



# **Sex Establishments Licensing Policy**

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## **1 INTRODUCTION**

### **1.1 The Policy**

- 1.1.1 This document states Stroud District Council's policy on the regulation of sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 1.1.2 This policy was consulted upon between 6 December 2010 and 4 March 2011 and approved on 28 April 2011.
- 1.1.3 Consultation was carried out with bodies representing local residents, relevant trade organisations, the Chief Officer of Police and other relevant organisations.
- 1.1.4 This Policy should be read in conjunction with, and without prejudice to, other existing National and European Union legislation, such as the Human Rights Act 1998 and the Equalities Act 2010.
- 1.1.5 The Council does not take any moral stand 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 this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

### **1.2 The Law**

- 1.2.1 The Local Government (Miscellaneous Provisions) Act 1982 introduced a licensing regime to control "sex establishments". Stroud District Council adopted Schedule 3 of the Act on 15 February 1983 with effect from 1 April 1983. This enabled the Council to regulate the operation of "sex shops" and "sex cinemas" within the district and to set terms, conditions and fees for the grant, variation, renewal and transfer of such licences.
- 1.2.2 The Local Government (Miscellaneous Provisions) Act 1982 was amended by the Policing and Crime Act 2009 to extend the licensing regime to include "sexual entertainment venues" within the definition of sex establishments. Stroud District Council adopted the amended provisions of Schedule 3 on 11 November 2010 with effect from 1 January 2011 which means that venues that offer relevant entertainment such as lap dancing and pole dancing are now also regulated.
- 1.2.3 A list of definitions of the key terms used in this Policy and the legislation can be found at **Annex A** to this Policy.

## **2. LICENCE APPLICATIONS**

### **2.1 Right to Waiver**

- 2.1.1 The legislation states that Stroud District Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.1.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions

of the Act is unlikely to be granted a waiver other than in exceptional circumstances.

2.1.3 A waiver may be for such period as the Council think fit. Where the Council grants an application for a waiver, it will give the applicant for the waiver notice that they have granted the application.

2.1.4 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 such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

## 2.2 Making an Application

2.2.1 To apply for the grant of a new sex establishment licence, an applicant must submit:-

- A completed application form;
- A plan to the scale of 1:100 of the premises to which the application relates to include all means of ingress and egress to and from the premises. All areas to be licensed should be outlined in red.
- A map to the scale of 1:1250 clearly outlining the locality in which the proposed establishment will be situated. The map should clearly identify the proposed sex establishment by marking the site/premises boundary with a red line.
- Drawings showing the front elevation as existing and as proposed to a scale of (1:50).
- An application fee

2.2.2 Please note that with regard to online applications tacit authorisation does not apply to new grant applications for sex establishment licences. This means you must wait for the Council to determine your application before you can operate a sex establishment.

## 2.3 Advertising the Application

2.3.1 **The applicant** must advertise any application for grant of a new licence or renewal, transfer or variation of an existing licence in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

2.3.2 This states that:-

- An applicant for the grant, renewal or transfer of a licence shall give public notice of the application.
- Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area
- The publication shall not be later than 7 days after the date of the application.
- Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the

application on or near the premises and in a place where the notice can conveniently be read by the public.

- Every notice which relates to premises shall identify the premises
- Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.
- A notice shall be in such form as the appropriate authority may prescribe. (The form prescribed by Stroud District Council for such notices is shown at **Annex E** to this Policy)

**The applicant will ensure that, where appropriate, the notice to be displayed at the premises is made suitably weatherproof.**

## **2.4 Consultation**

2.4.1 The Council will send a notification of all applications for grant, renewal, transfer or variation of a licence to the following bodies:-

- Chief Officer of Police
- Local Safeguarding Children Board
- Fire Safety Officer
- Trading Standards
- Planning Authority
- Relevant Ward Councillor
- Relevant Town / Parish Council

## **2.5 Objections**

2.5.1 When considering an application for the grant, renewal, variation or transfer of a sex establishment licence the Council must have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

2.5.2 Any person can object to an application but the objection should be relevant either to the **mandatory grounds** for refusal set in **Section 3.3** or to the **discretionary grounds for refusal** set out in **section 3.4** .

2.5.3 The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act). Decisions as to whether objections are frivolous or vexatious will be made by the Licensing Officers in consultation with the Head of Environmental Health. Where an objection is rejected, the objector will be given written reasons. A vexatious objection is generally taken to be one that is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.

2.5.4 Objectors must give notice of their objection to Stroud District Council in writing, stating their reasons for making the objections.

2.5.5 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the

consent of the person making the objection reveal their name or address to the applicant.

## **2.6 Variation of a Licence**

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

2.6.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

## **2.7 Renewal of a Licence**

2.7.1 The holder of a sex establishment licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

2.7.2 The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

## **2.8 Transfer of a Licence**

2.8.1 A person may apply for the transfer of a licence at any time.

2.8.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

## **3. DETERMINATION OF APPLICATIONS**

### **3.1 Decision Making – Delegation of Functions**

3.1.1 Decisions relating to sex establishment licensing are delegated in accordance with the Constitution and the Schedule of delegations **Annex D**.

### **3.2 General Principles**

3.2.1 In determining an application relating to a sex establishment licence the Council will assess each application on its own merits having regard to the content of this Policy, the relevant legislation and any relevant guidance that may be issued from time to time.

3.2.2 Where it is necessary for the Council to depart substantially from this policy, clear and compelling reasons for doing so will be given.

3.2.3 In determining an application for the grant, renewal, transfer or variation of a licence, the Council will have regard to any representations that it has received that are relevant to the grounds set out in **3.3 and 3.4**.

### **3.3 Mandatory Refusal of Applications**

3.3.1 A licence under the Act cannot be granted —

- to a person under the age of 18; or
- to a person who is for the time being disqualified having had a licence revoked in the past 12 months; or
- to a person, other than a body corporate, who is not resident in an European Economic Area state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an European Economic Area 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.

### **3.4 Discretionary Refusal of Applications**

3.4.1 The Council may refuse an application for grant or renewal of a licence on one or more of the grounds specified below:-

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted, 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 they made the application themselves;
- (c) that the number of sex establishments 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 (nil may be an appropriate number);
- (d) that the grant or renewal of the licence would be inappropriate, having regard—
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.4.2 The Council may refuse an application for the transfer of a licence on either or both of the grounds specified in 3.41 (a) and (b) above.

### **3.5 Applicant Suitability**

3.5.1 In determining applicant suitability for the grant of a new licence, renewal of a licence, or the transfer of an existing licence, the Council will take the following into account:

- Previous relevant knowledge and experience of the applicant;
- Any evidence of the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other District or Borough;
- Any report about the applicant and management of the Premises received from objectors.

3.5.2 In particular the Council will liaise closely with the Police and any other relevant appropriate agencies in determining the fitness of the applicant.

3.5.3 Whilst every application will be considered on its merits, the Council will be unlikely to grant an application to any person, or for the benefit of any person, with unspent relevant criminal convictions.

### **3.6 Location of the Premises**

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

3.6.2 The Council is mindful of its power to determine that no sex establishments should be located in a particular locality.

3.6.3 In determining whether the proposed location of a sex establishment is appropriate, the Council will have regard to all of the relevant circumstances and in particular:-

- The general character of the relevant locality and/or
- The use of other premises in the vicinity and/or
- The layout, character or condition of the premises,

This could include but is not limited to:

- The proximity of residential premises
- The proximity of any places of public religious worship
- The proximity of any schools or other educational establishments
- The proximity of any playing fields, parks and play areas
- The proximity of any leisure centres or swimming pools
- The proximity of any libraries or other public buildings
- The proximity of any other locations regularly used by children and young persons
- The cumulative effect of existing related licensed activities in the vicinity

### **3.7 Duration of Licence**

3.7.1 The Council will grant licences for maximum 12 months duration or for a shorter term if deemed appropriate.



#### **4. POWER TO PRESCRIBE STANDARD CONDITIONS**

- 4.1 Schedule 3 Section 13 of the Act provides a power for the Council to specify Standard Conditions in relation to sex establishment licences.
- 4.2 The Council's Standard Conditions for sex establishment are detailed in **Annex B** of this Policy. The Council's additional Standard Conditions for sexual entertainment venues are detailed at **Annex C** of this Policy.
- 4.3 All licences will be granted, renewed, transferred or varied subject to these Standard Conditions unless expressly excluded, varied or added to by a Licensing Committee.

#### **5. HEARINGS**

- 5.1 Where the Council is required to determine an application by reference to a Licensing and Regulation Committee, the applicant and objectors will be advised of the date, time and venue of the hearing.
- 5.3 Hearings will be carried out in accordance with the Council's standard procedure for Licensing Hearings.
- 5.4 The Committee will normally communicate their decision at the end of the hearing and all parties will also receive written confirmation of the decision.

#### **6 OPERATION AND MANAGEMENT OF PREMISES**

- 6.1 The Council requires all licence holders to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.
- 6.2 It is the duty of all licence holders to comply with the Regulatory Reform (Fire Safety Order) 2005 and to undertake the appropriate risk assessments.
- 6.3 In terms of the management of licensed Premises, the Council strongly encourages where possible and appropriate, that the licence holder:
  - a) works with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment, both within licensed premises and in the environs around them;
  - b) particularly those whose Premises are located in areas with high levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.
  - c) develops strategies and procedures to increase access for disabled people to the Premises.
  - d) ensures all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

## **7. ENFORCEMENT**

### **7.1 General**

- 7.1.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the trade.
- 7.1.2 In pursuing its objective of encouraging responsible businesses, the Council will operate a proportionate enforcement regime in accordance with the Environmental Health Enforcement Policy.

### **7.2 Offences**

- 7.2.1 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include:

- Knowingly causing or permitting the use of any premises as a sex establishment without a licence;
- Being the holder of a licence, knowingly employing a person in a sex establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

- 7.2.2 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

- 7.2.3 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.

## **8. REVOCAION OF LICENCES**

- 8.1 The Council may, after giving the holder of a licence an opportunity of appearing before and being heard by them, at any time revoke the licence on any of the following grounds:-

- (a) that one of the mandatory grounds for refusing to grant a licence exists and has come to light since the grant of the licence.

- (b) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (c) that 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 they made the application themselves.
- 8.2 The Council will consider whether or not to revoke a licence upon a request to do so from the Police or at the recommendation of the relevant Head of Service following representations from any other person or body.

## **9 RIGHT OF APPEAL**

- 9.1 There is a right of appeal on relevant grounds against decisions made by the Council in relation to sexual entertainment establishments. Appeals should be put to the Magistrates' Court and should be made within 21 days of the decision being made by the Council.
- 9.2 There is no right of appeal against the mandatory grounds for refusal identified in paragraph 3.3 unless the appellant alleges the grounds did not apply to them.
- 9.3 There is no right of appeal against the discretionary grounds identified in paragraph 3.4 (c) and (d).

## **10. AMENDMENTS TO THIS POLICY**

- 10.1 Any future proposed amendments to the policies will be consulted on to such an extent as appropriate and then presented for adoption in accordance with the Constitution. However in the case of minor amendments or amendments reflecting changes in legislation authority is delegated to the Head of Environmental Health in consultation with the Cabinet Member for Community Services and the Chair of Licensing and Regulation Committee to amend and republish Stroud District Council's policies for taxi and private hire.

## **ANNEX A - KEY DEFINITIONS**

<b>TERM</b>	<b>DEFINITION</b>
The Act	Local Government (Miscellaneous Provisions) Act 1982
Authorised Officer	any Officer of the Council authorised under the Council's Scheme of Delegation as contained within the Constitution
The Council	Stroud District Council
Licence Holder	a person who holds a sex establishment licence under the Act
Premises	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 sex establishment Licence granted under the Act
Sex Establishment	As defined in Schedule 3 of the Act (as amended)  A sex establishment means a sex shop, sex cinema or sexual entertainment venue as defined below in extracts from the Act.
Sex Cinema	As defined in Schedule 3 of the Act (as amended)  3. — (1) In this Schedule, "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— (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage— (i) sexual activity; or (ii) acts of force or restraint which are associated with sexual activity; or (b) 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. (2) No premises shall be treated as a sex cinema by reason only— (a) if they may be used for an exhibition of a film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (which the meaning of section 136 of that Act), of their use in accordance with that authorisation; or (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.
Sex Shop	As defined in Schedule 3 of the Act, as amended  4. — (1) In this Schedule "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— (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.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

- (3) In this Schedule “sex article” means—
  - (a) 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
  - (b) 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 of 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.

Sexual  
Entertainment  
Venue

As defined in Schedule 3 of the Act (as amended)

2A

(1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

- (a) any live performance; or
- (b) 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).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
  - (i) there have not been more than eleven

occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

(ii) no such occasion has lasted for more than 24 hours; and

(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

“audience” includes an audience of one;

“display of nudity” means—

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

## **APPENDIX B**

### **Standard Conditions for Sex Establishments**

#### **Powers of Officers prior to determination of application**

1. The Council will not determine an application for grant, renewal or transfer of a licence unless the applicant gives an authorised Officer of the Council or the Police a reasonable opportunity to enter the premises to make such inspections or enquiries as is necessary to determine the suitability of the applicant and the premises.

#### **General**

2. In the event of a conflict between these standard conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.

3. The Council may revoke a consent for any of the reasons specified in para 17 of the Third Schedule to the Regulations after the licence holder has been given the opportunity to be heard by the Licensing and Regulation Committee of the Council. Where the Head of Environmental Health reasonably suspects that there are grounds to revoke a licence he may suspend the licence for a period of up to one month to allow investigations and representations to be made. On receipt of notice in writing from the Head of Environmental Health of suspension of the licence the licensee shall close the premises immediately for the required period or until notified in writing that the suspension has been lifted.

#### **Management of the Premises**

4. The sex establishment licence holder or responsible person(s) nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.

5. Where the sex establishment 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 licensing authority may require in respect of the change of personnel shall be provided within 14 days of a request in writing from the Council.

6. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council or the local trading standards authority.

7. The name of the person responsible for the management of the premises, whether the sex establishment licence holder or the manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

8. The sex establishment licence holder shall retain control over all parts of the premises and shall not let, licence or part with possession of any part. The Council must be immediately notified 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.

9. The sex establishment licence holder shall ensure that the public is not admitted to any part of the premises that has not been licensed.

10. No person under the age of 18 shall be admitted to the premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the premises.

11. Neither the sex establishment licence holder nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.

### **Opening of the Premises**

12. Licensing and Regulation Committee may, if they consider it is appropriate due to the location and vicinity of the premises, condition the hours that the premises may be used for the purposes of the licence.

### **Conduct of the Premises (Sex shops and sex cinemas)**

13. 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 sex cinema.

14. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.

15. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show the price being charged.

16. All printed material offered for sale, hire, exchange or loan within a sex shop shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.

17. No film or video recording (or computer game) shall be exhibited, sold or supplied in sex establishment unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

### **External Appearance**

18. The holder of a sex establishment licence may exhibit on the outside of the premises the name of the business (as specified in the licence). The size and format of the notice shall be approved by the Council.

19. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice, stating that 'No person under the age of 18 will be admitted and that proof of age may be requested. The size and format of the notice shall be approved by the Council.

20. 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, except those mentioned in conditions 18 and 19 or otherwise approved by the Council in writing;



21. No external loudspeakers may be installed.

22. 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.

#### **State, Condition and Layout of the Premises**

23. 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.

24. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.

25. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.

26. Alterations or additions, either internal or external, shall be not be made to the premises without prior written consent from the Council.

27. 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.

#### **Safety and Security**

28. The sex establishment licence holder shall take all reasonable precautions for the safety of the public and employees.

29. The sex establishment licence holder shall institute appropriate steps, agreed with the Council, to check the age of customers entering the shop who appear to be younger than 18 years of age.

30. The sex establishment licence holder shall ensure a closed-circuit television system is installed, maintained and operated internally and externally to the satisfaction of the Council.

## **ANNEX C**

### **ADDITIONAL STANDARD CONDITIONS**

#### **APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES (These conditions are in addition to the standard conditions for sex establishments)**

#### **CONDITIONS APPLICABLE TO ENTERTAINMENTS INVOLVING NUDITY, SEMI-NUDITY OR TRANSPARENT CLOTHING**

1. Only activities which have previously been agreed in writing by the Council shall take place
2. The agreed activities shall take place only in designated areas approved by the Council
3. Any individual employed on the Premises to conduct a security activity (within the meaning of schedule 2 of the Private Security Industry Authority) must be licensed by the Security Industry Authority
4. Dressing rooms will be provided for entertainers and access to these will be restricted by management in accordance with approved arrangements – before, during and after the entertainment
5. The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate
6. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance except:
  - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
  - (b) the simple handshake greeting
  - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
  - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
  - (e) if the contact is accidental
7. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden
8. Entertainers or performers not performing must not be in a licensed area in a state of undress
9. No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
10. No person under the age of eighteen will be allowed on the premises where the entertainment is taking place and an approved proof of age scheme will be operated on the premises.

11. The entertainment shall under no circumstances be visible to members of the public from outside the premises
12. The sex establishment licence holder or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
13. A nominated person shall be present to oversee the activities of performers
14. A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the sex establishment licence holder(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register

#### CONDITIONS APPLICABLE TO TABLE DANCING (AND SIMILAR)

1. No audience participation shall be permitted
2. There must not be any contact by the performer with the patron immediately before, during and immediately after the performance except:
  - (a) the leading of a patron hand in hand to and from a chair or to and from a designated dance area
  - (b) the simple handshake greeting
  - (c) the placing of monetary notes or dance vouchers into the hand or garter worn by the performer
  - (d) the customary kiss on the cheek of the patron by the dancer at the conclusion of the performance
  - (e) if the contact is accidental
3.
  - (a) A CCTV system shall cover all areas where dancing will take place including any dancing booths provided. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.
  - (b) Tape recordings shall be made available to an authorised council officer or a police officer together with facilities for viewing
  - (c) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice
4. Whilst dancing takes place at least two trained door supervisors shall be employed in those parts of the premises used for dancing, unless otherwise agreed by the Licensing Authority and the Police

5. A code of conduct for dancers shall be produced by the sex establishment licence together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the Council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council
6. Rules shall be produced by the sex establishment licence holder for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
7. In relation to points 5 and 6 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.

**ANNEX D - TABLE OF DELEGATED FUNCTIONS**

<b>Matter to be dealt with</b>	<b>Licensing and Regulation Sub Committee</b>	<b>Officers</b>
Application for a new sex establishment licence	Where objections are received	In all other cases
Application for variation of a sex establishment licence	Where objections are received	In all other cases
Application for transfer of a sex establishment licence	Where objections are received	In all other cases
Application for renewal of a sex establishment licence	Where objections are received	In all other cases
Application for waiver from the requirement for a licence		In all cases
Setting of all fees in relation to sex establishment licences		All cases
Consideration of the revocation of a sex establishment licence	In all cases	

**ANNEX E - FORM OF PUBLIC NOTICE**

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

**Schedule 3**

**NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION / TRANSFER  
OF A SEX ESTABLISHMENT LICENCE**

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p><b>NOTICE IS HEREBY GIVEN</b> that an application has been made to Stroud District Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried on under a licence) and of the application may be inspected at</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">(28 days after the date of the application)</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.</p>	