

**REPORT OF: Strategic Director Regeneration and Environment****TO: COUNCIL FORUM****ON: 4th November 2010**

SUBJECT Licensing of Sexual Entertainment Venues

1. PURPOSE OF THE REPORT

For the Council adopt new laws which would introduce a Licensing Regime for "sexual entertainment venues" such as lap dancing, pole clubs and other similar types of venues.

2. OPTIONS

To adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by section 27 of the Policing and Crime Act 2009.

Not adopt the legislation (if this option was chosen the Council would not be able to attach conditions, refuse a licence on locality, or limit the number of sexual entertainment venues)

3. RECOMMENDATIONS

That the Council considers the outcome of a consultation, the draft policy, the recommendations of the Licensing Committee, and, if considered appropriate adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, to allow the licensing of sexual entertainment venues.

4. BACKGROUND

4.1 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to licence "sexual entertainment venues", where "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer.

4.2 This brings the licensing of lap dancing and pole clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas. Adoption of the Act will mean operators providing "relevant entertainment", such as lap dancing clubs will have to apply for a separate sex establishment licence. These premises are currently

licensed under the Licensing Act 2003 as “regulated entertainment” whereby local people can only object on the grounds of the four licensing objectives. Under the new regime local people will be able to make representations on wider grounds and have greater say over the number and location of the establishments in their area. Licence holders will have to renew annually, at which point local people again will have the opportunity to raise objections.

3.3 There will be exemptions for premises where the sexual entertainment is provided infrequently, ie not more than eleven occasions in a twelve month period, they must be greater than one month apart and must not last for more than 24hours. These premises will still be regulated under the Licensing Act 2003 and would need to apply for Temporary Event Notices.

4.4 Existing Operators who hold a premises licence or a club premises certificate under the 2003 Act will not be given preferential treatment or be automatically granted licences under the provisions of the schedule 3 of the 1982 Act. They will however be able to continue to operate over a 12month transitional period starting from when the new provisions are adopted to give existing operators time to adapt.

4.5 During the first six months of the transitional period existing and new operators can apply for a new licence. At the end of this period the licensing authority must consider all applications together and cannot grant any licences until all the applications have been considered. The number of licences maybe limited so it would be unfair to grant on a fist come first served basis. Once considered a licensing authority can grant as many licences as they see fit in accordance with the policy. After the first six months licences can still be applied for and each application must considered individually on its own merit.

4.6 The consultation period on whether the Council should adopt the new provisions ran from July 2010 to September 2010 and the following groups were consulted.

Police Licensing Team
Shared Neighbourhood teams
Ward Councillors
Businesses Licensed under the Licensing Act 2003
Resident and Business Associations
Faith Groups

3.7 A copy of the consultation questionnaire can be found at appendix 1 and results of that consultation at appendix 2, there have been 34 responses to the consultation.

3.8 A draft policy can be found at appendix 3. The policy will be a guide for applicants and Members detailing procedural matters, including the mandatory reasons an application will be refused and the discretionary reasons a Council can refuse a licence (ie location and locality of a premises)

5. RATIONALE

Section 27 came into force on 6th April 2010. Local Authorities may now resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so it can have effect in their area. Adoption is a matter for the Council on recommendation from the Licensing Committee.

If the Local Authority fails to adopt Schedule 3 within 12 months of the new legislation taking effect, it must then carry out a full public consultation exercise before formally adopting.

Although many local authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area.

The procedure for local authorities to adopt Schedule 3 as amended by Section 27 is set out in section 2 of the 1982 Act. Firstly, the local authority must pass a resolution specifying that the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.

The local authority shall publish notice that they have passed the resolution referred to above for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before day specified in the resolution for the provisions to come into force in the local authority's area.

6. POLICY IMPLICATIONS

There draft policy at appendix 3 for sexual entertainment venues details the following:

- Administrative matters such as application procedures, fees, hearing procedures
- The suitability of the applicant to hold a licence
- The locality and the number of sex establishments allowed
- The character of the relevant locality

Approval of a sexual establishment policy will need to go through the council's decision making process.

7. FINANCIAL IMPLICATIONS

The Council will need to consider an appropriate fee level, the current annual fee for a sex establishment is £4170, and the Licensing Committee recommended that the annual fee for sexual entertainment venues should be set at the same or a similar fee level.

8. LEGAL IMPLICATIONS

Theoretical risk of legal challenge if recommendations are not followed

9. RESOURCE IMPLICATIONS

Existing staff in the public protection service will undertake the associated work implementing the new licensing regime.

11. CONSULTATIONS

As detailed in 4.6 of Background, additionally a training session was held where all members were invited to attend.

Chief Officer/Member

Contact Officer: Donna Riding - Principal Licensing Officer

Date: 19th October 2010

Background Papers: Appendices

Form Reference Standard Committee Report Template October 2009 2.0



EXECUTIVE MEMBER BRIEFING PAPER

TO: Executive Member Regeneration
FROM: Strategic Director of Regeneration and Environment
DATE: 1st October 2010

WARDS AFFECTED:

All

TITLE OF BRIEFING PAPER	LICENSING OF SEXUAL ENTERTAINMENT VENUES
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1. PURPOSE

For the Executive Member to make recommendations to the full Council on adopting the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009.

Adoption of the new law would introduce a Licensing regime for "sexual entertainment venues" such as lap dancing. Licensing Committee Members have considered the feedback from the consultation and the draft policy for sex establishments.

2. RECOMMENDATIONS

That the Executive Member considers the outcome of a consultation, the draft policy, the recommendations of the Licensing Committee, and, if considered appropriate request the Council to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by Section 27 of the Policing and Crime Act 2009, to allow the licensing of sexual entertainment venues.

3. KEY ISSUES

3.1 Section 27 of the Policing and Crime Act 2009 amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to

allow the Licensing Authority to licence “sexual entertainment venues”, where “relevant entertainment” is provided before a live audience for the financial gain of the organiser or the entertainer.

3.2 This brings the licensing of lap dancing and pole clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas. Adoption of the Act will mean operators providing “relevant entertainment”, such as lap dancing clubs will have to apply for a separate sex establishment licence. These premises are currently licensed under the Licensing Act 2003 as “regulated entertainment” whereby local people can only object on the grounds of the four licensing objectives. Under the new regime local people will be able to make representations on wider grounds and have greater say over the number and location of the establishments in their area. Licence holders will have to renew annually, at which point local people again will have the opportunity to raise objections.

3.3 There will be exemptions for premises where the sexual entertainment is provided infrequently, ie not more than eleven occasions in a twelve month period, they must be greater than one month apart and must not last for more than 24 hours. These premises will still be regulated under the Licensing Act 2003 and would need to apply for Temporary Event Notices.

3.4 Existing Operators who hold a premises licence or a club premises certificate under the 2003 Act will not be given preferential treatment or be automatically granted licences under the provisions of the schedule 3 of the 1982 Act. They will however be able to continue to operate over a 12 month transitional period starting from when the new provisions are adopted to give existing operators time to adapt.

3.5 During the first six months of the transitional period existing and new operators can apply for a new licence. At the end of this period the licensing authority must consider all applications together and cannot grant any licences until all the applications have been considered. The number of licences maybe limited so it would be unfair to grant on a first come first served basis. Once considered a licensing authority can grant as many licences as they see fit in accordance with the policy. After the first six months licences can still be applied for and each application must be considered individually on its own merit.

3.6 The consultation period on whether the Council should adopt the new provisions ran from July 2010 to September 2010 and the following groups were consulted.

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3.7 A copy of the consultation questionnaire can be found at appendix 1 and results of that consultation at appendix 2, at the time of writing this report there had been 34 responses.

3.8 A draft policy can be found at appendix 3. The policy will be a guide for applicants and Members detailing procedural matters, including the mandatory reasons an application will be refused and the discretionary reasons a Council can refuse a licence (ie location and locality of a premises)

4. RATIONALE

Section 27 came into force on 6th April 2010. Local Authorities may now resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so it can have effect in their area. Adoption is a matter for the Council on recommendation from the Licensing Committee.

If the Local Authority fails to adopt Schedule 3 within 12 months of the new legislation taking effect, it must then carry out a full public consultation exercise before formally adopting.

Although many Local Authorities will have already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and cinemas, a further resolution is necessary before the provisions introduced by Section 27 will have effect in the Local Authority area.

The procedure for Local Authorities to adopt Schedule 3 as amended by Section 27 is set out in section 2 of the 1982 Act. Firstly, the Local Authority must pass a resolution specifying that the amendments made by section 27 to that Schedule, shall apply to their area and the day on which it shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed.

The Local Authority shall publish notice that they have passed the resolution referred to above for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before day specified in the resolution for the provisions to come into force in the Local Authority's area.

5. POLICY IMPLICATIONS

The draft policy at appendix 3 for sexual entertainment venues details the following:

- Administrative matters such as application procedures, fees, hearing procedures
- The suitability of the applicant to hold a licence
- The locality and the number of sex establishments allowed
- The character of the relevant locality

Approval of a sexual establishment policy will need to go through the council's decision making process.

6. FINANCIAL IMPLICATIONS

The Council will need to consider an appropriate fee level. The current annual fee for a sex establishment is £4170 and the Licensing Committee recommended that the annual fee for sexual entertainment venues should be set at the same or a similar fee level.

7. LEGAL IMPLICATIONS


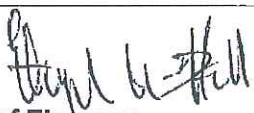
Theoretical risk of legal challenge if recommendations are not followed

8. RESOURCE IMPLICATIONS

Existing staff in the public protection service will undertake the associated work implementing the new licensing regime.

9. CONSULTATIONS

As detailed in Key Issues, additionally a training session was held where all members were invited to attend.

<p>Signed: </p> <p>Director of Legal Services:</p> <p>Date: 13/10/2010</p>	<p>Signed: </p> <p>Director of Finance:</p> <p>Date: 14/10/10</p>
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"[If necessary create an additional box for the Director HR to confirm the Paper]"

CONTACT OFFICER: Donna Riding
DATE: 1st October 2010
BACKGROUND PAPER: Appendices

Background documents are any files, guidance or other materials that have been relied upon in producing the paper. Any background documents listed must be available for public inspection upon request

Form Reference: Executive Member Briefing Paper October 2009 Version 1.0

SEV CONSULTATION

1. **Should the council adopt the new licensing laws giving greater control to them and residents?**
 - 93.9% *yes*
 - 6.1% *No*
 - 0.0% *Dont know*

2. **Should the number of premises within the Borough be limited?**
 - 93.9% *Yes*
 - 6.1% *No*
 - 0.0% *Dont know*

3. **If so how many should there be**
 - 6.1% *0*
 - 9.1% *1*
 - 18.2% *2*
 - 3.0% *3*
 - 0.0% *4*
 - 6.1% *5*
 - 57.6% *Council decide*

4. **Should the limit apply to the whole borough**
 - 96.9% *Yes*
 - 3.1% *No*
 - 0.0% *Dont know*

5. **Should there be separate limits that apply to each ward within the Borough**
 - 31.3% *Yes*
 - 62.5% *No*
 - 6.3% *Dont know*

6. **Should there be a zero limit on sensitive areas such as near to schools, churches, shopping malls, residential areas**
 - 84.8% *Yes*
 - 12.1% *No*
 - 3.0% *Dont know*

7. **Should there be restrictions on advertising on/outside the premises**
 - 84.8% *Yes*
 - 12.1% *No*
 - 3.0% *Dont know*

8. Is it sensible that a person should know what the venue is before entering

90.9% *Yes*

9.1% *No*

0.0% *Dont know*

9. Is it appropriate for the venues to be situated near to schools

3.0% *Yes*

97.0% *No*

0.0% *Dont know*

10. Is it appropriate for the venues to be situated near to places of worship

3.0% *Yes*

90.9% *No*

6.1% *Dont know*

11. Is it appropriate for the venues to be situated near to residential areas

6.1% *Yes*

87.9% *No*

6.1% *Dont know*

12. Is it appropriate for the venues to be situated near to shopping malls

15.2% *Yes*

69.7% *No*

15.2% *Dont know*

13. Comments

100.0%

Comments from the consultees

- 1) Residents in Blackburn with Darwen would have very little say on whether a lap dancing club could operate in the Borough should one apply to do so. Due to a legal loophole, lap dancing clubs are licensed in the same way as cafes and karaoke nights. Not only does this stop local people from having a voice, it would prevent Blackburn with Darwen Council applying vital regulations and restrictions to lap dancing clubs. Why does this matter? Because lap dancing clubs are part of the sex industry, not the ordinary leisure industry. Areas surrounding the clubs can become no-go areas for women, and they fuel a sexist culture in which it is acceptable to treat women as sex objects, not people. They impact on everyone in our community, yet only those who live within a 100-200m radius of the club can currently object to a license. But Blackburn with Darwen now has the opportunity to remedy this. Following a national campaign led by Object and the Fawcett Society, the government has changed the law so local authorities can now licence lap dancing clubs as sexual entertainment venues - meaning they can apply greater controls and local people would get a greater say. But to use these new licensing powers local authorities first have to pass a resolution to adopt them. I believe Donna that the new licensing powers should be adopted by Blackburn with Darwen Council which would better take into account the feeling of local communities (because councils would be able to consider the impact of such clubs on, say, nearby schools, and neighbourhoods).
- 2) I feel such places demure and degrade women adding to a culture where some see them as objects rather than people/human beings. I suspect they will open to further exploitation of vulnerable girls. I consider they will lower the moral values of our town and society. I would fully support the council taking a heavy hand in their licensing, location and advertising
- 3) This sort of activity should be situated in areas as where appropriate, ie out of town and sight of children. There should be door staff making well aware of the content in the venue before allowing guests in and an age limit of 21 - 25 with the possibility of only allowing couples in only and a quarterly review of the licence. My view is it should be barred.
- 4) Blackburn does not need these places or the people who frequent them. multi cultural towns, problems would arise, licensed trade struggling anyway. As long as the controls are there to control and not prohibit then I am in favour. I personally want to see the borough to be a nice clean place for a family and zero tolerance for this kind of filth.
- 5) Should also be restrictions near libraries, leisure centres, KGH, museums. Please also consider the proximity to other venues where children and vulnerable adults may go such as KGH, libraries, leisure centres, museums, playgrounds, parks. These sex establishment premises set a tone for a neighbourhood or a business district. In some cases some business may benefit but a large number would not benefit.
- 6) Whereas these type of venues can be considered as part of the local economy catering for specific needs of some of the population, I think it is important that they do not infringe upon the rights of others to be free of any disturbance from them

whether this be emotional, physical, philosophical, they must be sensitively located and managed and monitored.

7) Blackburn with Darwen town centre management would strongly object to adult entertainment venues on major high street/retail areas within Blackburn and Darwen town centres due to the impact that these would have on the general vitality and visibility as set out in planning policy statement PPSG. We would also be keen to see greater control over the operation and visual appearance of such venues where they are permitted, across the borough, due to the negative impact these venues can have on the urban design, place perception and visitor economy.

Blackburn with Darwen Borough Council

Sexual Entertainment Venue and Sex Establishment Policy

1 DEFINITION OF SEX ESTABLISHMENTS

- 1.1 The Policy applies to sex shops, sex cinemas and sexual entertainment venues.
- 1.2 Sex shops are premises whose business consists of, to a significant degree, the selling, hiring, exchanging, lending displaying or demonstrating of sex articles or other things intended for the use in connection with or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.
- 1.3 Sex cinemas are premises (except dwelling house) which, to a significant degree are used for the exhibition of moving pictures concerned primarily with;

- a) the portrayal of/primarily deal with/relate to/intend to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity; or
- b) the portrayal of /primarily deal with /relate to genital organs or urinary or excretory functions.

A premises shall not be treated as a sex cinema if the premises are used for the exhibition of films under the use and authorization of the Licensing Act 2003.

- 1.4 A Sexual Entertainment Venue (SEV) is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- 1.5 Relevant entertainment is “any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (eg where the entertainment takes place in private booths).
- 1.6 Blackburn with Darwen Borough Council considers that the definition of relevant entertainment applies to, although not exclusively, the following forms of entertainment:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows

2. PREMISES THAT ARE NOT SEXUAL ENTERTAINMENT VENUES

- 2.1 Paragraph 2A(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:
- Sex shops and sex cinemas
 - Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period.

- b) no such occasion has begun with a period of one month beginning with the end of the previous occasions; 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.

3 **WAIVER OF THE NEED FOR A SEXUAL ENTERTAINMENT LICENCE**

The Authority can grant a waiver for the requirement to hold a sexual entertainment licence if it considers that to require a licence would be unreasonable or inappropriate. Where a waiver is granted, this may last for such a period the Authority thinks fit, but can be terminated by the Authority at any time with 28 days notice.

4 **APPLICATION PROCESS**

- 4.1 An application must be made, by completing the prescribed form, giving the full address of the premises, the name, permanent address and age of the Applicant or, where the Applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company.
- 4.2 In addition to completing the prescribed form, Applicants for a licence must also give public notice of the application by publishing an advertisement in a local newspaper that is circulated within the borough of Blackburn with Darwen no later than 7 days after the application is made, together with displaying a notice on the premises where it can be conveniently read by members of the public. The notice shall be displayed for a period of 21 days beginning with the date the application was made. The Authority will prescribe the Notice, which will be size A3.
- 4.3 Where an application is submitted electronically, the Authority will serve the Chief Officer of Police a copy of the application within 7 days of the application being submitted, where the application is not submitted electronically, the Applicant must serve notice on the Police no later than 7 days after the date of the application.

5 **OBJECTIONS**

- 5.1 Objections can be made, in writing, within 28 days from the date of the application. Any person is entitled to object. The objection should be relevant to the grounds set out in paragraph 7.2 below for refusing a licence. Moral grounds or values will not be considered relevant.
- 5.2 The Authority shall notify the Applicant in writing of the general terms of the objections received within 28 days, though shall not, without the express consent of the objector, make public the personal details of the objector.

6 HEARINGS

- 6.1 Where objections are received, the application shall be referred to the Licensing Hearing Sub Committee for determination, except where the objections received are frivolous or vexatious. Each application will be determined on its individual merit.
- 6.2 Where the Committee decides to refuse an application, the Applicant will be provided with reasons for the decision in writing.
- 6.3 The Sub Committee has the power to attach conditions to any grant which it deems necessary, non-discriminatory and proportionate.

7 REFUSAL OF LICENCE

- 7.1 A licence **must not** be granted:

- a) To a person under the age of 18;
- b) To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) To a person, other than a body corporate, who is not resident in the 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 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.

- 7.2 A licence **may be** refused on one or more of the following grounds:

- a) The applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) If the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
- c) The number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of application is determined is equal to, or exceeds the number which the authority consider is appropriate for that locality;
- 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.

8 RELEVANT LOCALITY

- 8.1 When determining an application, the Authority will have regard to the character of the relevant locality, the use of the premises in the vicinity and the layout, character, condition or location of premises.
- 8.2 The Authority shall have a general policy presumption against the granting of licences which are:
- a) Adjacent to, or in the vicinity of places of worship; or
 - b) Adjacent to, or in the vicinity of schools or other educational establishments; or
 - c) Adjacent to, or in the vicinity of a family leisure area;
 - f) Adjacent to, or in the vicinity of public buildings or community facilities; or
 - g) In an area earmarked for regeneration of a particular kind.
- 8.3 Each application will be considered on its own merit taking into consideration the above, as the Authority consider there may be some suitable locations for sex establishment licences within the Borough.

9 PRE-APPLICATION DISCUSSIONS

- 9.1 The Authority recognises that a partnership approach is more likely to ensure the licensing objectives are achieved and maintained. Pre-application discussions between the applicants, the Authority and the other relevant agencies will be encouraged so that the licensing process itself can be as trouble free as possible.
- 9.2 Premises wishing to permit entertainment involving striptease and or sexual stimulation must gain the consent of the Licensing authority prior to performances.
- 9.3 Applications for approval will be in writing and will detail together with a plan of the premises-
- a) Information on the layout and location of the premises including the performance areas
 - b) Information on the access and egress to and from the performance area
 - c) Information on the dressing room arrangements.
 - d) Information on the standard of fittings and fixtures used in the premises
 - e) Information on the public access to the premises
 - f) Information on the charges for entrance, drinks and performances
 - g) The premises written and signed Security policy.
 - h) A copy of the house rules
 - i) Information on the appearance and content of advertising material outside and inside the premises. All promotional material must not be pictorially explicit.
 - j) Information on the means by which potential customers will be made aware of the nature of the performance.
- 9.4 Guidance notes for the licensee on the above criteria.
- a) Information on the layout and location of the premises including the performance area.

The Council requires that the application includes a site location map of the premises, internal arrangements within the premises and size of performing areas including information on the access and egress to the performing area. All performing areas will be open to view i.e. no individual booths will be given consent. The information will allow the Council to consider issues of public safety and nuisance and other aspects of the Crime and Disorder Act 1988.

b) Information on the dressing room arrangements.

The Council requires there to be separate dedicated and secure dressing areas for the performers. This will help provide a safe area for the performers.

c) Information on the standard of fittings and fixtures within the premises.

The Council requires that premises undertaking activities covered by these conditions will be of the highest standards and quality. Inspection of the premises will require that fixtures and fittings be of a high quality and well maintained.

d) Information on the public access into the premises.

The Council requires that the premises have a door supervisor at the entrance at all times the premises are open. In addition the interior of the premises will not be able to be viewed directly from the street.

e) Security Policy

The Council requires that a written Security policy signed by the Licensee be part of the application.

This policy will as a minimum include the following -

Stewarding arrangements: This will include the numbers and ratio of door supervisors to customers. In addition door staff will be equipped with audio facilities to help provide protection to the customers and the performers. Again for protection, arrangements must specify how physical contact between the performers and the audience will be prevented and all performers will be escorted to their vehicles after the performance.

CCTV arrangements will be subject to approval by the police. Tapes must be kept for a calendar month and will be handed over immediately on request to an officer of the licensing authority or the police. These cameras must record continually while the premises are open and will cover all performing and public areas.

Management roles and responsibilities with signatures of relevant operators

k) House rules

The Council requires that copies of House rules must be distributed throughout the premises including the entrance to the premises. These must be conspicuously sited, be able to be read by the clients easily i.e. in relevant languages and size of type. This document must include the contact telephone number of the Licensee and the contact

number of the Licensing Section of the authority in case of complaint. Premises with consent will allow only persons over 21 years of age on to the premises while striptease entertainment or similar entertainment is taking place.

9.5 Consent will not be given to the following.

- Nudity will not be allowed in any premises
- No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982) and performers shall at all times wear the minimum of a g-string or similar clothing on the appropriate part of the body.
- Neither the licensee, performers or other person concerned with the licensed premises shall permit or encourage touting for business by the performers.
- Neither the licensee, performers or any other person concerned with the licensed premises of the entertainment shall encourage or permit others to encourage the audience to throw money or to otherwise give gratuities to the performers.
- No striptease or similar activity will continue after 2.00a.m.

10 LICENCE CONDITIONS RELATING TO SEV

10.1 Should the Authority decide to grant a licence, conditions will be imposed on the licence, such conditions may see to restrict:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

11 DURATION OF LICENCES

Licences for sex establishments can be granted for up to one year.

12 APPEALS

12.1 In the event that the Authority refuses an application for the grant, renewal or transfer of a sex establishment licence, the Applicant may appeal the decision to the magistrates' court, unless the application was refused under either of the reasons as paragraph 7.2c) or d) above, in which case the Applicant can only challenge the refusal by way of judicial review. An appeal can also be made against the imposition of conditions.

12.2 Appeals must be made within 21 days from the date of written notification of the decision.