

Sex Establishment Licensing Policy 2017

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1.0 Introduction

- 1.1 South Lakeland District Council is located in Southern Cumbria and covers an area of approximately 600 square miles. It has a diverse, spectacular landscape and large parts of the district fall within two National Parks, the Lake District and Yorkshire Dales. The district also includes 71 Parish Councils.

The beauty and diversity of South Lakeland makes it a prosperous, healthy and attractive place to live work and visit.

2.0 Scope: Policy aim

- 2.1 This document sets out South Lakeland District Council's policy (the "Policy") in respect of the regulation of sex establishments and the procedure relating to applications for sex establishment licensing.

3.0 Legislation or executive summary

- 3.1 On the 22nd February 2011 South Lakeland District Council adopted Schedule 3 to the Local Government (Miscellaneous Provisions) (as amended by Section 27 of the Policing and Crime Act 2009) 1982 Act, so that it can licence "Sex Establishments". Access to full provisions of the Act are available on www.legislation.gov.uk/ukpga/1982/30

4.0 Policy consultation and consideration

- 4.1 Consultation was conducted between 6th March 2017 and ended on 19th April 2017. The policy document was circulated widely to all stakeholders throughout South Lakeland District. Below are the details of who has been consulted on the draft policy. This policy updates the current policy which was adopted in August 2011, this is therefore a revised policy.
- 4.2 The following agencies/people have been consulted:
 - The Chief Officer for Cumbria Constabulary
 - One or more persons who appear to the council to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the district
 - One or more persons who appear to the council to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment in the district



- One or more persons who appear to the council to represent the interests of persons likely to be affected or otherwise have an interest in the policy, including the Planning Authorities, Fire Authority, Environmental Protection and Child Protection
- Interested parties such as citizen advice and sexual health clinics
- Ward councilors
- Town and Parish Councils

The policy was also available on the council's website.

4.3 Three responses were received from consultees in respect of this policy document.

5.0 Policy statement

5.1 The adoption of the Act enables the council to control and regulate the operation of certain kinds of sex establishments within the district. A sex establishment cannot operate in the district unless it has been granted a licence.

5.2 This document contains the policy of South Lakeland District Council "the council" on the regulation of sex establishments. Sex Establishments fall in to one of the following three categories:

- Sex shops
- Sex cinemas
- Sexual entertainment venues

In this Policy, such premises will be referred to as "sex establishments".

5.3 The role of the council in its capacity as Licensing Authority is to administer the licensing regime in accordance with the law. The council does not take a moral stand on adopting this Policy. It recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries.

5.4 At the time of publication there are no sex establishments within the District. The number of such premises could change prior to this policy being approved.

5.5 The council is mindful of possible concerns the local community may have in relation to applications for Sex Establishments. The Policy will guide the council when considering applications for licences by balancing the conflicting needs of commercial interests, patrons, employees, residents and local communities. The council will consider the individual circumstances of each application made under the 1982 Act. Where appropriate the council may make exceptions to this policy and will document the reasons for doing this.



- 5.6 The council may review the Policy from time to time in light of developing practices, guidance and secondary legislation.
- 5.7 The council shall have regard to all relevant considerations, including any representations received and comments made by:
- District Councillors
 - Cumbria Police
 - Cumbria Fire and Rescue Service
 - Planning Departments (Yorkshire Dales National Park Authority, Lake District National Park Authority and South Lakeland District Council)
 - Public Protection Group (Health and Safety/Environmental Protection)
 - Cumbria Local Safeguarding Children Board
 - Cumbria Trading Standards
 - Public Health
 - Interested Parties (local residents/businesses/parish/town councils)
- 5.8 This Policy takes into account the legal requirements of the 1982 Act and the council's duties (as licensing authority):
- a) Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder within the district. The Regulators' Code 2014 (set out under Section 23 of the Legislative and Regulatory Reform Act 2006) to carry out activities in a way that supports those being regulated
 - b) The Provision of Services Regulations 2009 to ensure requirements are:
 - i. Non-discriminatory
 - ii. Justified by an overlooking reason relating to the public interest
 - iii. Proportionate to that public interest objective
 - iv. Clear and unambiguous
 - v. Objective
 - vi. Made public in advance
 - vii. Transparent and accessible

6.0 Definitions

6.1 The Act:

This refers to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009

6.2 The Policy:

South Lakeland District Council Sex Establishment Policy

6.3 The Council:

South Lakeland District Council



6.4 Relevant locality:

The locality where the premises is situated or where the vehicle, vessel, or stall is going to be used as a sex establishment. The locality and the area that this covers is a matter for the local authority to decide at the time it considers the application for the grant, renewal or transfer of a sex establishment licence.

6.5 Character of the relevant locality:

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a matter for the council, as well as relevant authorities, to consider based on local knowledge, factors and circumstances.

6.6 The organiser:

This is any person who is responsible for the organisation or management of:

- a) operation of the relevant entertainment
- b) the premises

6.7 Permitted hours:

These are the hours of activity and operation that have been authorised under a sex establishment licence.

6.8 Sex establishment:

Means a Sexual Entertainment Venue, Sex Cinema or a Sex Shop as appropriate.

6.9 Premises:

Any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted

6.10 Sex article:

- 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) 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
- c) 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, acts, 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

6.11 Sex cinema:

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

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
- 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 are not admitted.

6.12 Sex shop:

Any premises, vehicle or 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

6.13 Significant degree

Licences for sex shops are required where there are 18 Rated films being sold, or where there is a "significant degree" of "sex articles".

The phrase significant degree is not defined in the Local Government (Miscellaneous Provisions) Act 1982.

When considering if a business is selling a significant degree of sex articles thus requiring a licence, the following criteria will be considered:

- 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; and
- other factors which appear to be materially relevant

6.14 Sexual entertainment venue

Any premises at which Relevant Entertainment is provided before a live audience for the financial gain of the organiser or the entertainer (subject to the exceptions set out below).

6.15 Relevant entertainment

Relevant entertainment is described as:

- a) any live performance; or
- b) live display of Nudity, which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely for the entertainment of an audience (whether by verbal or other means 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 (e.g. where the entertainment takes place in private booths).

6.16 Nudity

Nudity is described as:

- In the case of women: exposure of either her nipples, pubic area, genitals or anus; and
- In the case of a man: exposure of either his pubic area, genitals or anus

In determining whether entertainment is “relevant entertainment” each case will be judged on its own merits, but will generally apply to:

- Lap dancing
- Pole dancing
- Peep shows
- Table dancing
- Strip shows
- Live sex shows
- Topless bars
- Premises where private entertainment booths are used

The above list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, they should only be treated as indicative. Further information is available from the Licensing Team.

6.17 Sexual entertainment venues – Exceptions

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 is being so provided and at that time



- (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall at any time 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 following 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));
- c) premises specified or described in an order made by the relevant national authority

7.0 Determination of applications

7.1 Each application will be determined on its own merits. Specific mandatory grounds for refusal of a licence are set out in the Act.

7.2 Mandatory grounds

A licence under this Schedule shall not be granted:

- a) to a person under the age of 18; or
- b) to a person who is for the time being disqualified from holding a licence as a result of having a previous licence revoked;
- c) to a person, other than a body corporate, who is not resident in the United Kingdom 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 the United Kingdom; or
- e) 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

8.0 Relevant locality

8.1 Applications may be refused on grounds relating to an assessment of the 'relevant locality' including the impact on the local amenity. A licence may be refused if either:

- at the time the application is determined the number of sex establishments, or sex establishments of a particular kind in the relevant locality, is equal to or exceeds the number that the council considers inappropriate of that locality;
- or that a sex establishment would be inappropriate in that locality;
- or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity



are put, or the layout, character or condition of the premises. Nil may be an appropriate number

It may be appropriate for the authority to determine that “nil” is an appropriate amount of sex establishments within the locality.

8.2 The figure of “nil” per ward may respond to these concerns and in addition to the above the following factors may justify this safeguarding regulatory step. Whilst this is not intended to be an exclusive list, consideration should be given to the following matters:

- Area and premises attracting families such as leisure and sport facilities and place spaces, parks and open spaces
- The location of premises attracting young people such as schools, nurseries, children’s centres and other educational establishments and access routes to and from those premises
- The location/proximity of places of worship, religious and communal buildings
- The proximity of residential accommodation, including sheltered housing and accommodation for vulnerable people
- The location/proximity of other retail units, such as shopping centres (and their uses)
- Any planned or proposed regeneration of the area
- any relevant planning consideration such as whether the premises are in a conservation area or areas designated as primary residential or prime retail frontage
- The nature and character of the area
- The nature of the clientele that sexual entertainment venues may attract and whether there is a link of any behavior demonstrated outside the premises being considered inappropriate in the context of the character of the locality in which the premises are situated

8.3 Having regard to each ward within the district and recognising of the mix of uses, rural locations, the character, the strategic vision and the existing locations of particular types of premises in those areas, each application will be considered on its own merits with consideration given to the factors mentioned in paragraph 8.2

9.0 Safeguarding matters

9.1 The Licensing Authority is committed to protecting children from harm and view this as an important licensing objective. The council’s licensing team works with Children’s Services during the development of licensing policy where the protection of children is concerned. Intelligence sharing and the exchange of current strategy

developed by the Cumbria Local Safeguarding Children Board (CLSCB) ensure that the protection of children from harm remains key.

- 9.2** The Licensing Authority has become aware from intelligence sharing with partners, that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families.
- 9.3** Parental neglect may be a factor in risk taking behaviour by younger people who may also drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on a variety of licenced premises, or licensed premises being used for the purpose of grooming and enticement.
- 9.4** CLSCB works with other statutory authorities and will engage with the licensing trade to promote risk management in relation to child sexual exploitation. The CLSCB can provide advice to assist licensees to identify risk and report concerns at different types of licensed premises so that children remain safe and businesses operate responsibly.
- 9.5** The Licensing Authority encourages licence holders and operators of a licensed premises:
- To ensure that they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime and
 - To raise the awareness of their staff about child sexual exploitation and provide intelligence to the appropriate authorities about concerns and about perpetrators who may be operating in their areas

The CLSCB has a webpage dedicated to providing local information about children safety, child sexual exploitation, policies and procedures including risk factors, signs and symptoms: www.cumbrialscb.com/

- 9.6** Although the licensing objective requires the authority to protect children from harm, the council considers the potential harm to vulnerable adults. This furthers the objectives relating to crime and disorder and public nuisance

10.0 Character, layout and condition

- 10.1** The council will not grant or renew a licence for a sex establishment if in the council's opinion it would not be appropriate having regard to the layout, character and condition of the proposed sex establishment



10.2 Whilst it is not intended to be an exclusive list the council will have particular regard to the following:

- The type of activity to which the application relates
- The dates and hours of operation of the activity
- The layout and condition of the premises with particular concern for public safety, health and safety, the prevention of crime and disorder and prevention of public nuisance

11.0 Suitability of the applicant

11.1 The applicant must be a fit and proper person to hold a licence. In determining suitability the applicant will be required to demonstrate that he/she is suitable to hold a licence. The council will take into account:

- Previous knowledge and experience of the applicant
- Information relating to the operation of any existing/previous businesses held by the applicant, including any licence held in any other local authority area
- Information about the applicant and their management of the premises received from objectors, council officers or the Police including any known criminal convictions or cautions which the applicant or officers of any corporate body applying for a licence may have
- Any other relevant information

11.2 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application. Similar considerations may also apply to persons whom it is believed would benefit from the grant of application but would be unsuitable to hold the licence themselves. In such cases the council will also have regard to any evidence to show that the business would be in fact carried on for their benefit.

12.0 Applications

12.1 The relevant form together with the support documentation as stated in the application form should be submitted to the Licensing Team at the Council Offices.

12.2 Applicants for sex establishments licences must complete and return the application form, together with:

- One set of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building to show an indication of how the premises lie in relation to the street;



- One set of plans showing the front elevation of the premises depicting all signage;
 - One set of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 meters;
 - One set of plans (scale 1:50) showing the layout of the sex establishment;
 - The correct fee as set out by the council
- 12.3** The applicant shall give notice of all applications shall be given to Cumbria Constabulary, Cumbria Fire and Rescue, Licensing Team and any other relevant person as deemed appropriate by the council, such as the Environmental Protection Team or Children Services at Cumbria County Council.
- 12.4** As part of the application process, applicants are required to post a white A4 notice at the proposed site for 21 days, from the date the application is lodged with the Licensing Authority, setting out the application details.
- 12.5** The notice must be posted in a prominent position on the premises for the whole time so that it can be easily read by passers-by.
- 12.6** Applicants must place a public notice in a local newspaper at their own expense. The newspaper notice should appear in the publication within 7 days of the application being lodged. A copy of this public notice will also be provided to the Local Authority.
- 12.7** The Licensing Authority will not determine an application for the grant of a licence unless the applicant allows any authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 12.8** To ensure the technical standards are met, authorised officers from any responsible authority may choose to inspect the premises, this includes council's licensing officers and environmental protection officers, Cumbria Constabulary and Cumbria Fire and Rescue Service.
- 12.9** If works are required to the premises to bring it to an acceptable standard, the applicant will be notified in writing. No licence will be granted until all required works are satisfactorily completed.
- 12.10** Applicants are advised that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which he/she knows to be false in any material respect, or which he/she does not believe to be true, is guilty of an offence and liable on summary conviction. In accordance with PS Legal Aid, sentencing and punishing of Offenders Act 2012 the applicant may be subject to an unlimited time.

- 12.11** Any licence approved does not constitute any an approval under any other Act, e.g. Town and Country Planning Act 1990 or by-laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.

13.0 Representations on an application

- 13.1** Any person wishing to object to an application must submit a written representation within the 28 day consultation period, setting out the grounds of objection.
- 13.2** If an objection is received, the council will determine if an objection is relevant. 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 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by officers and not on the basis of any political judgement. Where objections are rejected the objector will be given a written reason.
- 13.3** Objections should be made in writing (unless submitted electronically) and indicate the name and addresses of the person or organisation making the representation and indicate the premises to which the objection relates. Additionally the person making the objection should clearly set out the reasons for making the objections and where possible provide evidence.
- 13.4** Where the council receives objections it will give notice in writing of the general terms of the objection to the applicant. However, the council shall not without the consent of the objector reveal their name or address to the applicant.
- 13.5** The Licensing Regulatory Sub Committee will determine all new applications for a sex establishment licence.

14.0 Renewal application

- 14.1** Where a licence was in existence before the introduction of the policy, this policy will become a consideration when the licence is due for renewal.
- 14.2** It should be noted that the Licensing Authority in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 14.3** If a renewal application is not opposed, it shall be approved under delegated authority to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the licensing committee for decision.



14.4 To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence.

14.5 The Licensing Authority will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

15.0 Variation of licence

15.1 Applications for variations of licences are subject to the site and newspaper notice requirements set out by statute.

15.2 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes to the licence must be the subject of a transfer application.

15.3 All variation applications for sex establishment licences must be referred to the council's Licensing Regulatory Sub Committee for decision. Applications must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

16.0 Transfer of licence

16.1 The Licensing Authority will not determine an application for the transfer of a licence unless the applicant allows authorised officers a reasonable opportunity to enter the proposed sex establishment to make such examinations and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

17.0 Duration of licence

17.1 Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.

18.0 Hearings

18.1 The council will give all applicants in new applications relating to sex establishments the opportunity of appearing before a Licensing Regulatory Sub Committee. It will be the general practice of the council to invite the Police and/or others who have lodged objections to appear and to be heard at any hearings in addition to the applicant.



- 18.2** Where the council is required to determine an application by reference to the Licensing Regulatory Sub Committee, the applicant, Police and objectors (if applicable) will be advised of the date, time and venue of the hearing.
- 18.3** Prior to the hearing all parties will receive a copy of the agenda and the report. This will include the application (or summary), objections and any other relevant information.
- 18.4** Additional material in support of the application or representation may be taken into account at the hearing, however this must be provided to the council as soon as possible and at least 5 working days before the hearing. Any material submitted after this time or at the hearing will only be admitted at the discretion of the Sub Committee. This will only be allowed in exceptional circumstances and if the material does not prejudice any other party.
- 18.5** The decision will be made by the Licensing Regulatory Sub Committee at the end of the hearing giving reasons and decisions notice will be sent to all parties.

19.0 Appeals

- 19.1** Appeals against decisions of the Licensing Regulatory Sub Committee are generally made to the Magistrates' Court and appeals against decisions made by the Magistrates may be made to the Crown Court. However, not all decisions carry the right of appeal.
- 19.2** The only persons entitled to appeal are:
- (i) An applicant for the grant, renewal or transfer of a licence whose application has been refused; or
 - (ii) An applicant for the variation of terms, conditions, or restrictions on a subject to which any such licence is held whose application for variation is refused; or
 - (iii) A holder of such licence who is aggrieved by any term, conditions or restriction on or subject to which the licence is held; or
 - (iv) A holder of any such licence whose licence is revoked. However, even these persons do not have a right of appeal in every case
- 19.3** There is no right of appeal for the following:
- Objectors;
 - An applicant who has been refused the grant/renewal or transfer of al licence on any one of the mandatory grounds, unless he seeks to show that the grounds for refusal do not apply to him;
 - An applicant who is refused a licence on these grounds:
 - (i) That there are sufficient sex establishments in the locality, or

- (ii) That to grant the licence would be inappropriate having regard to the relevant locality used to which premises in the vicinity are put, or the layout, character, or condition of the establishment.

The only means of challenge available for such persons is by way of Judicial Review.

- 19.4** Any application for an appeal must be lodged within 21 days from the date that the applicant was notified in writing of the decision against which he is appealing. A fee will be payable and the relevant Court will advise as to the amount.

20.0 Enforcement

- 20.1** All decisions, determinations, inspections and enforcement action taken by the council will have regard to the relevant provisions of the Act and the Enforcement policy of the council. Further information on the council's Enforcement policy are available on request.
- 20.2** Inspections will not be undertaken routinely, enforcement of the legislation will be objective and transparent.

21.0 Revocation of licence

- 21.1** The authority may at any time revoke the licence based on the specific grounds listed in the legislation.
- 21.2** Where a licence is revoked, the authority shall, give a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.
- 21.3** Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the authority for a period of 12 months beginning on the date of revocation.

22.0 Implementation

- 22.1** The policy will be implemented after it is approved at Licensing Regulatory Sub Committee and Full Council. The policy will be communicated via the council's website and will be made available upon request.

23.0 Management control and organisation

- 23.1** Management of the policy is to be completed by the Principal Food, Licensing, and Safety Officer.



24.0 Monitoring

- 24.1** Monitoring is to be completed by the Principal Food, Licensing and Safety Officer. The policy will be reviewed when there is a change in legislation and periodically to ensure it is fit for purpose.

Appendix I: Standard conditions for sex shops

Management of the premises

1. The Licensee or some responsible person 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.
2. Where the Licensee is a body corporate or an incorporate 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 furnished within 14 days of a request in writing from the council.
3. 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 for the council or the local Trading Standards Authority.
4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he/she is responsible for the conduct of the Premises.
5. The Licencee 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.
6. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
7. No person under the age of 18 shall be admitted to the premises and a notice to this effect, in accordance with condition 17, shall be displayed on the outside of the Premises.



8. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
9. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register shall be completed each day the Sex Establishment is open for business and shall be available for inspection by the Police and by authorised officers of the council.

Opening of the premises

10. The Premises shall not, without written consent of the council, be open and used for the purpose for which the licence is granted except during the following hours:

Monday to Saturday 09:00 hours to 18:00 hours

Sunday 11:00 hours to 16:00 hours

11. The Premises shall not, without the written consent of the council, be open and used for the purpose for which the licence is granted on Christmas Day or Good Friday.

Conduct of the premises

12. No change from a sex cinema to a sex shop, or to a sex shop to a sex cinema shall be made without the written consent of the council.
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. No film or video recording (or computer game) 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.

External appearance

16. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a



rectangle one metre in area or such other size as agreed with the council, consisting of the words "Licensed Adult Establishment".

17. The holder of a sex establishment licence shall exhibit on the outside of the Premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times being open and of the words "No person under the age of 18 allowed".
18.
 - a) No other words or signs, or any displays or advertisement, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 16 and 17 or otherwise approved by the council in writing;
 - b) No external loudspeakers may be installed
19. The windows and openings of the Premises shall be covered with a material, which will render the interior of the Premises invisible to passers-by.

State, condition and layout of the premises

20. Notwithstanding the Licensee's duties under the Health and Safety at Work etc. Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
21. 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.
22. 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.
23. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
24. Lighting shall be in operation continuously during the whole time that the Sex Establishment is open to the public.
25. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the council.
26. Any facilities for previewing films, video recording, 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.

27. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in such booth or cubicle at any one time.

Safety and security

28. The Licensee shall take all reasonable precautions for the safety of the public and employees.
29. The Licensee shall institute steps to check the age of customers to ensure no one under the age of 18 enters the premises.
30. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the council. The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at:
<https://ico.org.uk/media/fororganisations/documents/1542/cctv-code-of-practice.pdf>

Goods available in sex establishments

31. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
32. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and notice to this effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
33. The Licensee shall without charge display and make available within the Sex Establishment such free literature on counselling on matters relating to sexual problems as may be published by the Family Planning Association and by such other similar organisations from time to time and in particular any such material related to AIDS. Free literature relating to the prevention of sexually transmitted diseases shall be available to each customer after purchase of any Sex Article. Such literature is to be displayed in a prominent position approved by the council adjacent to all cash collection points in the Sex Establishment.

Appendix II: Standard conditions for sexual entertainment venues

1. The Licensee shall remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of paragraph 2 (1) (a) of Schedule 2 to the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
3. The Licensee shall ensure that a suitable number of trained staff are employed to supervise the interior of the Premises (“floor supervisors”) whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 18 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. The only ID that will be accepted is passports, a driving licence with a photograph, or Portman Group proof of age cards bearing the ‘PASS’ mark hologram. The above list of acceptable proof of age items may be extended to other forms of ID in the future with advanced agreement of the Police without the need to review the actual licence.
6. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of names, addresses and dates of births of performers including adequate identity checks.
7.
 - a) The Licensee 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 on the Premises in unlawful manner.
 - b) Where the council have given notice in writing to the Licensee 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 the public feeling, that advertisement shall not be displayed.
 - c) The Licensee shall not permit the display outside the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises which may be offensive.

- d) The Licensee shall ensure to the council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.
8. The Licensee shall ensure that no more members of the public shall be present on the Premises at any one time whilst sexual entertainment takes place to which this licence relates where the council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
9. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the council.
10. The Licensee is to implement a policy to ensure the safety of performers when they leave the Premises after a period of work.
11. Performers shall remain clothed in public areas and all other areas except while performing in areas specified by the council where sexual entertainment may be provided.
12. Performers must dress fully at the end of each performance.
13. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
14. Performers must never be alone in the company of a Customer except in an area open to the public within the Premises.
15. The Licensee is to ensure a sufficient number of staff are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
16. Performers must not perform a nude table dance unless in a supervised area of within five meters of a floor supervisor.
17. The Licensee must ensure that during the performance of a table dance:
- (1) Customers must be seated in an upright position before a dancer can start a table dance
 - (2) Customers must remain seated during the entire performance of the dance;

- (3) For the purpose of restraint only, Performers may only touch a customer above the customers' chest with their hands only;
 - (4) Performers must not sit or straddle the customer;
 - (5) Performers must not place their feet on the seat.
18. The Licensee must ensure that during a performance to which this licence relates:
 - (1) Performers may not perform any act that clearly simulates any sexual activity;
 - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) Performers must never intentionally touch the genitals or breast of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - (6) Performers only perform nude or seminude dancing (of any description) within areas specified by the council.
19. The Licensee must ensure that during performances to which this Licence relates:
 - (1) Customers may not dance at any time except in areas specifically designated by the council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times
20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Cumbria Constabulary.
21. The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice, which is available at:
<https://ico.org.uk/media/fororganisations/documents/1542/cctv-code-of-practice.pdf>
22. Any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the council.
23. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the council in relation to compliance with this licence.
24. The Licensee shall ensure that prior to any performance, all performers are fully aware of the condition of the licence.