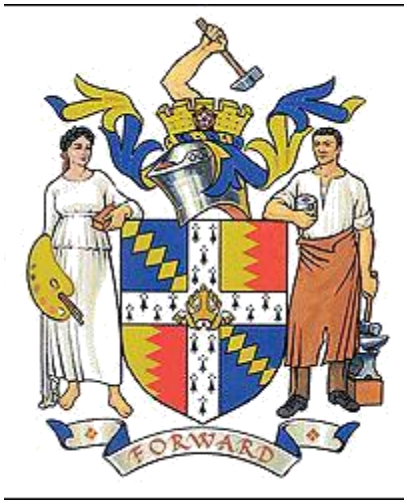

BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

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1. Introduction

1.1 Birmingham City Council ("the Council) is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.

1.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs**"**) were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.

1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.

1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.

1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.

1.6 Each application will be dealt with on its own merits

1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales" when considering applications for SEVs.

1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as a Licensing Authority to regulate such premises in accordance with the law.

2. Sexual Entertainment Venues

2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

2.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide relevant entertainment on an infrequent basis. These are detailed 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 begun within a period of one month beginning with the end of the previous occasion; and
  (c) no such occasion has lasted longer than 24 hours.

- Other premises or types of performances or displays exempted by an order of the Secretary of State.
- Private dwellings to which the public are not admitted

2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.

2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. Making an Application

4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

4.2 An application for the **grant, variation, renewal** or **transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.

4.3 There are three separate notice requirements:

1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.

2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.

3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.

4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.

4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.

4.7 Applicants for SEVs must also submit a copy of their "club rules" and customer code of conduct. Such club rules must contain the required conduct of performers.

4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.

4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.

4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.

4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning

4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. Fees

5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.

5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council's website at: www.birmingham.gov.uk/licensingfeesandcharges.

5.3 Application fees must be paid in full at the time of submission of the application.

6. Making Objections to Applications

6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation** or **transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection;
- the premises to which the objection relates;
- the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.

6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:

- That the applicant is unsuitable to hold an SEV Licence;
- That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed SEV;
- That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.

6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. <u>Determination of an Application</u>

7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

(a) to any person under the age of 18 years;
(b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
(c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
(d) to a body corporate which is not incorporated in an EEA State; or
(e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that 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.

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

(a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
(b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
(c) 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 authority consider is appropriate for the locality;
(d) the grant or renewal of the licence would be inappropriate, having regard:
    (i) to the character of the relevant locality; or
    (ii) to the use to which any premises in the vicinity are put; or
    (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

(a) the fact that the premises are sited in a residential area;

(b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;

(c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;

(d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

such as parks, libraries or swimming pools, markets and covered markets;

(e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.

(f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

(i) in relation to the premises, the locality where they are situated, and

(ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

(a) the fact that the premises are sited in a residential area;

(b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;

(c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;

(d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;

(e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.

(f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or 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 authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

12.2 The Council may choose to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.

12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. Conditions

13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.

13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.

13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. Renewal Applications

14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. Revocation of a Sexual Entertainment Venue Licence

15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.

15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.

15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

16.1 The Council may at the written request of the licence holder cancel the licence.

16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:

(a) make the variation as requested;
(b) make such variations as it thinks fit;
(c) refuse the application.

17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. Right to Appeal a Decision

18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.

18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.

18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:

- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- the use of premises in the vicinity or the layout, character or condition of the premises.

18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

(i) "The Council" shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to General Licensing Regulation & Enforcement, P.O. Box 17831, Birmingham, B2 2HJ. 0121 303 9896. licensing@birmingham.gov.uk

(ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.

(iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.

(iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.

(v) 'Relevant Entertainment' means 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).

(vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.

(vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

(viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.

3. 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:

(a) The address of the premises.
(b) The licensed name of the premises.
(c) A notice stating the opening hours of the establishment.
(d) In the case of a licence granted to a body corporate:

(i) If the premises name is not the same as the full name of the body corporate then such corporate name and;

(ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.

4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.

5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

6. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.

7. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EXHIBITION OF LICENCE

8. a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.

b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.

11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.

12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.

13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.

16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.

17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.

18. Where the licensee 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 to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.

20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.

22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where “house fees” are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided” so that it can be easily read by persons entering the premises.

25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.

26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.

27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia.

29. During all performances (including performances usually termed ‘private dances’) there must not be any deliberate contact, by the performer, with any patron or person within the audience except:

a) Leading a patron by the hand to and from a chair or private room or designated dance area.
b) Simple handshake greeting at the beginning and/or end of the performance.
c) A customary (“peck on the cheek”) kiss at the end of the performance.
d) The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.

30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).

31. A price list shall be displayed in a prominent position giving the price and the duration of any ‘private dances’.

32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.

33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers’ dressing rooms and/or staff areas.

34. At all times during a performance, performers shall have unrestricted access to a dressing room.

35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

36. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.

37. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.

38. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.

39. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

40. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.

42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.

44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.

46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

47. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review.

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub-committee, or a sub-committee may refer a matter to full committee.

	Decision to be made by:		
Matter to be dealt with:	**Full Committee**	**Sub-Committee**	**Officers (Senior Licensing Officer or above)**
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases