriate, which will be the "Licensed Name" by which it is intended the premises will be known. The Licence Holder must ensure that the premises are known solely by that name and by no other, save as provided for in paragraph 6 below. 6. An application in respect of a change of Licensed Name must be made to the Council by way of variation in writing not less than 28 days prior to the proposed change and the Council will have an absolute discretion to allow or refuse the change of name proposed.

Management and Conduct of the Premises	7. The Licence, or a clear copy and any special conditions attached to it, must be displayed at all times in a conspicuous position on the premises so as to be readily and easily seen by all persons using the premises. 8. The Licensee, or some responsible person nominated in writing by the Licensee and of whom details (including name, address, age, sex, criminal convictions and photograph) have been supplied and approved by the Council, is the person in charge of the premises and has personal responsibility for the premises and is responsible at all times the premises are open to the public. Any approved nomination must be continuously available for inspection at the premises by a Police Officer or an Officer authorised in writing by the Council. 9. The person in charge must be conversant with these conditions and must not be engaged on any duties which will prevent them from exercising general supervision and they must be assisted as necessary by suitable adult persons to ensure adequate supervision. 10. A notice showing the name of the person in charge of the premises at the time they are open under the Licence must be conspicuously exhibited in a position where it can easily be seen by customers. 11. The Licensee must ensure that a daily register is maintained recording the name and address of any person who is responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of every person employed in the Sex Establishment. This register must be completed every day within 30 minutes of the premises opening for business and must be available for inspection by the Police and authorised officers of the Council. 12. No person under the age of 18 may be admitted to the premises or be employed in the business of the Sex Establishment. 13. All members of staff must be easily identifiable as such. If required by the Council in writing the Licensee must ensure that during the hours the premises are open for business every employee working in the licensed premises wears a badge of a type approved by the Council indicating their name and status within the premises. 14. The Licensee, any employee or any other person concerned in the conduct or management of the premises must not solicit custom for the Sex Establishment outside or in the vicinity of the premises nor allow the premises to be used by prostitutes. (In this context soliciting includes the distribution of leaflets). 15. 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 must be notified in writing to the Council within fourteen days of such change. Any further information regarding such person as is requested by the Council in writing must also be provided within 14 days of the Council's written request. 16. The Licensee must retain control over all parts of the premises and must not let, licence or part with possession of any part. The Council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licensee's control of the premises. 17. The Licensee must ensure that the public is not admitted to any part of the premises that has not been licensed. 18. The Licensee must maintain good order on the premises and in particular must ensure that none of the following take place:- (a) Indecent behaviour, including sexual intercourse (b) The offer of any sexual or other indecent service for reward (c) Acts of violence against person or property and/or the attempt or threat of such acts

External Appearance of the Premises	19. The external appearance of the premises must be of a colour and a design approved by the Council. 20.

STANDARD CONDITIONS APPLYING TO SEX CINEMAS

Definitions	In these Regulations except where the context otherwise requires the following expressions have the following

Management and Conduct of the Premises	The Licence, or a clear copy and any special conditions attached to it, must be displayed at all times in a conspicuous position on the premises so as to be readily and easily seen by all persons using the premises. 8. The Licensee, or some responsible person nominated in writing by the Licensee and of whom details (including name, address, age, sex, criminal convictions and photograph) have been supplied, and approved by the Council, is the person in charge of the premises and has personal responsibility for the premises and is responsible at all times the premises are open to the public. Any approved nomination must be continuously available for inspection at the premises by a Police Officer or an Officer authorised in writing by the Council. 9. The person in charge must be conversant with these conditions and must not be engaged on any duties which will prevent them from exercising general supervision and they must be assisted as necessary by suitable adult persons to ensure adequate supervision. 10. A notice showing the name of the person in charge of the premises at the time they are open under the Licence must be conspicuously exhibited in a position where it can easily be seen by customers. 11. The Licensee must ensure that a daily register is maintained recording the name and address of any person who is responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of every person employed in the Sex Establishment. This register must be completed every day within 30 minutes of the premises opening for business and must be available for inspection by the Police and authorised officers of the Council. 12. No person under the age of 18 may be admitted to the premises or be employed in the business of the Sex Establishment. 13. All members of staff must be easily identifiable as such. If required by the Council in writing the Licensee must ensure that during the hours the premises are open for business every employee working in the licensed premises wears a badge of a type approved by the Council indicating their name and status within the premises. 14. The Licensee, any employee or any other person concerned in the conduct or management of the premises must not solicit custom for the Sex Establishment outside or in the vicinity of the premises nor allow the premises to be used by prostitutes. (In this context soliciting includes the distribution of leaflets). 15. 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 must be notified in writing to the Council within fourteen days of such change. Any further information regarding such person as is requested by the Council in writing must also be provided within 14 days of the Council's written request. 16. The Licensee must retain control over all parts of the premises and must not let, licence or part with possession of any part. The Council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the Licensee's control of the premises. 17. The Licensee must ensure that the public is not admitted to any part of the premises that has not been licensed. 18. The Licensee must maintain good order on the premises and in particular must ensure that none of the following take place:- (a) Indecent behaviour, including sexual intercourse (b) The offer of any sexual or other indecent service for reward (c)

Management and Conduct of the Premises	7. The Licence or a clear copy and any special conditions attached to it must be displayed at all times in a conspicuous position on the premises so as to be readily and easily seen by all persons using the premises. 8. The Licensee, or some responsible person nominated in writing by the Licensee and of whom details (including name, address, age, sex, criminal convictions and photograph) have been supplied, and approved by the Council, is the person in charge of the premises and has personal responsibility for the premises and is responsible at all times the premises are open to the public. Any approved nomination must be continuously available for inspection at the premises by a Police Officer or an Officer authorised in writing by the Council. 9. The person in charge must be conversant with these conditions and must not be engaged on any duties which will prevent them from exercising general supervision and they must be assisted as necessary by suitable adult persons to ensure adequate supervision. 10. A notice showing the name of a person in charge of the premises at the time they are open under the Licence must be conspicuously exhibited in a position where it can easily be seen by customers. 11. The Licensee must ensure that a daily register is maintained recording the name and address of any person who is responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of every person employed in the Sex Establishment. This register must be completed every day within 30 minutes of the premises opening for business and must be available for inspection by the Police and authorised officers of the Council. 12. No person under the age of 18 may be admitted to the premises or be employed in the business of the Sex Establishment. 13. All members of staff must be easily identifiable as such. If required by the Council in writing the Licensee must ensure that during the hours the premises are open for business every employee working in the licensed premises wears a badge of a type approved by the Council indicating their name and status within the premises. 14. 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 must be notified in writing to the Council within fourteen days of such change. Any further information regarding such person as is requested by the Council in writing must also be provided within 14 days of the Council's written request. 15. The Licensee must retain control over all parts of the premises and must not let, licence or part with possession of any part. The Council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event lm0All uest.

Change of Use	36. No change of use of all or any portion of the premises from that approved by the Council can be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this means that the premises may not be changed from one type of sex establishment (eg a sex entertainment venue) into any other class of sex establishment (e.g. a sex cinema or a sex shop).
Performances	37. There must be no physical contact between customers and entertainers during a performance except for the placing of gratuities into the hand of a performer at the beginning or end of a performance. 38. Where relevant a price list must be displayed in a prominent position giving the price and time allowed for a dance routine which may be requested by a customer. 39. Performances must only take place in the allocated areas as identified on the Licence or as may be agreed in writing with the Council. 40. The Licensee must ensure a sufficient number of SIA registered security staff are employed at the premise whilst relevant entertainment is provided to supervise the performers and customers. 41. The Licensee must ensure that performance of a nude table dance does not take place except in a supervised area or within 5 metres of a supervising member of staff. 42. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982. 43. Only the performers may provide the entertainment. No audience participation is permitted. 44. The Licensee must ensure that during the performance of a table dance:- (a) Customers are seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance. (b) Customers remain seated during the entire performance of the dance. (c) For the purpose of restraint only performers may only touch a customer above the customer's chest with their hands only. (d) Performers must not sit or straddle the customer. (e) Performers must not place their feet on the seats. 45. The Licensee must ensure that during all performances to which this Licence relates:- (a) Performers do not perform any act that clearly stimulates any sexual act. (b) Performers do not: • intentionally touch a customer at any time during the performance • approach closer than 30 cm (12 inches) from any patron • part their legs • climb onto furniture provided for patrons. (c) Performers do not use inappropriate suggestive or sexually graphic language at any time. (d) Performers do not intentionally touch the genitals or breasts of another dancer or knowingly permit another dancer to intentionally touch their genitals or breasts. (e) Performers do 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. (f) Performers only perform nude or semi nude dancing (of any description) within areas specified by the Council.

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DEFINITIONS OF TERMS FROM SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

The following terms, from the above legislation, are used with the same meaning in this Policy:-

"Sex Establishment"	means a sex cinema, sex shop or sexual entertainment venue
"Sexual Entertainment Venue"	means any premises at which, "relevant entertainment" is provided before a live audience for the financial gain of the organiser or entertainer.
"Relevant Entertainment"	means any live performance, or any 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).
"Audience"	includes an audience of one.
"Display of nudity"	means in the case of a woman, exposure of her nipples, pubic area, genitals or anus and in the case of a man, exposure of his pubic area, genitals or anus.
"Organiser"	in relation to the provision of relevant entertainment at premises means any person who is responsible for the organisation or management of the relevant entertainment, or the premises.
"Premises"	includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
"Sex Cinema"	means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, or 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, but does not include a dwelling house to which the public is not admitted.
"Sex Shop"	means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles, or other things intended for use in connection with or for the purpose of stimulating or encouraging sexual activity, or acts of force or restraint which are associated with sexual activity.
"Sex Article"	means 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 to any article containing or embodying matter to be read or looked at or anything intended to be used either alone or as one of a set, for the reproduction or manufacture of such article and to any recording of vision or sound, concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity, or is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs, or urinary or excretory functions.
"Appropriate Authority"	means in relation to any area for which a resolution has been passed under section 2 of Schedule 3 of the 1982 Act, the local authority who passed it.
"Chief Officer of Police"	in relation to any locality, means the Chief Officer of Police for the police area in which the locality is situated.
"Vessel"	includes any ship, boat, raft, hovercraft or other apparatus constructed or adapted for floating on water.
"Standard Conditions"	means the terms conditions and restrictions on or subject to which sex establishment licences are granted renewed or transferred by the appropriate authority, as prescribed by regulation by them (see Appendix 7)

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If you know someone who would like this information in a different format contact the communications team on 0191 424 7385

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