



SOUTH DERBYSHIRE DISTRICT COUNCIL

Sex Establishments and Sexual Entertainment Venue Policy

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

Policing and Crime Act 2009

Version 1: #

1. INTRODUCTION

- 1.1 This Policy sets out how South Derbyshire District Council intends to administer the licensing scheme for sex establishments including sexual entertainment venues.
- 1.2 In developing this Policy, the Council has undertaken consultation with the groups set out below:
- Members of the Council;
 - Parish Councils;
 - Derbyshire Constabulary;
 - Trading Standards;
 - Fire Authority;
 - Environmental Health Department;
 - Planning and Building Control Departments;
 - East Midlands Chamber;
 - Economic Development Department.
- 1.3 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the '1982 Act') gives local authorities power to regulate sex establishments which include sex cinemas and sex shops. The Policing and Crime Act 2009 (the '2009 Act') came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities to power to regulate such venues as sex establishments under the 1982 Act.
- 1.4 This Licensing Authority adopted Schedule 3 of the 1982 Act on 1st March 1983 but adoption was reaffirmed to include sexual entertainment venues on #.

2. AIMS

- 2.1 This Policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the community, applicants and other relevant organisations.
- 2.2 The Policy also includes standard conditions for the different types of sex establishments that will be attached to any licence granted.
- 2.3 This Policy aims to ensure that the licensing regime in relation to sex establishments promotes the:
- licensing of premises which are suitable for the activity which it is intended to carry on there;
 - proper management of premises so as to protect the public and persons employed;
 - management of the premises by persons who are fit and proper and that the business is not run for the benefit of an unsuitable third party;
 - licensing of premises in a location of suitable character;
 - licensing of an appropriate number of premises in specific locations;
 - licensing of premises which do not adversely affect other neighbouring premises;
 - licensing of premises which do not detract from the image of the District or reduce the potential for successful regeneration;
 - licensing of premises with an external appearance which is appropriate given the locality in which they are situated.

3. SEX CINEMAS AND SHOPS

- 3.1 The legislation defines a 'sex cinema' as '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, acts of force or restraint which are associated with sexual activity or genital organs or urinary or excretory functions.' This will not include a dwelling house to which the public are not admitted.
- 3.2 The legislation defines a 'sex shop' 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 (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.' Typically, this will include the sale or hiring of magazines, videos, sex toys and fetish/fantasy articles.
- 3.3 The legislation defines 'sex articles' as 'anything made 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; and anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies (a) 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 any such article; and (b) to any recording vision or sound, which (i) is 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 (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.'
- 3.4 Due to the inclusion of the words 'significant degree' in the definition of sex shops, this means that shops can sell a small proportion of sex articles without needing a licence. It will for the Licensing Authority to decide what constitutes 'significant degree' and will consider the following:
- The ratio of sex articles to other aspects of the business;
 - The absolute quantity of sales;
 - The character of the remainder of the business;
 - The nature of the displays in the business;
 - Turnover;
 - Other factors which appear to be materially relevant.

4. SEXUAL ENTERTAINMENT VENUES

- 4.1 The 2009 Act came into force on 6th April 2010 and section 27 reclassified lap dancing clubs and similar venues as sexual entertainment venues giving local authorities the power to regulate such venues as sex establishments under the 1982 Act.
- 4.2 The purpose of the 2009 Act was to give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.

- 4.3 A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'.
- 4.4 Relevant entertainment is defined as '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 (whether verbal or other means)'.
- 4.5 A premises includes any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.
- 4.6 Audience includes an audience of one.
- 4.7 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 and anus.
- 4.8 This Licensing Authority determines that these definitions will apply to the following forms of entertainment:
- Lap dancing;
 - Pole dancing;
 - Table dancing;
 - Strip shows;
 - Peep shows;
 - Live sex shows.
- 4.9 Premises that are not sexual entertainment venues include:
- Sex shops and cinemas;
 - Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has lasted for more than 24 hours; and
 - c) no such occasion has begun within a period of one month beginning with the end of the previous occasions;
 - Any premises or types of performances or displays exempted by an order of the Secretary of State.

5. GENERAL PRINCIPLES

- 5.1 A licence must not be granted:
- To a person under the age of 18;
 - 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;
 - To a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State, or was not so resident throughout the period of 6 months immediately preceding the date when the application was made;
 - To a body incorporate which is not incorporated in an EEA State; or

- 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.

5.2 The 1982 Act allows the Licensing Authority to waive the requirement for a licence if it is deemed unreasonable or inappropriate to require a licence. This Licensing Authority does not consider that it would be appropriate to grant any such waivers except in exceptional circumstances namely to allow a temporary re-location of a business following damage to licensed premises.

6. APPLICATION PROCEDURE

6.1 Applications are to be made in writing on the Council's application form together with the fee, a sufficient plan of the premises to be licensed and basic criminal record certificate for every person named on the application. Documents confirming the identities of all people included on the application form will be required. Two pieces of identification will be required; one must be photographic ID and the other must confirm the address of the person. Passport and/or driving licences are accepted.

6.2 In the cases of sexual entertainment venues, the plan must outline the area that relevant entertainment will take place.

6.3 Applicants must, at the time of submission of a grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are open for business in order to ensure that the exterior design of the premises shall be such so that the interior of the premises is invisible to passers-by.

6.4 The applicant must send a copy of the application to the Chief Officer of Police not later than 7 days after the date of the application. If the application is submitted electronically, the Licensing Authority will be responsible for sending a copy of the application to the Chief Officer of Police within 7 days. On receipt of the application, the Licensing Authority will also consult with the Planning Department, Environmental Health Department, Fire Authority and ward and parish councillors. The Licensing Authority will publish a copy of the application on the Council's website.

6.5 To advertise the application, the applicant is required to:

- display a notice on or near the premises subject to the application, where it can be conveniently read by the public, for a period of 21 days beginning with the date of the application; and
- publish a public notice in a local newspaper, no later than 7 days after the application is made, publicising the application.

A copy of the public notice, including the date of publication and name of the newspaper, is to be provided to the Licensing Authority. The public notice is prescribed by the Licensing Authority. It is preferred that the public notice is published in the Burton Mail or Derby Telegraph.

6.6 If the application is for the renewal of a licence, the premises can continue to operate past the expiry date of the licence provided that the renewal application has been submitted to the Licensing Authority before the expiry of the licence.

7. REPRESENTATIONS

- 7.1 There will be a 28 days representation period starting from the first working day after the application is accepted by the Licensing Authority for any persons to raise objections to the grant of the application. Representations must be submitted in writing to the Licensing Authority within the 28 days period and state the grounds on which the representation is made.
- 7.2 Persons making representations can include residents/tenants associations, community associations and trade associations, businesses or any member of the public. Councillors and the MP may also make a representation.
- 7.3 Any representations made should not be based on moral grounds or values as these will not be considered. Any representations should be limited to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act as detailed in paragraph 8.5 below. Any representations received that are not relevant to the statutory grounds will not be considered by the Licensing Authority.
- 7.4 If any representations are received, the Licensing Authority will provide the grounds of the objection to the applicant prior to the determination of the application. The Licensing Authority will not consider any representation that does not contain the name and address of the person making the representation. However, the name and address will not be revealed to the applicant unless the person making the representation consents to their details being disclosed.
- 7.5 The Licensing Authority does have the discretion to consider representations received after the expiry of the 28 days period but this will be assessed on a case by case basis. The applicant will be given the opportunity to deal with any late representations accepted by the Licensing Authority.

8. DETERMINATION OF APPLICATIONS

- 8.1 Following the expiry of the representation period, the application will be considered by the Licensing and Appeals Sub-Committee who will determine the application on its own individual merits. The hearing procedure in place to determine applications under the Licensing Act 2003 will be followed in determining sex establishment applications.
- 8.2 Persons who have made representations about the application will be entitled to speak at the hearing as well as the applicant.
- 8.3 The Licensing and Appeals Sub-Committee will take into account the written representations from people including those who do not wish to attend the hearing.
- 8.4 When determining the application, the Licensing and Appeals Sub-Committee can either grant the application or refuse to grant. If the decision is to grant the application, the licence will be granted for one year and the relevant standard conditions will be attached to the licence unless they have been expressly excluded or varied. Additional conditions may be imposed on a licence if the Licensing and Appeals Sub-Committee decides that this is required. The standard conditions can be found at Appendix 1 of this Policy.
- 8.5 Paragraph 12 of Schedule 3 of the 1982 Act sets out the grounds for refusing an application which are:

- The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - 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;
 - The number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality;
 - That the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.6 In determining the application, the Licensing Authority must 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 of Human Rights.
- 8.7 Any decision to refuse a licence must be relevant to one or more of the above grounds. Full reasons for the refusal of the application will be provided to the applicant within 7 days of the date of the Licensing and Appeals Sub-Committee.
- 8.8 In determining the application, the Licensing Committee is likely to take into account the following matters:
- The proximity and position of the premises in relation to any schools, or other establishments for the education, training or care of young persons;
 - The proximity and position of the premises in relation to leisure centres used for sporting and similar activities, parks and play areas;
 - The proximity and position of the premises in relation to any youth club or similar establishment;
 - The proximity and position of the premises in relation to any residential dwellings and any residential and sheltered accommodation;
 - The proximity and position of the premises in relation to any establishments for religious worship;
 - The proximity and position of the premises in relation to community centres and similar establishments;
 - The general nature and character of the locality;
 - The number of any licensed sex establishments already in the locality and what maximum number of such establishments might be permitted in the locality.
- This list is intended for guidance only and does not restrict the Licensing and Appeals Sub-Committee from taking into account any other matters which it considers relevant to the application.
- 8.9 The Licensing Committee will also consider the suitability of the applicant and may refuse an application if it considers that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason.
- 8.10 When determining whether the applicant is suitable, the Licensing Committee will give consideration as to whether the applicant:
- Is honest;

- Has any relevant convictions detailed on their criminal record certificate;
- Has sufficient appropriate experience of running a sex establishment;
- Understands the conditions that will be attached to the licence;
- That the operator is proposing a credible management structure and operating plan that will ensure compliance with all conditions and legal requirements;
- Can be relied upon to protect the public;
- Does not operate as an agency for unsuitable controllers or beneficiaries.

8.11 This Licensing Authority will treat each case on its own merits but it is unlikely to approve applications for sex establishments in areas that are predominately residential or close to 'sensitive premises' such as schools or places of worship.

8.12 Any appeal must be made to the local Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision. The decision notice will detail the appeal process. A right of appeal against a refusal of an application is only permitted on the first two grounds detailed at paragraph 8.5 above.

9. TRANSFER OF LICENCES

9.1 A licence can be transferred to one person/company to another. An application form, fee and basic criminal record check is required for every person named on the application form.

9.2 The applicant must send a copy of the application to the Chief Officer of Police not later than 7 days after the date of the application. If the application is submitted electronically, the Licensing Authority will be responsible for sending a copy of the application to the Chief Officer of Police within 7 days. On receipt of the application, the Licensing Authority will also consult with the Planning Department, Environmental Health Department, Fire Authority and ward and parish councillors. The Licensing Authority will publish a copy of the application on the Council's website.

9.3 The application must be advertised by the applicant in the same way as a grant or renewal application. Details of the advertisement requirements can be found at paragraph 6.5.

9.4 Representations can be made for a period of 28 days. Representations must state the grounds on which the representation is made.

9.5 The application will be determined by the Licensing and Appeals Sub-Committee. The Licensing and Appeals Sub-Committee will determine the application in line with the details provided at paragraph 8.

9.6 If the application for the transfer of the licence is made before the date of the expiry of the licence, the premises can continue to operate with any necessary modifications whilst the application is being determined.

10. VARIATION OF LICENCES

10.1 The licence holder may at any time apply for the variation of the licence. A variation can relate to the terms, conditions or restrictions on the licence. The application procedure for the variation is the same as a grant application.

10.2 In determining a variation application, the Licensing Authority may grant the variation application, make such variations as they think fit or refuse the application. The

Licensing Authority may determine to impose addition terms, conditions and restrictions on the licence. The Licensing Authority will determine each application on its own merits.

11. CHANGES TO LICENCES

- 11.1 Any changes to the company directors, company secretary and/or management of the licence holder must be notified to the Licensing Authority in writing within 14 days of the change. A basic criminal record certificate will be required for every new person. A fee is payable.
- 11.2 Any changes to the plan of the premises must be notified to the Licensing Authority before any changes. Changes will include alterations to the interior and exterior of the premises. The request must be made in writing with the proposed changes. A fee is payable.

12. REVOCATION OF LICENCES

- 12.1 A sex establishment licence may be revoked by the Licensing Authority in relation to any of the reasons set out in paragraph 8.5 above.
- 12.2 Where a local resident, a person with interest in a business in the vicinity of the premises, a police officer or an officer of the District Council considers that any of the grounds referred to above are relevant, they may request that the Licensing Authority considers revocation of the licence.
- 12.3 Before revoking a licence for a sex establishment, the Licensing Authority will hold a hearing to consider the matter. At the Licensing and Appeals Sub-Committee, the holder of the licence and any person who has requested revocation of the licence will be entitled to be heard.
- 12.4 Full reasons for the decision made by the Licensing and Appeals Sub-Committee will be provided to the applicant within 7 days of the date of the hearing.
- 12.5 If the licence is revoked then the licence holder will be disqualified from holding or obtaining a licence in the District for a period of 12 months beginning with the date of revocation.

13. FEES

- 13.1 The appropriate fee for an application can be found on the Council's website. The application fee must be paid in full at the time of submission of the application.

14. THE PROVISIONS OF SERVICES REGULATIONS 2009

- 14.1 The Provision of Services Regulations 2009 requires that applications are processed as quickly as possible and within a reasonable period. The Licensing Authority aims to deal with applications within a period of 3 calendar months from the date of application to allow for consultation, consideration of any representations, preparation of documents for a hearing, arrangement of a hearing and determination of an application at hearing.
- 14.2 The Regulations also specify that in the event of a failure to process the application within the period set or extended in accordance with the preceding provisions of this regulation, authorisation is deemed to have been granted by a competent authority.

The Licensing Authority considers that it would not be in the public interest for applications of sex establishments to be deemed granted due to the potential impact on communities and because persons who wish to make representations would be denied the opportunity to have their representations considered. If the application cannot be dealt with within 3 calendar months, the Licensing Authority will notify the applicant of the reason for this and give a revised deadline by which it intends to have determined the application.

15. EQUALITY ACT 2010

15.1 This Act legally protects people from discrimination in the workplace and wider society. This includes the Public Sector Equality Duty (PSED) which means that the Licensing Authority must thoroughly consider, in the discharge of its licensing functions, the need to:

- Promote equality of opportunity;
- Eliminate unlawful discrimination, harassment and victimisation; and
- Promote good relations.

This applies to this Policy and to the consideration and determination of applications for sex establishments.

15.2 It is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the services between different equality groups, save for those under 18.

16. EXCHANGE OF INFORMATION

16.1 The Licensing 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 persons to fulfil its statutory objective of reducing crime in the area.

17. CONTACT DETAILS

17.1 Anybody wishing to contact the Licensing Authority with regard to this Policy can do so as follows:

In writing to Licensing Department:

South Derbyshire District Council
Civic Way
Swadlincote
Derbyshire
DE11 0AH

By email: licensing@south-derbys.gov.uk
By telephone: 01283 595716/890

DOCUMENT HISTORY

Issue 1 – August 2018



**South
Derbyshire**
District Council

Appendix 1

South Derbyshire District Council

Local Government (Miscellaneous Provisions) Act 1982

Standard Conditions for Licences for Sex Shops and Sex Cinemas

1. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence or a certified copy shall be available for inspection by the Police and by an Authorised Officer of the Council.
2. The premises shall not be used under the terms of the licence unless until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.
3. The licence holder, or appointed deputy, shall be on duty at the premises at all times that the premises are open for business to exercise general supervision and control of the premises.
4. The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holder's absence and the names and addresses of all other persons employed in the premises. The register is to be completed each day within 30 minutes of the premises being opened for business and be updated as additional staff arrive. The register shall be made available for inspection by the Police and by an Authorised Officer of the Council.
5. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. The name of the person responsible for the management of the premises, whether the licence holder or the appointed deputy, shall be prominently displayed within the premises throughout the period during which they are responsible for the conduct of the premises.
7. The licence holder shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The licence holder shall notify the Council within 7 days in the event that any part of the premises is affected by the termination of a lease or other event affecting the licence holder's control of the premises.

8. The licence holder shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.
9. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside or in the locality of the premises.
10. All members of staff shall wear appropriate identification whilst on duty on the premises indicating that they are members of staff.
11. The premises shall not, without written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday to Saturday – 9am to 6pm
Sunday – 11am to 4pm
12. The premises shall not, without written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day, Easter Sunday or Good Friday.
13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
14. No sex articles or other things intended for use in connection with, or for the purposes of stimulating or encouraging sexual activity or acts of force or restraint which are association with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. All sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged.
17. All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a prominent position within the premises.
18. No film or video recording (or computer game or other formats capable of storing readable/viewable material) 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.
19. No person under the age of 18 shall be admitted to any part of the premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
20. The licence holder shall adopt the Challenge 25 policy on admissions and there shall be adequate, documented training for staff on its implementation. The training shall be repeated every 12 months, in order to retain focus, and records of the training shall be provided on request to the Police and an Authorised Officer of the Council.

21. Under the Challenge 25 policy, identification shall be required of anyone who appears to be under 25. Photographic identification is required. Current passport, driving licence or the PASS card shall only be accepted. Entry shall be refused to any person failing to provide the relevant identification.
22. No person under the age of 18 shall be employed at the premises. The licence holder shall maintain adequate records of the names, address and date of birth of each member of staff. The licence holder shall carry out an identification check of the information provided.
23. The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.
24. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
26. No items shall be stored on the premises so that they can be viewed from any external window or door.
27. Alterations or additions, either internal or external, shall not be made to the premises without prior consent from the Council.
28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (i) the licensed name of the premises unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern;
 - (ii) the warning notice required to be displayed by condition 29 below;
 - (iii) a notice stating the opening hours of the premises;
 - (iv) The wording 'PRIVATE SHOP' or 'ADULT SHOP' but no other indication as to the nature of the business carried on at the premises.
29. The licence holder shall prominently display a notice at the entrance to the premises with the title 'Warning' and the following wording:

'Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age'.
30. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the premises or in the vicinity of the premises.
31. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

32. The licence holder shall take all reasonable precautions for the safety of the public and employees.
33. All areas of the premises, externally and internally, must be adequately monitored by either security staff or CCTV to ensure that the licence conditions are complied with.
34. CCTV shall be installed and maintained in accordance with the following:
- CCTV shall be of a type to be approved by the Council. The CCTV shall be professionally installed to the satisfaction of the Council and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - A minimum of one camera shall be fitted to each public entrance and exit.
 - Lighting in the inside and the outside of the premises shall be of sufficient brightness to enable camera images to be recorded to the required quality.
 - All recordings shall be retained for a period of 28 days with date and time stamping and shall be made available to the Police or an Authorised Officer of the Council on reasonable request. Failure to comply with a request shall be regarded as a serious breach of this condition.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member shall be able to show, the Police or Authorised Officer of the Council, recent date and footage with the absolute minimum of delay on reasonable request.
 - The CCTV system must be maintained and checked every 12 months to ensure that the system is operating correctly. Confirmation of the maintenance should be obtained to confirm that the system is fully functional and meets the specified requirements.
35. The licence holder, or appointed deputy, shall be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen or misplaced. This shall include a backup system to ensure that there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
36. In the event of a malfunction of the CCTV system, the licence holder shall notify the Council and the Police immediately. Details of such malfunction shall be recorded in the premises' incident book. Arrangements for its repair must be made without

delay. The Council and Police must be notified when the operation of the system is restored.

37. Only door supervisors who hold a valid relevant licence issued by the Security Industry Authority (SIA) shall be employed.

DRAFT



**South
Derbyshire
District Council**

South Derbyshire District Council

Local Government (Miscellaneous Provisions) Act 1982

Standard Conditions for Licences for Sexual Entertainment Venues

1. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises. The licence or a certified copy shall be available for inspection by the Police, or an Authorised Officer of the Council.
2. The premises shall not be used under the terms of the licence unless until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.
3. The licence holder, or appointed deputy, shall be on duty at the premises at all times that the premises are open for business to exercise general supervision and control of the premises.
4. The licence holder shall maintain a daily register in which shall be recorded the name and address of any person who is made responsible for managing the premises in the licence holder's absence and the names and addresses of all other persons employed in the premises, including entertainers, door supervisors and security staff. The register is to be completed each day within 30 minutes of the premises being opened for business and be updated as additional staff arrive. The register shall be made available for inspection by the Police and by an Authorised Officer of the Council.
5. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. The name of the person responsible for the management of the premises, whether the licence holder or the appointed deputy, shall be prominently displayed within the premises throughout the period during which they are responsible for the conduct of the premises.
7. The licence holder shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The licence holder shall notify the Council within 7 days in the event that any part of the premises is affected by the

termination of a lease or other event affecting the licence holder's control of the premises.

8. The licence holder shall ensure that the public is not admitted to any part of the premises that has not been licensed.
9. There must be no activities designed to obtain custom by means of personal solicitation, touting or distribution of printed matter anywhere outside or in the locality of the premises.
10. The licence holder shall take all reasonable precautions for the safety of the public and employees.
11. The licence holder shall ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the premises to ensure that the conditions of licence are complied with, in particular the no touching conditions and to ensure the safety of performers.
12. No person under the age of 18 shall be admitted to any part of the premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
13. The licence holder shall adopt the Challenge 25 policy on admissions and there shall be adequate, documented training for staff on its implementation. The training shall be repeated every 12 months, in order to retain focus, and records of the training shall be provided on request to the Police and an Authorised Officer of the Council.
14. Under the Challenge 25 policy, identification shall be required of anyone who appears to be under 25. Photographic identification is required. Current passport, driving licence or the PASS card shall only be accepted. Entry shall be refused to any person failing to provide the relevant identification.
15. No person under the age of 18 shall be employed at the premises. The licence holder shall maintain adequate records of the names, address and date of birth of each member of staff. The licence holder shall carry out an identification check of the information provided.
16. All areas of the premises, externally and internally including private booths, must be adequately monitored by either security staff or CCTV to ensure that the licence conditions are complied with and to ensure that safety and security of performers and other persons within the premises.
17. CCTV shall be installed and maintained in accordance with the following:
 - CCTV shall be of a type to be approved by the Council. The CCTV shall be professionally installed to the satisfaction of the Council and be capable of consistently producing pictures clearly showing the identity of persons frequenting the premises and in the vicinity of the premises. The CCTV shall operate continuously during the permitted hours.
 - A minimum of one camera shall be fitted to each public entrance and exit.

- Lighting in the inside and the outside of the premises shall be of sufficient brightness to enable camera images to be recorded to the required quality.
 - All recordings shall be retained for a period of 28 days with date and time stamping and shall be made available to the Police or an Authorised Officer of the Council on reasonable request. Failure to comply with a request shall be regarded as a serious breach of this condition.
 - Notices shall be clearly displayed inside the premises indicating that a CCTV system is in operation.
 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member shall be able to show, the Police or Authorised Officer of the Council, recent date and footage with the absolute minimum of delay on reasonable request.
 - The CCTV system must be maintained and checked every 12 months to ensure that the system is operating correctly. Confirmation of the maintenance should be obtained to confirm that the system is fully functional and meets the specified requirements.
18. The licence holder, or appointed deputy, shall be able to demonstrate that they operate a recording management system that prevents recordings being tampered with, stolen or misplaced. This shall include a backup system to ensure that there is no failure to record. Recording equipment shall be housed in a secure room/cabinet where access and operation is strictly limited to authorised persons.
 19. In the event of a malfunction of the CCTV system, the licence holder shall notify the Council and the Police immediately. Details of such malfunction shall be recorded in the premises' incident book. Arrangements for its repair must be made without delay. The Council and Police must be notified when the operation of the system is restored.
 20. Only door supervisors who hold a valid relevant licence issued by the Security Industry Authority (SIA) shall be employed.
 21. The licence holder shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the premises in any unlawful manner.
 22. Where the Council have given notice in writing to the licence holder objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

23. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.
24. No change from a sex entertainment venue to either a sex cinema or a sex shop (including a mail-order shop), or a sex shop to either a sex cinema or sex entertainment venue, or from a sex cinema to either a sex shop or sex entertainment venue, shall be made without the approval of the Council.
25. No 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 shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue.
26. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
27. The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the premises, with the exclusion of door supervisors.
28. The licence holder shall not permit the display outside of the premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the premises.
29. External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
30. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
31. Alterations or additions, either internal or external, shall not be made to the premises without prior consent from the Council.
32. No fastenings of any description shall be fitted upon any room used for relevant entertainment.
33. A secure changing room shall be made available for performers. The door to the changing room shall be locked using a combination lock. The changing room shall be provided with suitable refreshment facilities for performers including a supply of drinking water. No members of the public shall be allowed in the changing room at any time.
34. There shall be an adequate separation between stage areas and the audience and the performer shall be able to leave the stage area without the need to walk through the audience.
35. Routine monitoring shall be carried out to ensure that drugs are not being used by performers. Written records shall be retained of all monitoring to be carried out.
36. The licence holder shall arrange for performers to be escorted by security staff from the premises to the performer's vehicle or secure transport at the end of their shift.

37. The licence holder shall adopt and implement a code of conduct for performers, a code of conduct for customers and a formal complaints procedure.
38. Performers shall only perform on the stage area, or to seated customers, or in such other areas of the premises as specified on the licence.
39. There must be no displays of nudity except during performances in areas specified on the licence.
40. There must be no exchange of personal information or contact details between performers and members of the public.
41. The following shall not be allowed as part of any performance on the premises:
- Any physical contact between a performers and a member of the audience (other than brief incidental contact of hands during payment);
 - Any physical contact between performers;
 - The use of sex toys or other props, other than clothing;
 - Audience participation;
 - Photography or video recording;
 - Mixed gender performances;
 - The performance or simulation of any sex act or masturbation;
 - Straddling of a member of the audience by a performer.
42. Any departure from the above condition must be agreed in writing with the Council before any departure takes place.