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Category:	
People	
Place	Yes
Corporate	
In Constitution	

Licensing Policy for Sex Establishments (4 policies)

Policy Details

What is this policy for?	Considering applications for sex establishments, including sexual entertainment venues. To help potential applicants, objectors and decision makers when considering applications for sex establishments.
Who does this policy affect?	Potential applicants, objectors and decision makers.
Keywords	Sex shops, sex cinemas, sexual entertainment
Author	<ul style="list-style-type: none"> Steve Ricketts, Team Leader Public Health & Protection, East Dorset District Council Peter Davis, Licensing & Community Safety Manager, North Dorset District Council
Dorset Council policy adopted from	<p>East Dorset District Council North Dorset District Council West Dorset District Council Weymouth & Portland Borough Council</p> <p>Dorset Council has adopted policies from its constituent councils. Please be aware varying policies apply within the Dorset Council area. Policies will be reviewed and/or harmonised by 1 April 2021.</p>
Does this policy relate to any laws?	Policing and Crime Act 2009, Local Government (Miscellaneous Provisions) Act 1982.
Is this policy linked to any other Dorset Council policies?	No
Equality Impact Assessment (EqIA)	<p>West Dorset District Council EqIA completed.</p> <p>A new EQIA will be completed when the policy is harmonised for Dorset Council.</p>
Other Impact Assessments	None

Status and Approvals

Status	Live	Version	
Last review date	East Dorset District Council - 2010	Next review date	
Approved by (Director)		Date approved	
Member/ Partnership Board Approval	<p>West Dorset District Council - Licensing Appeals Committee & Executive Committee</p> <p>East Dorset District Council - Policy & Resources Committee</p>	Date approved	<p>West Dorset District Council - 2010</p> <p>East Dorset District Council - 2004</p>

Sexual Entertainment Venues - Policing and Crime Act 2009

Item for Decision:	To adopt a new piece of legislation to increase the powers available to control sexual entertainment venues. The effect of adopting the legislation will be to give the Council more powers to regulate lap dancing clubs and similar venues.
Contributors	Steve Duckett, Head of Public Health Services
Contact Officer	Steve Ricketts, Licensing Manager
Financial Implications:	None
Council Priorities:	H&H1
Recommendations:	It is RECOMMENDED that East Dorset District Council adopt the amendments to the Local Government (Miscellaneous Provisions) Act 1982 made by Section 27 of the Policing and Crime Act 2009 to come into effect on 2nd August 2010 throughout it's whole administrative area.

1. Applicable Lead Member Area(s)

1.1 Community; Culture; Health and Housing;

2. Crime and Disorder – Section 17 Implications

2.1 The Policing and Crime Act 2010 seeks to offer Licensing Authorities more regulatory powers to control premises often associated with enforcement issues.

3. Equalities Implications

3.1 Any applications received under the new laws would be considered in line with the policies shown in the report to ensure only the correct matters are considered.

4. Risk Implications

4.1 As local authorities adopt the new licensing provisions across England and Wales, there is always a risk that those Councils not adopting the new laws attract a disproportionate number of applications for sexual entertainment venues in their areas.

5. Introduction

5.1 In 1982 the Council adopted the Local Government (Miscellaneous Provisions) Act 1982 granting powers to require licences to open sex establishments in the East Dorset District.

5.2 The Act defines a sex establishment as either a 'sex cinema' or a 'sex shop'. Now the Policing and Crime Act 2009 allows Councils to adopt powers to include a new category of sex establishments called a 'sexual entertainment venue'.

5.3 Whilst there is not a perceived problem with this type of premises in East Dorset, this report recommends the adoption of the new regulatory powers as a preventative measure.

6. Policing and Crime Act 2010 – Sexual Entertainment Venues

- 6.1 Section 27 of the Policing and Crime Act 2010 sets out the meaning of a ‘sexual entertainment venue’ and ‘relevant entertainment’ for the purposes of these provisions.
- 6.2 A sexual entertainment venue is defined as *“any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.”*
- 6.3 The meaning of ‘relevant entertainment’ is *“any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience”.*
- 6.4 While local authorities should judge each case on its merits, it is expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 6.5 However, such activities will be permitted to take place on 12 occasions within a 12 month period without obtaining a ‘Sexual Entertainment Venue’ licence, subject to other qualifying criteria.

7. Interaction with Licensing Act 2003

- 7.1 Schedule 7 to the 2009 Act amends the 2003 Act to ensure that premises for which a sexual entertainment venue licence is held do not also require a premises licence, club premises certificate or temporary events notice in order to provide ‘relevant entertainment’.
- 7.2 However, if the premises also carry on other licensable activities they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the 2003 Act for those other activities.
- 7.3 In practice, this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of ‘relevant entertainment’, and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment.
- 7.4 If Members choose not to adopt the new powers the Council will rely solely on the Licensing Act 2003 to control such premises and the consideration of applications would be restricted to the four Licensing Objectives – Public Safety, Prevention of Public Nuisance, Prevention of Children from Harm and Prevention of Crime and Disorder.
- 7.5 Whilst the controls available under the Licensing Act may appear wide ranging, in practice powers to refuse such applications are quite restrictive.

8. Increased Controls

- 8.1 The adoption of the new laws would make available wider discretion to Members. Refusal options would include :-
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) the number of sex establishments exceeds the number which the authority consider is appropriate for that locality;
 - (c) 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.

9. Existing Policy / Fees

- 9.1 On 16th June 2004, the Policy and Resources Committee reviewed its policy in respect of Sex Establishment licences to reflect the most recent case law. The existing policy is shown in the report of 16th June 2004 in Appendix 1.
- 9.2 The existing policy would apply to this new category of sex establishment venue, as would the fees.

10. Procedures of Adoption

- 10.1 Firstly, the local authority must pass a resolution specifying that the amendments made by section 27 of the Policing and Crime Act 2009, 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.
- 10.2 The local authority shall publish a notice that they have passed a resolution for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force.
- 10.3 If Members accept the recommendation to this report, the proposed timetable is as follows:-
- (a) Adoption of Resolution – 22nd June 2010;
 - (b) Adverts detailing general effect of Resolution during weeks of 12th and 19th July 2010;
 - (c) Resolution Comes Into Force – 2nd August 2010.

11. Appendices

- 11.1 Appendix 1 - Policy and Resources report – 16th June 2004 – Sex Establishments Policy

12. Background Papers

- 12.1 The Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010

East Dorset District Council

Policy and Resources Committee

16th June, 2004

Agenda Item No **6**

Public Report

Sex Establishments - Council Policy

Item for Recommendation: To review the Council's policies with respect to dealing with applications for sex establishment licences

Contributors: Chief Executive

Contact Officer: Steve Duckett, Head of Public Health Services

Financial Implications: There will be additional fee income for every application received (see paragraph 7).

Council Priorities: [HH1](#)

Recommendations: It is **RECOMMENDED** that:-

(a) the Council's current policy be repealed;

(b) all applications be considered on their own merits;

(c) officers be delegated powers to consider and issue licences and conditions for applications for sex establishments that have no public access to the premises, and are located in non-residential areas;

(d) all other applications be referred to the Licensing Sub-Committee;

(e) the fees as described in paragraph 7 be approved for 2004/05.

1. Applicable Lead Member Area(s)

1.1 Health and Housing

2. Crime and Disorder – Section 17 Implications

2.1 Ensuring compliance with any conditions imposed.

3. Introduction

3.1 Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 enables a local authority to adopt by resolution provisions to enable Council's to control 'sex establishments'.

3.2 Sex establishments can either be 'sex cinemas', whereby non-dwelling premises to which the public are invited, are used to a significant degree for films involving sexual activity; or 'sex shops' which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles.

3.3 It has come to the Council's notice that an establishment has been operating within the district for at least a year and further enquiries have recently been received with respect to setting up new sex establishments in the area. This has prompted a review of the relevant statutes in relation to case law established since the implementation of the Act.

4. Current Situation within East Dorset

- 4.1 The legislation states that Councils may make a policy which restricts the number of sex establishments within a locality, and that it is acceptable to set that figure at zero.
- 4.2 In 1982 the Council adopted a policy of setting a maximum figure of zero throughout the whole of the East Dorset District, effectively barring sex establishments.
- 4.3 At that time, this seemed perfectly in line with the terms and wording of the legislation, and there has not been a need, until now, to review that policy.

5. Case Law and the need to Change the Policy

- 5.1 In R v Peterborough City Council and other, ex parte Quietlynn Ltd (1986) it was held that Councils should avoid wherever possible defining the whole of their administrative area as an unsuitable location to have sex establishments.
- 5.2 R v Sefton Metropolitan Borough Council and Sunderland Borough Council, ex parte Quietlynn Ltd (1985) clarified Councils' obligations further by stating that decisions taken under this legislation refusing applications (of which persons may submit notwithstanding a policy of zero premises) must state the following :-
 - (a) Why the relevant locality was chosen;
 - (b) How its character was identified;
 - (c) Why that character was thought to make the licensing of a sex shop inappropriate.
- 5.3 From other various cases, it seems clear that Councils have two options when considering granting licences:
 - (a) it may proactively look at its own area and designate localities within the district to which stated maximum number of premises are permitted. It is not necessary to define areas by way of maps, but general policy guidelines may be sufficient to assist applicants and indeed officers and councillors in their deliberations.
 - (b) it may use the receipt of applications as their starting point and consider the suitability of the location and the proposed use in each particular case.

6. The Suggested Policy for the Future

- 6.1 Each application must be considered on its own merits and any person has a right to submit an application no matter what policy is adopted.
- 6.2 Certain businesses fall under the definition of a sex establishment that most individuals would not consider to be a sex shop, such as premises that manufacture and distribute sex articles from commercial property, but do not allow the public within the premises. It is considered that if such premises were located in a suitable location, for example, on an industrial estate, then there would be no legal grounds to prevent such a business operating within East Dorset.
- 6.3 It is proposed that these types of applications should be delegated to officers. Conditions in such circumstances would be attached so as to preserve the type of operation described and any changes to the business operation would be subject to further applications.
- 6.4 Any other type of application would be referred to the Licensing Sub-Committee.

7. Fees

- 7.1 An applicant for the grant, renewal or transfer of a licence must pay a fee that the Council considers to be 'reasonable'.
- 7.2 It is suggested that a fee of £500 is a reasonable amount to for those applications that may be dealt with by officers as suggested in paragraph 6.3 above. All other applications should be subject to an application fee of £1500 in view of the increased amount of work involved with these more contentious applications.
- 7.3 These fees will be reviewed annually during the normal budgetary processes.

8. Appendices

- 8.1 None

9. Background Papers

- 9.1 Published Works

Licensing Policy for Sex Establishments

Statement of Licensing Policy

Local Government (Miscellaneous Provisions) Act
1982 as amended by the Policing and Crime Act
2009

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Introduction:

This policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

On 19/01/2011 North Dorset District Council resolved to apply schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009, on providing that anyone wishing to operate a sex establishment within the district must first obtain a licence from the council.

North Dorset District Council's 'Sex Establishments Policy' sets out the Licensing Authorities approach to the regulation of sex establishments. The Policy provides advice to applicants about the procedure and approach to take when making an application.

The council's licensing regime aims to ensure that sex establishments in North Dorset District Council operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated.

In preparing this policy the council has consulted with and considered the views of a wide range of people and organisations and has regard to the guidance issued by the Home Office.

The council adopts the overall approach of encouraging the responsible promotion of licensed activities. The council will impose conditions where necessary to promote responsibility and will use enforcement to address premises where there are problems.

The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of applicants for licences and those who object to such applications. This Policy will therefore guide the Council when considering applications for sex establishment licences in balancing the needs of residents, communities, commercial interests, patrons and employees.

Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act.

This Policy may be reviewed from time to time as the Council thinks fit.

North Dorset District Council

1. North Dorset Council is situated in the heart of the County of Dorset which contains 8 Councils in total.
2. The North Dorset area covers some 235 square miles (60864.720 hectares) and has a population of approximately 64,000 making it the middle in the County in terms of population.
3. It is a rural district with an economy based on agriculture commerce and service industries.
4. Around 50% of the district's total populations are clustered around the five main towns of Blandford, Gillingham, Shaftesbury, Stalbridge and Sturminster Newton whilst the other half are distributed throughout the rural villages thus creating an area of sharp contrasts.
5. The age profile is such that it is above the national average for over 60 and the 20-29 age group is below the national average.

6. Definitions:

7. For the purposes of this policy, the following definitions will apply, provided that any subsequent amendments to the 1982 Act will also be taken into account:
8. **The Act** refers to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
9. **The Council** means North Dorset District Council.
10. **The Policy** refers to North Dorset District Council's Sex Establishments Policy
11. **Authorised officer** means an officer employed by North Dorset District Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.
12. **The premises** means the premises, vehicle, vessel or stall that are the subject of the sex establishment licence or of the application for a sex establishment licence.
13. **Sex cinema** means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures related to, or intended to stimulate or encourage, sexual activity, acts of force or restraint associated with sexual activity, or concerned primarily with the portrayal of or primarily deal with, or relate to, genital organs or excretory or urinary functions, but does not include a dwelling house to which the public is not admitted.

14. **Sex shop** means any premises, vehicle, vessel or stall used for a business consisting 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.
15. **Sex articles** include written or visual material such as sex magazines or books, or visual or audio recordings concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions
16. **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.
17. **Relevant entertainment** means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. Where the entertainment takes place in private booths)
18. **Display of nudity** means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.
19. **The organiser** means any person involved in the organisation or management of relevant entertainment.
20. **Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.
21. **Entertainer** means dancer, performer or other such person employed, or otherwise, to provide relevant entertainment.
22. **Licence** means any sex establishment licence that the council can grant under this Act.
23. **Licence holder** means the holder of a sex establishment licence.

24. **Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.

25. **Responsible person** means the person nominated by the licence holder who has personal responsibility for and be present on the premises whilst the premises are open to the public. This may be the manager or the relief manager.

General Principles:

26. In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this Policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear reasons for doing so.

27. The Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes. The granting of a Sex Establishment Licence does not infringe or impact on the requirement of Licensees to comply with other relevant legislation.

28. The role of the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, is to maintain a balance between the needs of the sexual entertainment and sexual establishment industry and the needs of residents and other users of the district.

29. The Licensing Authority has formulated its licensing policy having regard to the relevant priorities of the Alcohol Harm Reduction Strategy and the Sustainable Community Strategy.

Human Rights

30. The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his or her home and private life, including, for example, the right to a "good night sleep";
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession;
- Article 10 the right to freedom of expression.

The Provision of Services Regulations

31. The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- non-discriminatory in regard to nationality
- necessary for reasons of public policy, public security, public health or the protection of the environment and
- proportionate with regard to the objective pursued by the legislation.

32. The council will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

33. The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)
- the misuse of drugs, alcohol and other substances
- re-offending in its area.

34. The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable to prevent them.

Equality Act 2010

35. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including licensing functions. The Council will be mindful of this duty when determining all licensing applications. In particular the Council will pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Planning

36. The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation.
37. In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
38. In addition, all new developments and premises which have been subject to structural alterations since 1994 should have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
39. Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Applications

40. An application for the grant, renewal, transfer or variation of a licence must be made in writing to the Council on the prescribed application form.
41. Application forms, application guidance notes, and notices for public advertisement are available upon request from Food, Safety and Licensing Services or on the council website at www.dorsetforyou.com/395845
42. The address at which the council will accept applications is:
- By post/personal service to:
- Food, Safety and Licensing Services
North Dorset District Council
Nordon
Salisbury Road
Blandford Forum
Dorset
DT11 7LL
43. In keeping with the Council policy on the introduction of e-government the Council will consent to applications being given electronically. Electronic applications can be e-mailed to:

44. All new applications, significant variation applications and any contested renewal, variation or transfer application will be determined by a sub-committee hearing consisting of three members of the Licensing Committee.

Exemptions

45. Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis.

These are defined within paragraph 2A of Schedule 3 as inserted by section 27 of the Police and Crime Act 2009 as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- 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

Fees

46. The council will set a reasonable fee for a sex establishment licence and fees are non-refundable once an application has been submitted and costs incurred. These fees will be reviewed at any time the council sees fit and changed made accordingly if necessary.

Notices

47. The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of the application
- Advertisement at the premises by way of a site notice for 21 consecutive days
- Notice of the application to be sent to the Chief Officer of Dorset Police within 7 days of the application

48. Proof that the applicant has advertised the application will be required.

Applicant suitability

49. The Council will need to be satisfied that the applicant for a sex establishment licence is suitable to operate the business.

50. Applicants will be required to submit the application form, and include a personal information form and a Disclosure and Barring Service (Standard DBS disclosure) issued within the last month. If an applicant is a company all directors will be required to submit a

Personal Information form and a standard DBS disclosure. The cost of any criminal record checks will be paid by the applicant.

51. The applicants suitability will be checked using the above documentation and in consultation with Dorset Police. Applicants may also be asked to attend an interview to support their application.

52. The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions
- has no unspent conviction of a nature that deem him/her unsuitable

53. Applications for a sex establishment licence for a sexual entertainment venue will also show they have:

- a clear code of conduct for customers
- a clear code of conduct for performers and
- a clear policy on pricing

54. The council will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to the council that the interest of the public is protected.

Location of licensed premises

55. The council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. However the council are aware of the necessity to balance the needs of the community against the amenities of the local area.

56. Notwithstanding paragraph 55, while the council have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application on its own merits, the council will, with each application, consider the characteristics of the locality and consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential premises

- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments, nurseries, playgroups, playgrounds, youth clubs and youth hostels
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples
- Places and/or buildings of historical/cultural interest and tourist attractions
- Cultural facilities such as museums, theatres and cinemas
- Public leisure facilities such as leisure centres, parks and open spaces
- Community buildings such as community centres, libraries and drop in centres
- Places used by vulnerable persons such as hostels and other adult social care facilities
- Hospitals and other medical facilities
- Gateways to identifiable locality
- Other sex establishments
(The reference to Gateway is as defined within Planning terms)

57. It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

Refusal of applications

58. The Act specifies five mandatory grounds for refusing an application. These are;

That the applicant:

- a) Is under the age of 18;
- b) Is for the time being disqualified from holding a sex establishment licence;
- c) Is not a body corporate, and is not resident or has not been resident in an EEA state for six months preceding the date of the application;
- d) Is a body corporate which is not incorporated in an EEA state;
- e) Has, in the period of 12 months preceding the date of the application, 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.

59. In each of the circumstances above, the Council is required to refuse the application.

60. The Act also specifies four discretionary grounds on which an application may be refused, namely:

- 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, 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 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 the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
- d) the grant would be inappropriate, having regard:
 - I. to the character of the relevant locality;
 - II. to the use to which any premises in the vicinity are put;
 - III. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

61. The council will consider each application on its own merits, taking into account local knowledge, this policy and the guidance provided by the Home Office.

Objections

62. Objections may be made to an application by any person.

63. The Council will not consider any objection that does not contain the name and address of the person making it.

64. The Council will not consider objections that are frivolous or vexatious or are based on moral grounds (as these are outside of the scope of the Act).

65. Objections must be made in writing (email is acceptable) and state the grounds on which the objection is made. The objection must be made within the period of 28 days following the date on which the application was given to the Council and should include the following:

- The name and address of the person or organisation making the objection
- The premises to which the objection relates.

66. The council will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application.

67. Objector's details will remain anonymous and the Council will redact the objection so that the objector's identity remains anonymous. If objectors wish for their details to be released to the applicant they should make this clear in their objection.

68. The Council will facilitate mediation between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.

Hearings

69. Applications will be referred to the Licensing Committee for determination as per paragraph 68. In addition, at the discretion of an officer, any application may be referred to the Licensing Committee for determination.

70. The hearing shall be conducted in accordance with the councils Hearings Procedure for Sex Establishment Licences. The procedure may change at the discretion of the Chairman of the Licensing Committee. A copy of the Hearings Procedure is attached as Appendix A.

71. Those who have made comments on an application shall be invited to attend a hearing and state their case to the Licensing Committee but will only be permitted to speak on matters relevant to their written representation to the Council.

Determining an application

72. In determining licence applications under the Local Government (Miscellaneous Provisions) Act 1982 the council will take into consideration the application before it, any comments made by the Chief Officer of Police and any objections received as well as local knowledge including local issues and cultural sensitivities.

73. In all cases the Council reserves the right to consider each application on its own merit.

74. Every decision to refuse a licence made by the Licensing Committee or subcommittee will be accompanied by clear reasons for the decision.

Right of appeal

75. There are no rights of appeal for statutory authorities or persons who have objected to the grant of a sex establishment licence.

76. There is a right of appeal for applicants/licence holders in the following circumstances:

- refusal to grant a new sex establishment licence
- refusal to renew an existing sex establishment licence
- refusal to transfer an existing sex establishment licence
- refusal to vary an existing sex establishment licence
- imposition of conditions on a sex establishment licence

- revocation of a sex establishment licence

77. However, an appeal may not be lodged where the Council's decision has been made on the basis that:

- the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
- the grant is inappropriate, having regard:
 - a) to the character of the relevant locality
 - b) to the use to which any premises in the vicinity are put
 - c) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

78. Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

Period of licence

79. A sex establishment licence will remain in force for up to one year, or for a shorter period should the council think fit.

Conditions

80. The council will impose standard conditions on all licences. These conditions are attached at Appendix B.

81. Where it is reasonable and necessary to do so, the Licensing Committee or Sub Committee may impose additional conditions on a sex establishment licence or alter or omit some of the standard conditions from the sex establishment licence.

82. Any breaches of the conditions attached to the licence may result in the revocation of that licence.

Revocation

83. Should information be received by the council that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, the council may revoke the sex establishment licence.

84. The Council will not revoke a licence without first giving the holder of the licence the opportunity to make representation before a licensing sub-committee.

85. The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.

86. The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

Waiver

87. Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.

88. The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.

89. Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

Enforcement:

90. The council is responsible for the administration, compliance and enforcement of the licensing regime. The main enforcement role for the council in terms of the Local Government (Miscellaneous Provisions) Act 1982 as amended will be to ensure compliance with the conditions placed upon the licence.

91. In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:

- proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem, and minimise side effects.

92. The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

93. The council recognises the interest of both citizens and business and will work closely with partners to assist licence holders to comply with the law and the conditions attached to the licence. However proportionate and firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.
94. The council has set clear standards of service and performance that the public and business can expect. In particular an enforcement policy has been created that explains how the council will undertake its role and how the principles of effective enforcement will be achieved.
95. A copy of North Dorset District Council's Policy can be obtained upon request.

Appendix A

NORTH DORSET DISTRICT COUNCIL'S

PROCEDURE – SEX ENTERTAINMENT VENUE HEARINGS

1. Chair of sub-committee is identified and introduced
2. Members of the sub-committee are introduced
3. All persons who have given notice of their intention to speak are identified
4. Any person who wishes to withdraw a representation or who now wishes not to speak is identified
5. All parties confirm agreement to, or make representations as to, the procedure
6. Clarification sought as to how much time each person speaking will need and if necessary time limit considered
7. Licensing Officer's report is presented
8. Order of speaking is agreed
9. Parties will be advised that they should not repeat the information already given in writing and that all representations should be relevant
10. Parties to make representations in the order agreed. Members may ask questions after each representation and at the end. No parties will be allowed to cross-examine unless the Members have agreed at the earlier stage that the procedure should be altered.
11. Following representations the parties will be asked whether they have anything else to add. Person who spoke first to go last. No repetition.
12. Everyone is asked to confirm that they are happy for Members to consider all the evidence provided. Any objection – will be considered and legal advice sought if necessary as to whether the evidence to be excluded or considered.
13. Members will deliberate in private
14. Members may request the attendance of a legal representative to provide them with legal advice
15. The decision will be taken and notified to all parties at the appropriate time in accordance with the Regulations

General points

- Proceedings may be adjourned at any time at the discretion of the Members
- Members may amend the procedure if it is considered in the public interest or in the interest of a fair hearing
- Members may exclude any person from the hearing if it appears to them to be in the public interest to do so or if that person is being disruptive.

Appendix B

NORTH DORSET DISTRICT COUNCIL'S

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 **as amended by the Policing and Crime Act 2009**

Regulations prescribing standard conditions applicable to licences for Sex Establishments.

DEFINITIONS

In these Regulations the following expressions shall have the following meanings:

- In these standard conditions, the following expressions, that is to say "Sex Shop", "Sex Cinema", "Sex Article" and "Sexual Entertainment Venue" shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- "Licensed Premises" means the premises licensed by North Dorset District Council to be used as a sex establishment.
- "Licence Holder" means the person or organisation named as the holder of the sex establishment licence for the premises granted by North Dorset District Council.
- "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- "Approved" means approved by the Council in writing.
- "The Council" means North Dorset District Council.

Sexual Entertainment Venues – Standard Conditions

General

1. 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.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Exhibition of the licence

3. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently exhibited at the premises in a position where it can be clearly seen by patrons of the premises. For the purposes of this section, a certified copy of the licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.
4. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the Council, the Police or the Fire Authority.

Conduct and Management

5. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
6. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
7. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
8. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
9. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
10. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
11. Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:
 - each entrance and exit at the premises used by the public are manned by at least two door supervisors

- all public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with
 - persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises
- 12.No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
- 13.No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
- 14.The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
- 15.An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
- Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
 - Any complaints made by customers, dancers or staff
- 16.The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved / name of dancer or staff member where appropriate and brief description of the incident and any action taken by staff.
- 17.The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
- 18.The licence holder and/or Duty Manager shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
- 19.The incident / refusal log shall be made available for inspection to the Police and or and authorised officer of the council on request.
- 20.The licence holder and/or Duty Manager shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.

21.No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

22.There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation. All advertising must comply with condition 24 below.

Advertising, Premises Appearance and Layout

23.The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.

24.No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:

- any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
- the name of the premises as specified in the sex establishment licence
- the hours of opening of the premises
- notice of any admission charge to the premises

unless the Council has given its prior consent in writing that such display or advertisement may be used.

25.All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

26.No window shall contain any sign, advertising material, goods or display without the written consent of the Council.

27.No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.

28.The layout of the premises shall be such that performers cannot be seen from outside the premises.

29.Performers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

Requirements for a code of Conduct for Dancers

30. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder and the Council.
31. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Dancers".
32. No change shall be made to the Dancer's Code of Conduct without the prior written consent of the Council.
33. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary proceedings.
34. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer's Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.
35. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer's Code of Conduct.
36. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

37. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder and the Council.
38. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Customers".
39. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.
40. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council.
41. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.

42. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.

43. Where a customer breaches the Customer's Code of Conduct, this shall be recorded in the incident / refusals log.

Disciplinary Procedure

44. A disciplinary procedure shall be in place to deal with dancers who breach the Dancer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each dancer who works at the premises.

45. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the house Disciplinary Procedure and have read and understood its contents.

Code of Conduct for Dancers

46. The Dancer's Code of Conduct shall include the following conditions as a minimum:

- a. Dancers may not intentionally touch a customer during a performance
- b. Dancers may not permit a customer to touch them during a performance
- c. Dancers may not straddle the customer
- d. If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer continues with their inappropriate behaviour, the dancer shall stop the performance and inform the management
- e. If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
- f. Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue
- g. Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts
- h. Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina
- i. Dancers shall not solicit for gratuities or payment for sexual favours

- j. Dancers shall not engage in any act of prostitution
- k. Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public
- l. Dancers shall not perform if under the influence of alcohol or drugs.
- m. Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- n. Dancers shall only use the smoking area provided specifically for their use.
- o. Dancers shall only use the sanitary facilities specifically provided for their use.
- p. Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire
- q. All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which has been provided to each dancer.

Code of Conduct for Customers

47. The Customers Code of Conduct shall include the following conditions as a minimum:
- a. Customers may not touch dancers during a performance
 - b. Customers may not make lewd or offensive remarks to dancers
 - c. Customers may not harass or intimidate dancers
 - d. Customers may not ask dancers to perform any sexual favour
 - e. Customers may not perform acts of masturbation or indulge in other sexual behaviour
 - f. Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises

Staff welfare

48. Dancers under the age of 18 will not be permitted to work at the premises. All reasonable steps shall be taken to verify the age of the dancer such as the production of photo identification.
49. The licence holder shall ensure dancers have secure dressing rooms and facilities to secure valuables.
50. The licence holder shall ensure that there are sanitation facilities for the use solely of the dancers and other employees of the premises.
51. Each dancer shall be provided with an information pack which will include the following:

- A copy of relevant conditions attached to the Sex Establishment Licence
 - Details of any other conditions applied by the management of the premises
 - A copy of the Dancers Code of conduct
 - A copy of the Customers Code of Conduct
 - The premises Disciplinary Procedure Policy including any fining policy
 - Pricing policy
 - Details of HM Revenue and Customs, unions, trade organisations or other bodies that represent the interest of the dancers
52. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the full name of the dancer, home address, date of birth and the date the dancer was provided with the information pack as stated above.
53. Such records shall be kept on the licensed premises and produced for inspection by the Police or an authorised council officer on request.
54. Any instances of the dancer breaching the Dancers Code of Conduct and any instances of discipline and fines imposed will be recorded on their record. The record shall include the date and time of the incident and the breach that occurred.
55. All booths/areas for VIP's used for private dances must be visible to supervision and must not have closing doors or curtains that prevent performances from being observed.
56. All booths/areas for VIP's used for private dances must be directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
57. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

Sex Shops – Standard Conditions

General

1. 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.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Exhibition of the licence

3. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently exhibited at the premises in a position where it can be clearly seen by patrons of the premises. For the purposes of this section, a certified copy of the licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.
4. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the Council, the Police or the Fire Authority.

Hours of opening

5. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 23:00 hours.
6. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

7. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
8. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.

9. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
10. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
11. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
15. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
16. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
17. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
18. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.

19. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
20. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
21. The incident / refusal log shall be made available for inspection to the Police and or and authorised officer of the council on request.
22. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
23. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
24. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation.

Advertising, Premises Appearance and Layout

25. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
26. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises

unless the Council has given its prior consent in writing that such display or advertisement may be used.

27. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
28. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
29. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.

- 30.No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person be present in any such booth or cubicle at any time.
- 31.No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.
- 32.All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 33.No film or video/DVD/Blu-ray film or computer game/memory stick or compact disc shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification, or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video/DVD/Blu-ray film or computer game/memory stick or compact disc, so certified.

Sex Cinemas – Standard Conditions

General

1. 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.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Exhibition of the licence

3. The licence holder shall ensure that the sex establishment licence or a certified copy shall be prominently exhibited at the premises in a position where it can be clearly seen by patrons of the premises. For the purposes of this section, a certified copy of the licence shall be a copy certified as a true copy by the holder of the licence or his solicitor and appropriately signed and dated with the date the copy was certified.
4. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the Council, the Police or the Fire Authority.

Hours of opening

5. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 23:00 hours.
6. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

7. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
8. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.

9. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
10. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
11. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
15. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
16. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
17. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
18. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.

19. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
20. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
21. The incident / refusal log shall be made available for inspection to the Police and or and authorised officer of the council on request.
22. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
23. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
24. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation.

Advertising, Premises Appearance and Layout

25. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
26. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises

unless the Council has given its prior consent in writing that such display or advertisement may be used.

27. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
28. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
29. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.

- 30.No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person be present in any such booth or cubicle at any time.
- 31.No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.

Exhibition of film

- 32.No film shall be exhibited unless:
- a. it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
 - b. the film has been passed by the Council for showing within its authority
- 33.If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
- 34.Not less than 28 days' notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.
- 35.When the programme includes a film in the 12, 15 or 18 category no person under the age of 18 shall be admitted to any part of the programme (see condition 14).
- 36.If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
- 37.On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
- 38.Immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
- 39.For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

North Dorset District Council

(Here insert title of film)

has been passed North Dorset District Council as
(here insert the definition of the category and the category assigned)

40. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

North Dorset District Council

*.....trailer advertising +.....film

(*Here insert the category of the trailer)

(+Here insert the category of the film)

41. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

West Dorset District Council Sex Establishment Policy

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1 Introduction

- 1.1 West Dorset District Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendments made to Schedule 3 by S.27 of the Policing and Crime Act 2009 with regard to sex establishments. The Council will apply this policy to sex establishments within its area to ensure consistency of decision making and enforcement. Each application for grant, variation, transfer or renewal will however be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.2 There are three different types of sex establishment licensable under the above Act, sex shops, sex cinemas and with effect from April 2010 a new type referred to as sexual entertainment venues is introduced by the Policing and Crime Act 2009 (see section 2 for legal definitions). If one premises operated as more than one of these establishments a separate licence for each activity would be required.

- 1.3 No sex establishment, as defined by Schedule 3, can operate unless it has consent from the Council or the requirement for a licence has been waived by the Council.
- 1.4 The Council will have regard to a number of factors and conditions when determining any premises application or variation, etc for sexual entertainment. These factors and conditions are outlined in this document.

2. Scope of Legislation & Definitions

- 2.1 A sex establishment according to the Local Government (Miscellaneous Provisions) Act 1982 as amended is a sex shop, sex cinema or sexual entertainment venue.
- 2.2 A sex shop is defined as 'any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in sexual activity.

There is no definition of significant degree.

- 2.3 A sex cinema is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of, deal with, or relate to sexual activity.
- 2.4 A sexual entertainment venue is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as 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 purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of one person.

The following forms of entertainment would generally be understood to fall within the definition; Lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shops.

3. Application Process

3.1 The process for an application under the provisions of the LGMPA 1982 is as follows:

- The applicant must be over the age of 18 and not disqualified from holding such a licence
- The applicant must submit to the Council an application containing information as may be reasonably required by the authority. A copy of the application form can be requested from the Council
- A copy of the application must be served on Dorset Police within 7 days after the date of the application and sent to:
The Licensing Officer
Dorset Police
[Contingency Planning Department,](#)
[Poole Police Station](#)
[Wimborne Road](#)
[Poole](#)
[Dorset](#)
[BH15 2BP](#)
- The application must be advertised within 7 days in a local newspaper
- The application must be advertised by way of a public notice on the premises for 21 days beginning with the date of the application, on or near the premises in a place where it can be conveniently read by members of the public.
- The applicant must submit to the Council a fee, currently £3675.00

3.2 The Council will therefore require a completed application form containing the following information:

- The name and home address of the applicant
- Details of any business partners or other staff involved in the business
- If a company, the registered name and address of the company, the names of directors and shareholders of the company
- If the shareholder, or a shareholder of the company is another company then details may be required as to the membership of that company
- If the premises are a leasehold, information about who holds the lease and if it is a head lease or sub-lease

3.3 The Council will also require a criminal record check (standard disclosure) issued within the last month. This would apply to the applicant and all of the directors if the applicant is a company. The cost of any criminal record checks will be paid by the applicant.

- 3.4 Each application will also require a statement showing how the applicant will operate the premises, together with a location plan of the premises in relation to buildings within 100 metres and an internal detailed layout plan including the location of all exits and entrances (Scale 1:50)

As well as exits/entrances internal plans should contain:

- Sex shops – the location of the sales counter and the location of any rooms to which the public do not have access
- Sex cinemas – the location of the screen/s and the seating layout for customers
- Sexual entertainment venues – the location and height of any stages/raised areas or areas where performances take place and the seating layout for customers

The statement, plan, views of the Police and Licensing Manager, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee when determining the application.

4. Waiver Process

- 4.1 Upon written application, West Dorset District Council may waive the requirement to a licence in any case where it considers a licence would be unreasonable or inappropriate.
- 4.2 Each application for waiver will be considered on its own merits taking into account the type of activity, frequency, circumstances and controls.

5 Consideration of the Impact of a sex establishment

- 5.1 In considering applications for the grant of a sex establishment licence or variation the Council will consider the potential adverse impacts particularly to local residents.
- 5.2 Any person is entitled to object to an application for grant / renewal / variation / transfer of a sex establishment. They must do so, in writing, stating in general terms the grounds of the objection, no later than 28 days after the date of the application. All objections will be openly copied to Members of the Licensing Committee for their use when considering any application.

The Council are required to have regard to relevant objections and police observations.

6 Consultation process

6.1 Before a sex establishment licence is granted, varied or renewed the Council will consult with any person it deems necessary to enable it to make an informed decision. In particular, the Council will consult the following:

- Dorset Police
- Dorset Fire and Rescue Service
- Ward Councillors
- Town Councils
- Other Council departments such as Environmental Health and Planning
- Local residents

6.2 The Council may take into consideration the following:

- i) Type of activity
- ii) Duration of the activity
- iii) Layout and condition of the premises
- iv) Use and character of the surrounding premises in the vicinity i.e. residential/commercial
- v) Potential impacts on crime and disorder
- vi) Potential impacts on people who may be vulnerable as a result of their gender, disability, race, age, religion and belief or sexual orientation.
- vii) Cumulative impact of premises within the vicinity

This list is not exhaustive.

7 Determining and granting an application

7.1 In determining any contested applications for sex establishments, the Council's Licensing Sub Committee shall have regard to the relevant matters in the legislation and this policy. Each case will be assessed on its own merits and individual circumstances may be taken into consideration.

7.2 Contested applications will be heard by a Sub Committee of the Council except in the following cases:

- The Senior Licensing Officer and the Community Protection Manager have agreed all objections are frivolous and/or vexatious and are therefore satisfied that the application should be granted
- The Senior Licensing Officer and the Community Protection Manager have agreed to grant the licence, subject to the attachment of suitable conditions, following mediation between applicant/s and objector/s.

7.3 Once arrangements have been made to hear an application, the applicant will be informed in writing of the date, time and place of the hearing. They

will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague.

8 Considerations Based on Location

8.1 There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children's centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship
- Prime visitor locations such as Weymouth Esplanade/Seafront
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration
- Any premises of a similar nature to the above

8.2 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

9 Grounds for Refusal

9.1 The Act provides Local Authorities with two grounds for refusal, mandatory grounds and discretionary grounds. Where an application falls within a mandatory ground for refusal the Council shall have no discretion but to reject the application.

9.2 The Mandatory grounds for refusal within the Act are as follows:

- The applicant is a person under the age of 18;
- The applicant is a person who is for the time being disqualified following the revocation of a licence; or
- The applicant is 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 of the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

- 9.3 The discretionary grounds for refusal within the Act are as follows:
- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
 - That the applicant is merely a front for a person who would otherwise be refused a licence
 - That the number of sex establishments in the relevant locality exceed the number which the authority consider appropriate for the area.
 - That the licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made.
- 9.4 The Council will therefore consider each application on its merits in relation to the above grounds.

10 Suitability of applicant

- 10.1 The Council wish to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:
- Any convictions or cautions of the applicant
 - If a company, any convictions or cautions of directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed.
 - The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be licensed by the Council.
 - The experience of the applicant and their knowledge of running a sex establishment.
 - Any previous licence held by the applicant, whether in this Councils area or another.
 - Any report or information submitted to the council by the Police, other consultees and objectors.
- 10.2 The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

10.3 Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

11 Duration of Licences

11.1 Licences shall be issued for a maximum period of one year but can be issued for a shorter term if deemed appropriate.

12 Renewal of Licences

12.1 On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the council shall give due weight to the fact the licence was granted in the previous year and any years before that.

13 Legal implications

When considering its functions, a local authority has to bear in mind the Human Rights Act and the Crime and Disorder Act 1998. It is considered that the policy meets the requirements of both these Acts.

14 Appeals

The following persons have the right of appeal within 21 days from the date of notification of the decision:

- Applicants for grant, renewal, transfer or variation whose application is refused
- Holder who is aggrieved by conditions
- Holder whose licence is revoked

N.B. There is no right of appeal against refusals on grounds that:

- There are sufficient sex establishments in the locality
- Grant has been deemed inappropriate having regard to the character of the locality, use to which the premises are put, layout, character and condition of premises.

15 The EU Service Directive

Tacit consent does not apply to an application for a new sex establishment licence as local residents and the Police have a legitimate interest in the outcome of sex establishment applications. If an application is not processed within a defined period of time it will not be deemed granted.

APPENDIX A

APPLICATION FORM FOR A SEX ESTABLISHMENT on the following pages.



SEX ESTABLISHMENT APPLICATION FORM

This application is made under the Local Government (Miscellaneous Provisions) Act 1982

New application Renewal application Variation application Transfer application (please tick)

Sex Shop Sex Cinema Sexual Entertainment Venue (please tick)

The applicant/s may wish to consult the Council's Sex Establishment Policy prior to completion of this application.

Please use **BLOCK CAPITALS**

1. Applicant Details			
Surname _____	Forename _____	Title (Mr/Mrs/Miss/Ms/Other) _____	Date of Birth _____
Address* _____		e-mail _____	
_____		Telephone no. _____	
_____		Alt Telephone no. _____	
_____		Fax _____	
Postcode _____		Mobile _____	
<i>*if a Body Corporate, name of Body and Registered Address</i>			
Important note, In the case of a Company/Partnership being the applicant please use additional paper to provide full names, private addresses, and dates of birth, of all directors or persons responsible for management of the establishment, or partners of a Partnership.			

2. Additional information (not required if applicant is Body Corporate)			
Ethnic origin			
White	British Irish Any other white background	Black or Black British	Caribbean African Any other black background
Asian or Asian British	Indian Pakistani Bangladeshi Any other Asian background	Mixed	White and black Caribbean White and black African White and Asian Any other mixed background
Chinese	Chinese Other ethnic group	Do you consider yourself to have a long standing illness, disability or infirmity? Yes <input type="checkbox"/> No <input type="checkbox"/>	

3. The Premises (if this application relates to vehicle/vessel/stall give description of where it is to be used)	
Name _____	
Address _____	Telephone no. _____
_____	Alt. Telephone no. _____
_____	Fax _____
Postcode _____	
<ul style="list-style-type: none"> • Please state the intended opening days and hours of the premises _____ 	
<ul style="list-style-type: none"> • Is the premises a a leasehold? If yes, please provide name and address. _____ 	

P.T.O

4. Declaration

	Yes	No
Are any of the applicants disqualified from holding a licence for a sex establishment?	<input type="checkbox"/>	<input type="checkbox"/>
Have any of the applicants previously been refused a licence for a sex establishment?	<input type="checkbox"/>	<input type="checkbox"/>
If 'Yes' Please provide details _____		
Have any of the above applicants ever been convicted of any offence under the 1982 Act?	<input type="checkbox"/>	<input type="checkbox"/>
If 'Yes' Please give details	Offence _____	
	Date Of Conviction _____	
	Date spent (if Known) _____	
	Court _____	

5. Your Signature

On signing this form you declare that any information you have provided is true and complete in every respect. The giving of false information may result in revocation of the licence and possible enforcement action taken against you that may result in prosecution.

I/We enclose the relevant application fee (see current fee chart)

I/We enclose the relevant Criminal Record Check/s (Standard Disclosure)

I/We enclose a location plan of the premises (showing details of surrounding buildings within 100m)

I/We enclose a detailed internal layout plan of the premises (Scale 1:50)

I/We have forwarded a copy of this application to the Chief of Police, Licensing Section, Western Division HQ, Radipole Lane, Chickerell, Weymouth, DT4 9WN

I/We have advertised this application at the premises and in a local publication within 7 days form the date of submission of this form

Signature _____ Date _____

Print Name _____

Notes

1. A licence may only be granted to an individual over the age of eighteen or a body corporate

2. A licence is valid from the date of issue.

This form should be returned to:

Licensing Department, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ

Data Protection Act 1998

West Dorset District Council (the Data Controller) will use and manage the personal information supplied on this form for the purpose of processing your application in accordance with that set out in the above Act.

The information that you supply will be secure and protected against unauthorised access and use.

If any of the information supplied, is to be processed outside of West Dorset District Council we will obtain your consent to do so. If any information is of a sensitive nature (i.e. health matters) we will always obtain your consent before it is processed.

You have the right to see personal information that we hold about you. For further details contact the Councils Corporate Data Protection Officer, IMS Division, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ



Notice of Application for the Grant/Renewal of a Licence for a Sex Establishment

STRATTON HOUSE, 58/60 HIGH WEST STREET, DORCHESTER, DORSET, DT1 1UZ. T:01305 251010 F:01305 25251481
www.dorsetforyou.com

Local Government (Miscellaneous Provisions) Act 1982

- 1** From the date of application a copy of this notice must be displayed on or near the premises which is the subject of the application. It must be displayed for 28 days and in a position accessible to the public.
- 2** Within seven days of applying for a licence, a notice advertising the application must be published in a local newspaper which circulates in the locality in which the premises are situated.
- 3** Within 14 days of the application being made, one copy of the complete newspaper containing the advert must be sent to the: **Senior Licensing Officer, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ.**

The advertisement must be in the following form:

Local Government (Miscellaneous Provisions) Act 1982

NOTICE OF APPLICATION FOR THE GRANT/RENEWAL OF A SEX ESTABLISHMENT LICENCE

TO ALL PERSONS WHOM IT MAY CONCERN

Notice is given that I/We (Full Name(s) of Applicant(s))

Have made application to West Dorset District Council being the Licensing Authority for the purposes of Section 2 of the above Act, for the grant of a licence to use the premises known as:

Trading Name

Address

AS A: SEX SHOP/SEX CINEMA/SEXUAL ENTERTAINMENT VENUE (delete as appropriate)

Any person objecting to the application must give notice in writing stating in general terms the ground of such objection, not later than 28 days after being the date of application to the Senior Licensing Officer, West Dorset District Council, Stratton House, 58/60 High West Street, Dorchester, Dorset, DT1 1UZ.

Dated

Signed

If you have difficulty reading this form please contact West Dorset District Council on 01305 251010

 **Data protection Act 1998** West Dorset District Council will hold and use any personal information you provide in compliance with the Data Protection Act 1998. This may include sharing it with other departments within the authority.

APPENDIX C
MODEL POOL OF CONDITIONS

RE: SEXUAL ENTERTAINMENT VENUES

DESIGNATED AREAS

- 1) The authorised entertainment must only take place in designated areas approved by the Council.

NO ADMITTANCE UNDER THE AGE OF 18 YEARS

- 2) No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

“No persons under 18 years will be admitted”

PERFORMERS UNDER 18 YEARS

- 3)
 - a) No performers or other employees on the premises during the authorised entertainment shall be under 18 years of age.
 - b) The proprietor/director of the company is to ensure that, prior to engagement, all performers for approved adult entertainment shall provide documents of proof that they are over 18 years of age. Copies of such documents shall be retained on the performers’ file held at the premises.

NO PHYSICAL CONTACT

- 4) There must be no physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

PERFORMANCE

- 5)
 - a) No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.

- b) Performers will wear a G-string or similar piece of clothing on the appropriate part of the body. This shall be neither transparent nor removed.
- c) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience
- d) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation
- e) No performance shall be visible to any person outside the premises (eg. through windows or open doors)
- f) Sex toys must not be used and penetration of the genital area by any means must not take place

Lap dancers must not:

- Show their genitals or anus
- Sit on customer's laps (dry ride)
- Climb onto the furniture provided for patrons

Podium dancers must not:

- Entice other dancers onto the podium
- Interfere with their undergarments in such a way as to show their genitals or anus

CCTV

- 6) CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 28/31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

PATRONS

- 7) The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

DOOR SUPERVISORS

- 8) There shall be at least 1 door supervisor per 100 persons on the premises when the authorised entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

NO NUDITY VISIBLE OUTSIDE

- 9) Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

ADVERTISING

- 10) There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

HOUSE RULES

- 11) The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

CHANGING ROOMS/FACILITIES

- 12) a) Secure private changing facilities must be provided for the performers (to include private toilet and shower facilities, the numbers and design of facilities to be approved prior to installation).
- b) No persons other than performers and authorised staff shall be permitted in the changing room/s.

APPENDIX D

MODEL POOL OF CONDITIONS RE: SEX SHOPS

GENERAL

1. The grant of a licence for a sex shop shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

TIMES OF OPERATION

2. Except with the previous consent of the Council, a sex shop shall not be open to the public before 08:00 and shall not be kept open after 20:00 on any day.

CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

3. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the licensing authority in writing within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request from the licensing authority.
4. The licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the sex shop in the Licensee's absence and of whom details have been supplied and approved in writing by the licensing authority shall be in charge of and upon the premises during the whole time they are open to the public.
5. The name of the person responsible for the management of a sex shop, whether the Licensee or a manager approved by the licensing authority shall be prominently displayed within the sex shop throughout the period during which that person is responsible for its conduct.
6. 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 shop in the Licensee's absence and the names and addresses of those employed in the sex shop. The Register is to be completed each day within 30 minutes of the sex shop opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

7. The licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Criminal Record Check (basic disclosure) at least annually and copies of the checks shall be made available to the Council.
8. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.
9. No person under the age of 18 shall be admitted to the premises or employed in the business of a sex shop, and a notice to this effect shall be displayed in the lobby between the double doors leading into the shop so that they are visible before entering the shop but not visible from the outside.
10. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the licensing authority.
11. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the premises. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
12. The Licensee shall maintain good order in the premises.
13. The Licensee shall ensure that during the hours the sex shop is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee of the sex shop.
14. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in the shop in a clean and legible condition.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

15. In the case of licensed premises which are a vessel or stall, the Licensee shall not move the licensed vessel or stall from the location specified in the licence unless the licensing authority are given not less than 28 days notice in writing of such intended removal along with such fee as may be deemed reasonable. This requirement shall not apply to a vessel or stall that habitually operates from a fixed location but is regularly moved (whether under its own propulsion or otherwise) from another place as is specified in the licence.
16. In the case of a business conducted from fixed premises, no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the licensing authority.

USE

17. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
18. No change of use of any portion of the premises from that approved by the licensing authority shall be made until the consent of the licensing authority has been obtained.
19. No change from a sex shop to a sex cinema shall be effected without the consent of the licensing authority.

GOODS AVAILABLE IN SEX SHOPS

20. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
21. 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 a notice to this effect is to be prominently displayed within the sex shop.
22. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the licensing authority, and bears a certificate to that effect and is a

reproduction authorised by the owner of the copyright of the film or video film so certified.

23. The Licensee shall, without charge, display and make available in the sex shop such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the licensing authority. Such literature is to be displayed in a prominent position.

EXTERNAL APPEARANCE

24. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of West Dorset District Council, except for those signs or notices that are required to be displayed by these licence conditions.
25. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
26. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
27. No window shall contain any sign, advertising material, goods or display without the written consent of the District Council.

STATE, CONDITION AND LAYOUT OF THE PREMISES

28. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex shop.
29. The premises shall be maintained in good repair and condition.
30. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the licensing authority.
31. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
32. The external doors to the sex shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.

33. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a lobby, which has two sets of doors, one opening to the street and one into the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.
34. The Licensee shall make provision in the means of access both to and within the sex shop for the needs of members of the public visiting the premises who are disabled.
35. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
36. The licensee shall take all reasonable precautions for the safety of the public and employees.
37. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
38. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with prior approval of the licensing authority.
39. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.

APPENDIX E

MODEL POOL OF CONDITIONS RE: SEX CINEMAS

DISPLAY OF TARIFF OF CHARGES

- 1) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

SEATING

- 2)
 - a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council
 - b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
 - c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

STANDING AND SITTING IN GANGWAYS

- 3)
 - a) In no circumstances shall persons be permitted to:-
 - (i) Sit in any gangway ; or
 - (ii) Stand in any gangway which intersects the seating; or
 - (iii) Stand or sit in front of any exits.
 - b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

WHEELCHAIRS

- 4) Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued by the Council.

PLEASE NOTE: In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

SPECIAL RISKS AND SPECIAL EFFECTS

- 5) Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

MINIMUM LIGHTING

- 6) The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

PLEASE NOTE: At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for cinemas published by the British Standards Institution

FILM CATEGORIES

- 7) The categories U, PG, 12, 15 and 18 have the following effect:-

U	Universal - suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children
12	Passed only for persons of 12 years and over
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
Restricted (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

EXHIBITION OF FILMS

- 8) No film shall be exhibited at the premises unless:
- (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

RESTRICTED (18) FILMS – COUNCIL'S CONSENT

- 9) Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

UNCLASSIFIED FILMS

- 10) Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

AGE RESTRICTION NOTICE

- 11) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

PLEASE NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

CATEGORY NOTICES

- 12) Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium. For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.

OBJECTION TO EXHIBITION OF A FILM

- 13) No film shall be exhibited at the premises:-
- (1) which is likely:-
 - (a) to encourage or to incite to crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation or degradation of or violence.
 - (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
 - (3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

POSTERS, ADVERTISEMENTS, ETC.

- 14) Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition

FLAMMABLE FILMS

- 15) No flammable films may be upon the premises without the prior consent of the Council in writing.

RULE RELATING TO TELEVISION EXHIBITIONS – ENTERTAINMENTS UNSUITABLE FOR SOME AUDIENCES

- 16) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

RESTRICTED 18 CATEGORY – ADDITIONAL CONDITIONS FOR ‘CLUB’ CINEMAS (SHOWING FILMS IN THE RESTRICTED 18 CLASSIFICATION)

17) (a) No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

(b) When the programme includes a film in ‘restricted 18’ category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the ‘restricted 18’ category are being exhibited).

(c) All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

(d) Tickets shall in no circumstances be sold to persons other than members

(e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

RULES WHICH APPLY TO SEX CINEMAS WHERE THERE ARE SPECIAL CIRCUMSTANCES

* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons

ATTENDANTS – NUMBERS IN CINEMAS

18) (a) In the case of cinemas which are not equipped with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone provided that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be the following scale:

PERSONS PRESENT	ATTENDANTS ON DUTY	STAFF ON CALL IN AN EMERGENCY
Up to 250	1	0
251 to 500	1	1
501 to 750	1	2
751 to 1000	2	3
1001 to 1500	3	3
1501 to 2000	3	4

(c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

NOTE: For the purpose of this rule:

- (i) "Floor" means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.
- (ii) "Zone" means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.
- (iii) "Staff alerting system" means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises
- (iv) A member of staff is not "on call" if:

- (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
- (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation
- (c) they are more than 75 metres from
 - (i) the position to which they are required to go on alerting signals being activated;
 - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

APPENDIX F

MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

**Dorset County Council Equality Impact Assessment Toolkit
Assessment Form**

Title of Policy/Strategy/service, being assessed:	Sex Establishment Policy
Name of Directorate and service:	Corporate Resources and Health Community Protection
Name and role of officers completing this assessment:	Jenna Rawle - Senior Licensing Officer Emma Scott – Community Development Officer
Contact Telephone Number of lead officer :	01305 252441
Date assessment completed:	8 October 2010

1. Is this a new policy/strategy/service or a review of an existing one?

The sex establishment policy is a new policy for West Dorset District Council following the Policing and Crime Act 2009 provisions.

**2. What are the aims and objectives of the policy/strategy/service that is being assessed?
(For guidance see appendix B)**

The new policy will layout the Councils position with regards to considering applications for sex establishments, including sexual entertainment venues. It is aimed to help potential applicants, objectors and decision makers when considering applications for sex establishments.

Once the legislation is implemented local communities will be enabled to have a stronger say over the licensing of lap dancing premises within West Dorset. Lap dancing premises are currently only regulated by way of the Licensing Act 2003, the new provisions once adopted, together with this policy will create wider grounds that representations can be accepted compared to the Licensing Act 2003 objectives.

3. What needs or priorities is the policy/strategy/service designed to meet?

The Government, following consultation with local authorities, aimed to enhance the powers of local authorities in the regulation of sex establishments as it was thought current powers were inadequate.

The provisions within the Policing and Crime Act 2009 will expand the definition of sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, to include lap dancing premises which are currently only regulated under the Licensing Act 2003.

**4. Who and/or what has been involved with implementing the policy, strategy, or service?
(For guidance see appendix B)**

Jenna Rawle – Senior Licensing Officer – West Dorset District Council
Sue Moore – Licensing Manager – Weymouth & Portland Borough Council
Licensing & Appeals Committee

Dorset County Council Equality Impact Assessment Toolkit Assessment Form

5. In relation to the policy/strategy/service what do you think are the main issues, positive and/or negative relating to the different equality strands?

Information in Section 5 will help with analysis, particularly about what impact the new policy/strategy/service will have on citizens under each of the diversity strands. Give a few examples of positive impacts (A) that have happened or will take place under each strand. Also identify under each strand where further development is/may be needed (B).

An example under the disability strand:

(a) *The National Retail Model for Integrated Community Equipment Service has impacted positively on people with a disability by offering citizens more choice and control over choosing equipment to help them live safely at home.*

(b) *Further development is required in order to help with collection of unwanted equipment (NB: further developments should end up in the Implementation Plan at the back of the EqIA)*

You need to demonstrate that you have used data from existing sources to tell you about the current policy/strategy/service in terms of meeting the needs of the different equality strands.

What does consultation with stakeholders/beneficiaries tell you about the current or proposed policy/strategy/service? Your sources could include, for example, census data, DCC employee survey, the bi annual residents' survey and other research findings.

(For an overview of the main issues to consider refer to guidance notes in appendix B and E.)

Cross Cutting Issues

West Dorset District Council currently has no licensed sex establishments within the council area. The policy will aid in future decision making should an application be received.

The legal framework for making representations to any applications will be explained clearly to all parties to ensure understanding that moral objections cannot be considered.

If an application is granted for a sex establishment, data collection and analysis shall follow, where possible and practical. For example any linked changes in crime and disorder or domestic violence.

Disability

The policy will be available on request in an easy read/large print format on request.

Should a sex establishment licence be applied for, disability target groups shall be involved as part of the application consultation.

Race/Ethnicity

Should a sex establishment licence be applied for in/near a location of a known minority group, effort shall be taken to ensure understanding, such as providing the consultation in different languages.

Gender (including Transgender)

The majority of dancers employed by lap dancing premises are female whilst the majority of customers are male.

Should a sex establishment licence be applied for, specific gender related target groups shall be involved as part of the consultation.

Dorset County Council Equality Impact Assessment Toolkit Assessment Form

Sexual Orientation

Any application for a sex establishment licence shall be treated equally, no matter the sexual orientation of the proposed establishment or applicant/s and any specific target groups identified shall be involved in a consultation.

Age

The majority of dancers in lap dancing venues are aged between 22 and 29¹

Evidence suggested that the age of customers in lap dancing venue varies significantly²

Any application for a sex establishment shall result in targeted consultation with specific age groups.

Other factors of disadvantage to consider eg: socio-economic, rurality.

6. Are there any aspects of the policy//strategy/service (not already identified under Section 5) that result in quantifiable or different quality outcomes for different groups (higher or lower uptake/failure to access/receive a poorer or inferior service/evidence that different groups have different needs)? (see guidance notes in appendix B)

None

7. What further data/consultation do you need to carry out if any? Please include the actions in the attached improvement plan.

If an application for a sex establishment is received, research such be undertaken at that time into any new evidence in the public domain which may factor in the decision making process e.g. crime and disorder

Each application shall be consulted upon yearly at the time of renewal and the consultation will include any known minority or ethnic groups, as applicable.

8. In what way(s) might this service/strategy/policy have an adverse impact on the grounds of race/ethnicity, gender, disability, age, religion/Faith/belief, sexual orientation, or rurality? Please give your reasons/evidence for this, use your answers from box 5 - 7 [Note: "Adverse impact" means that the policy/strategy/service is disadvantageous to one or more groups of people.]

Although adoption of the legislation and the policy aim is to increase the decision making powers of local communities and the local authority it may not be understood by some members of the public. There is the potential that some may see the policy as the council deciding we should allow sex establishments in our area, which may cause negative attention.

¹ Sanders & Hardy (2010) Research on lap Dancing in England: Preliminary Findings

² Bindel, J (2004) Profitable Exploits: Lap Dancing in the UK, Child and Women Abuse Studies Unit, London Metropolitan University

**Dorset County Council Equality Impact Assessment Toolkit
Assessment Form**

9. If you have identified that the service or policy is having, or might be having, an adverse impact, is it justifiable or legitimate? Please give your reasons for this.
(see appendix B for examples)

No adverse impact

10. If you have concluded that the adverse impact or the discrimination is justifiable or legitimate, you will need to explain your actions and reasons. This is because the county council has a statutory duty to promote good relations between people of different groups. You will need to think what action could be taken to mitigate the adverse impact on people. Please include the actions in the attached improvement plan.

No adverse impact

11. If you have concluded that the adverse impact or the discrimination is illegal, you must take action to remedy this immediately. Please outline the action you will be taking and include it in your improvement plan (see appendix B for examples)

N/A

Improvement Plan - Please list actions that you plan to take as a result of this assessment

Date on which the improvement plan will be reviewed:		Regular review			
Officer responsible for review of the improvement plan:		Jenna Rawle, Senior Licensing Officer			
A) Issue Identified and B) resulting equality target	Action Required	Please state: <ul style="list-style-type: none"> • what plan the target will be incorporated into, e.g. directorate plan, service plan or team plan • Timescale 	Officer responsible	How will this target be monitored?	Budget Implications Please notify the relevant service accountant
Negative public perception as wrong understanding of policy	Press release to explain policy adoption	Once legislation and policy adopted formally, approx Jan 2011	Jenna Rawle		None
Easy Read/Large Print copy of policy		If requested, policy will be printed in easy read/large font	Jenna Rawle		

These actions/targets will need to be SMART and built into the service planning framework.

Your EqIA will need to be presented at the next Customer Focus Group, please contact Jennifer Hogg for dates.

For help an advice eon completing the EqIA contact Sue Bickle 252314

Consultation - any consultation exercise should follow guidance provided by the Consultation and Engagement Team, research officers within each directorate, www.dorsetforyou.com/consultationtracker and the 'How to Guide on Participating with equality groups in Dorset'.

Weymouth and Portland Borough Council Sex Establishment Policy 2016 to 2020

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Appendices

- A Model Pool of Conditions re: sex entertainment venues
- B Model Pool of Conditions re: sex shops
- C Model Pool of Conditions re: sex cinemas
- D Membership rules for club cinemas

1 Introduction

- 1.1 Weymouth and Portland Borough Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendments made to Schedule 3 by S.27 of the Policing and Crime Act 2009 with regard to sex establishments. The Council will apply this policy to sex establishments within its area to ensure consistency of decision making and enforcement. Each application for grant, variation, transfer or renewal will however be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.2 There are 3 different types of sex establishment licensable under the above Act. These are sex shops, sex cinemas and sexual entertainment venues. If one premises operated as more than one of these establishments, a separate licence for each activity is required.
- 1.3 No sex establishment, as defined by Schedule 3, can operate unless it has consent from the Council or the requirement for a licence has been waived by the Council.

- 1.4 The Council will have regard to a number of factors and conditions when determining any premises application or variation, etc for sexual entertainment. These factors and conditions are outlined in this document.

2. Scope of Legislation & Definitions

- 2.1 A sex establishment according to the Local Government (Miscellaneous Provisions) Act 1982 as amended is a sex shop, sex cinema or sexual entertainment venue.
- 2.2 A sex shop is defined as 'any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in sexual activity.

There is no definition of significant degree.

- 2.3 A sex cinema is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of, deal with, or relate to sexual activity.
- 2.4 A sexual entertainment venue is defined as any premises (except a dwelling house to which the public are not admitted), vehicle, vessel or stall at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as 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 purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of one person.

The following forms of entertainment would generally be understood to fall within the definition; Lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

3. Application Process

3.1 The process for an application under the provisions of the LGMPA 1982 is as follows:

- The applicant must be over the age of 18 and not disqualified from holding such a licence
- The applicant must submit to the Council an application containing information as may be reasonably required by the authority. A copy of the application form can be requested from the Council
- A copy of the application must be served on Dorset Police within 7 days after the date of the application. The application must be advertised within 7 days in a local newspaper
- The application must be advertised by way of a public notice on the premises for 21 days beginning with the date of the application, on or near the premises in a place where it can be conveniently read by members of the public
- The applicant must submit to the Council the required fee

3.2 The Council will therefore require a completed application form containing the following information:

- The name and home address of the applicant
- Details of any business partners or other staff involved in the business
- If a company, the registered name and address of the company, the names of directors and shareholders of the company
- If the shareholder, or a shareholder of the company is another company then details may be required as to the membership of that company
- If the premises are a leasehold, information about who holds the lease and if it is a head lease or sub-lease

3.3 The Council will also require a criminal record check (standard disclosure) issued within the last month. This would apply to the applicant and all of the directors if the applicant is a company. The cost of any criminal record checks will be paid by the applicant.

3.4 Each application will also require a statement showing how the applicant will operate the premises, together with a location plan of the premises in relation to buildings within 100 metres and an internal detailed layout plan including the location of all exits and entrances (Scale 1:50)

As well as exits/entrances internal plans should contain:

- Sex shops – the location of the sales counter and the location of any rooms to which the public do not have access

- Sex cinemas – the location of the screen/s and the seating layout for customers
- Sexual entertainment venues – the location and height of any stages/raised areas or areas where performances take place and the seating layout for customers

The statement, plan, views of the Police and Business Licensing Manager or other duly authorised Officer, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee or Sub-Committee when determining the application.

4. Waiver Process

- 4.1 Upon written application, Weymouth and Portland Borough Council may waive the requirement to a licence in any case where it considers a licence would be unreasonable or inappropriate.
- 4.2 Each application for waiver will be considered on its own merits taking into account the type of activity, frequency, circumstances and controls.

5 Consideration of the Impact of a sex establishment

- 5.1 In considering applications for the grant of a sex establishment licence or variation the Council will consider the potential adverse impacts particularly to local residents.
- 5.2 Any person is entitled to object to an application for grant / renewal / variation / transfer of a sex establishment. They must do so, in writing, stating in general terms the grounds of the objection, no later than 28 days after the date of the application. All objections will be openly copied to Members of the Licensing Committee or Sub-Committee for their use when considering any application.

The Council are required to have regard to relevant objections and police observations.

6 Consultation process

- 6.1 Before a sex establishment licence is granted varied or renewed the Council **will** consult with any person it deems necessary to enable it to make an informed decision. In particular, the Council **will** consult the following:

- Dorset Police
- Dorset Fire and Rescue Service
- Ward Councillors
- Town Councils
- Other Council departments such as Environmental Health and Planning
- Local residents

6.2 The Council may take into consideration the following:

- * Type of activity
- * Duration of the activity
- * Layout and condition of the premises
- * Use and character of the surrounding premises in the vicinity i.e. residential/commercial
 - * Potential impacts on crime and disorder
 - * Potential impacts on people who may be vulnerable as a result of their gender, disability, race, age, religion and belief or sexual orientation.
 - * Cumulative impact of premises within the vicinity

This list is not exhaustive.

7 Determining and granting an application

7.1 In determining any contested applications for sex establishments, the Council's Licensing Committee or Sub Committee shall have regard to the relevant matters in the legislation and this policy. Each case will be assessed on its own merits and individual circumstances may be taken into consideration.

7.2 Contested applications may be heard by a Committee or Sub Committee of the Council except in the following cases:

- The Business Licensing Manager or other duly authorised Officer has deemed all objections as frivolous and/or vexatious and is therefore satisfied that the application should be granted
- The Business Licensing Manager or other duly authorised Officer has decided to grant the licence subject to the attachment of suitable conditions, following mediation between applicant(s) and objector(s).

7.3 Once arrangements have been made to hear an application, the applicant will be informed in writing of the date, time and place of the hearing. They will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague.

8 Considerations Based on Location

8.1 There will be a presumption against granting consent for any sex establishment licence when the proposed premises are in the vicinity of:

- schools, colleges, nurseries, play areas, children's centres or any other premises predominantly used for and by children
- Any access route to and from any of the above premises
- Any place of religious worship
- Prime visitor locations such as Weymouth Esplanade/Seafront/Harbourside
- Dense retail areas
- Museums, libraries, Council buildings, or other community and public buildings.
- Any community premises such as swimming pools, leisure centres, youth centres, clubs, shelters, public parks and recreational areas
- Historic buildings and Tourist attractions
- Residential Homes
- An area proposed for regeneration
- Any premises of a similar nature to the above

8.2 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

9 Grounds for Refusal

9.1 The Act provides Local Authorities with two grounds for refusal, mandatory grounds and discretionary grounds. Where an application falls within a mandatory ground for refusal the Council shall have no discretion but to reject the application.

9.2 The Mandatory grounds for refusal within the Act are as follows:

- The applicant is a person under the age of 18;
- The applicant is a person who is for the time being disqualified following the revocation of a licence; or
- The applicant is 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 of the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

9.3 The discretionary grounds for refusal within the Act are as follows:

- The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason

- The applicant is merely a front for a person who would otherwise be refused a licence
- The number of sex establishments in the relevant locality exceed the number which the authority consider appropriate for the area.
- The licence would be inappropriate having regard to the relevant locality, or to the use to which the premises in the vicinity are put, or to the layout, character and condition of the premises in respect of which the application is made

9.4 The Council will therefore consider each application on its merits in relation to the above grounds.

10 Suitability of applicant

10.1 The Council wishes to ensure that only applicants who are suitable will be granted licences and only in relation to suitable premises. The Council will therefore consider the following grounds:

- Any convictions or cautions of the applicant
- If a Company, any convictions or cautions of Directors of the company to ensure that the company is not being used as a front for persons who would otherwise not be licensed
- The involvement of any other person in the operation of the premises, or prior business relationships with other people who would otherwise not be licensed by the Council
- The experience of the applicant and their knowledge of running a sex establishment
- Any previous licence held by the applicant, whether in this Council's area or another
- Any report or information submitted to the council by the Police, other consultees and objectors

10.2 The suitability of each applicant will be considered on its own merits but in cases where the applicant, or one of its members, has an unspent conviction, the Council will normally refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

10.3 Where an objection has been raised by the Police or another consultee regarding the suitability of the applicant the Council will in most cases defer to the experience and knowledge of the consultee and refuse the application unless they are satisfied by the applicant that there are exceptional circumstances to justify the granting of the licence.

11 Duration of Licences

11.1 Licences shall be issued for a maximum period of one year but can be issued for a shorter term if deemed appropriate.

12 Renewal of Licences

12.1 On application to renew a licence for the same proposed hours and licensing activities and conditions as previously granted, the Council shall give due weight to the fact the licence was granted in the previous year and any years before that.

13 Legal implications

When considering its functions, a local authority has to bear in mind the Human Rights Act and the Crime and Disorder Act 1998. It is considered that the policy meets the requirements of both these Acts.

14 Appeals

The following persons have the right of appeal to the Magistrates Court within 21 days from the date of notification of the decision:

- Applicants for grant, renewal, transfer or variation whose application is refused
- A licence holder who is aggrieved by conditions
- A licence holder whose licence is revoked

N.B. There is no right of appeal against refusals on grounds that:

- There are sufficient sex establishments in the locality
- Grant has been deemed inappropriate having regard to the character of the locality, use to which the premises are put, layout, character and condition of premises.

15 The EU Services Directive

Tacit consent does not apply to an application for a new sex establishment licence as local residents and the Police have a legitimate interest in the outcome of sex establishment applications. If an application is not processed within a defined period of time it will not be deemed granted.

APPENDIX A
MODEL POOL OF CONDITIONS

RE: SEXUAL ENTERTAINMENT VENUES
Premises and Performers

DESIGNATED AREAS

- 1) The authorised entertainment must only take place in designated areas approved by the Council.

NO ADMITTANCE UNDER THE AGE OF 18 YEARS

- 2) No person under the age of 18 must be on the premises when the entertainment authorised by the licence is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can easily be read by people entering the premises, stating:

“No persons under 18 years will be admitted”

PERFORMERS UNDER 18 YEARS

- 3)
 - a) No performers or other employees on the premises during the authorised entertainment shall be under 18 years of age.
 - b) The proprietor/director of the company is to ensure that, prior to engagement, all performers for approved adult entertainment shall provide documents of proof that they are over 18 years of age. Copies of such documents shall be retained on the performers’ file held at the premises.

NO PHYSICAL CONTACT

- 4) There must be no sexual physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

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PERFORMANCE

- 5) a) No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
- b) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience
- c) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation
- d) No performance shall be visible to any person outside the premises (eg. through windows or open doors)
- e) Sex toys must not be used and penetration of the genital area by any means must not take place

Lap dancers must not:

- Show their genitals or anus
- Sit on customer's laps (dry ride)
- Climb onto the furniture provided for patrons

Podium dancers must not:

- Entice other dancers onto the podium
- Interfere with their undergarments (if worn) in such a way as to show their genitals or anus

CCTV

- 6) CCTV must be installed, maintained and be in working order at all times. It must cover all areas where dancing will take place and at the entrance of the premises. All cameras shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copying of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

PATRONS

- 7) The licence holder must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers or take photographs of them.

DOOR SUPERVISORS

- 8) There shall be at least 1 door supervisor per 100 persons on the premises when the authorised relevant entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

NO NUDITY VISIBLE OUTSIDE

- 9) Entertainment including dancing, which involves nudity or sexual performances of any kind must not be visible from the outside of the premises.

ADVERTISING

- 10) There must be no display visible on the outside of the premises either in writing, symbols, photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

HOUSE RULES

- 11) The licence holder shall provide a copy of the House Rules to the licensing authority for approval. A clear copy of these conditions and the house rules shall be given to all performers and displayed at all times in or

near the performers' changing rooms. A clear copy of the house rules shall be displayed at the reception and on each table and each bar area.

CHANGING ROOMS/FACILITIES

- 12) a) Secure private changing facilities must be provided for the performers (to include private toilet and washing facilities and/or shower facilities, the numbers and design of facilities to be approved prior to installation).
- b) No persons other than performers and authorised staff shall be permitted in the changing room/s.

APPENDIX B

MODEL POOL OF CONDITIONS RE: SEX SHOPS

GENERAL

1. The grant of a licence for a sex shop shall not be deemed to convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

TIMES OF OPERATION

2. Except with the previous consent of the Council, a sex shop shall not be open to the public before 08:00 and shall not be kept open after 20:00 on any Monday, Tuesday, Wednesday, Thursday, Friday and Saturday. It may not open before 10:00 or close later than 16:00 on any permitted Sunday.

CONDUCT AND MANAGEMENT OF SEX SHOPS

3. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the licensing authority in writing within 14 days of such change and such written details as the licensing authority may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request from the licensing authority.
4. The Licensee or some responsible person nominated by the Licensee in writing for the purpose of managing the sex shop in the Licensee's absence and of whom details have been supplied and approved in writing by the licensing authority shall be in charge of and upon the premises during the whole time they are open to the public.
5. The name of the person responsible for the management of a sex shop, whether the Licensee or a manager approved by the licensing authority shall be prominently displayed within the sex shop throughout the period during which that person is responsible for its conduct.
6. 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 shop in the Licensee's absence and the names and addresses of those employed in the sex shop. The Register is to be completed each day within 30 minutes of the sex shop opening for business and is to be available for inspection by the Police and by authorised officers of the licensing authority.

7. The Licensee shall provide the Council with a list of all staff employed at the premises and shall advise the Council and the Dorset Police in writing of all staff changes within fourteen days of such changes. The licensee shall ensure that all staff are subject to a Criminal Record Check (basic disclosure) at least annually and copies of the checks shall be made available to the Council.
8. The Licensee shall retain control over all portions of the premises and not let, licence or part with possession of any part of the premises.
9. No person under the age of 18 shall be admitted to the premises or employed in the business of a sex shop, and a notice to this effect shall be displayed in the lobby between the double doors leading into the shop so that they are visible before entering the shop but not visible from the outside.
10. The Licensee shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the licensing authority.
11. Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex shop by means of personal solicitation outside or in the vicinity of the premises. No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
12. The Licensee shall maintain good order in the premises.
13. The Licensee shall ensure that during the hours the sex shop is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee of the sex shop.
14. A copy of the licence and of these conditions are to be exhibited in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in the shop in a clean and legible condition.

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

15. In the case of licensed premises which are a vessel or stall, the Licensee shall not move the licensed vessel or stall from the location specified in the licence unless the licensing authority is given not less than 28 days notice in writing of such intended removal along with such fee as may be deemed reasonable. This requirement shall not apply to a vessel or stall that habitually operates from a fixed location but is regularly moved (whether under its own propulsion or otherwise) from another place as is specified in the licence.
16. In the case of a business conducted from fixed premises, no alteration of any kind shall be made to the interior or the exterior of the premises including any change in the permitted signs displayed thereat or in the manner in which the windows and doors are obstructed unless the Licensee shall first obtain written consent from the licensing authority.

USE

17. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
18. No change of use of any portion of the premises from that approved by the licensing authority shall be made until the consent of the licensing authority has been obtained.
19. No change from a sex shop to a sex cinema shall be effected without the consent of the licensing authority.

GOODS AVAILABLE IN SEX SHOPS

20. All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
21. 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 a notice to this effect is to be prominently displayed within the sex shop.
22. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the licensing authority, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

23. The Licensee shall, without charge, display and make available in the sex shop such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified and in particular any such material relating to AIDS as may be supplied by the licensing authority. Such literature is to be displayed in a prominent position.

EXTERNAL APPEARANCE

24. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Weymouth and Portland Borough Council, except for those signs or notices that are required to be displayed by these licence conditions.
25. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
26. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
27. No window shall contain any sign, advertising material, goods or display without the written consent of the Borough Council.

STATE, CONDITION AND LAYOUT OF THE PREMISES

28. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex shop.
29. The premises shall be maintained in good repair and condition.
30. All parts of the premises shall be kept in a clean and hygienic condition to the satisfaction of the licensing authority.
31. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
32. The external doors to the sex shop shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
33. The number, size and position of all doors or openings provided for the purposes of ingress and egress of the public shall be approved by the Council. Any entrance to and exit from the shop shall be provided with a lobby, which has two sets of doors, one opening to the street and one into

the shop. The lobby shall be so arranged as to prevent passers by from looking into the shop whilst persons are entering or leaving the shop.

34. The Licensee shall make provision in the means of access both to and within the sex shop for the needs of members of the public visiting the premises who are disabled.
35. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
36. The licensee shall take all reasonable precautions for the safety of the public and employees.
37. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and/or Dorset Fire and Rescue Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
38. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with prior approval of the licensing authority.
39. A CCTV system shall be installed and fully operational before a licence is issued with a camera directed at each entry point, with the front door camera positioned to get a clear image of people as they enter the shop. Additional cameras must be installed looking at all internal areas for the protection of the staff. The CCTV system is to be maintained in good working order and to record continuously while the shop is open with the recordings date coded. The tapes or disks from the recorder are to be kept on site in a secure place for 6 weeks and available for examination by authorised officers of the authority and the Dorset Police. A sign must be displayed at the shop entrance indicating that there is a CCTV system in operation.

APPENDIX C

MODEL POOL OF CONDITIONS RE: SEX CINEMAS

DISPLAY OF TARIFF OF CHARGES

- 1) There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

SEATING

- 2)
 - a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council
 - b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
 - c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.

STANDING AND SITTING IN GANGWAYS

- 3)
 - a) In no circumstances shall persons be permitted to:-
 - (i) Sit in any gangway ; or
 - (ii) Stand in any gangway which intersects the seating; or
 - (iii) Stand or sit in front of any exits.
 - b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

WHEELCHAIRS

- 4) **PLEASE NOTE:** In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

SPECIAL RISKS AND SPECIAL EFFECTS

- 5) Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

MINIMUM LIGHTING

- 6) The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

PLEASE NOTE: At premises licensed by the Council for film exhibitions, the level of illumination maintained in the auditorium during the showing of pictures will be regarded as satisfactory if it complies with the standards specified in the current edition of British Standard Code of Practice C.P.1007. Maintained Lighting for cinemas published by the British Standards Institution

FILM CATEGORIES

- 7) The categories U, PG, 12, 15 and 18 have the following effect:-

U	Universal - suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children
12	Passed only for persons of 12 years and over
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
Restricted (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

EXHIBITION OF FILMS

- 8) No film shall be exhibited at the premises unless:
- (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

RESTRICTED (18) FILMS – COUNCIL’S CONSENT

- 9) Films in the RESTRICTED (18) category may be shown at the premises only with the Council’s prior written consent and in accordance with the terms of any such consent.

UNCLASSIFIED FILMS

- 10) Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council’s prior written consent has been obtained and in accordance with the terms of any such consent.

AGE RESTRICTION NOTICE

- 11) When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms: PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME

PLEASE NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

CATEGORY NOTICES

- 12) Immediately before each exhibition at the premises of a film (other than a current news-reel) there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium. For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board.

OBJECTION TO EXHIBITION OF A FILM

- 13) No film shall be exhibited at the premises:-
- (1) which is likely:-
 - (a) to encourage or to incite crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation, degradation or violence.
 - (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
 - (3) which contains a grossly indecent performance thereby outraging the standards of public decency

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

POSTERS, ADVERTISEMENTS, ETC.

- 14) Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film (other than a current news-reel) exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

FLAMMABLE FILMS

- 15) No flammable films may be upon the premises without the prior consent of the Council in writing.

RULE RELATING TO TELEVISION EXHIBITIONS – ENTERTAINMENTS UNSUITABLE FOR SOME AUDIENCES

- 16) When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

RESTRICTED 18 CATEGORY – ADDITIONAL CONDITIONS FOR ‘CLUB’ CINEMAS (SHOWING FILMS IN THE RESTRICTED 18 CLASSIFICATION)

17) (a) No club showing films in the ‘restricted 18’ category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council’s written consent has first been obtained.

(b) When the programme includes a film in ‘restricted 18’ category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the ‘restricted 18’ category are being exhibited).

(c) All registers of members and all visitors’ books of their guests shall be available for immediate inspection by the Council’s Officers during any performance, or at any other reasonable time.

(d) Tickets shall in no circumstances be sold to persons other than members.

(e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

RULES WHICH APPLY TO SEX CINEMAS WHERE THERE ARE SPECIAL CIRCUMSTANCES

* Larger premises will usually be taken to mean premises having a maximum accommodation limit in excess of 300 persons

ATTENDANTS – NUMBERS IN CINEMAS

18) (a) In the case of cinemas which are not equipped with a staff alerting system the number of attendants on duty in any zone where customers are present shall not be less than one for every 250 persons (or part thereof) present in that zone provided that an attendant shall be present in any auditorium where the number of customers present in that auditorium exceeds 150 persons.

(b) In the case of a cinema equipped with staff alerting and communication systems the number of attendants shall be the following scale:

PERSONS PRESENT	ATTENDANTS ON DUTY	STAFF ON CALL IN AN EMERGENCY
Up to 250	1	0
251 to 500	1	1
501 to 750	1	2
751 to 1000	2	3
1001 to 1500	3	3
1501 to 2000	3	4

(c) Attendants shall remain in their allocated zone and where there is more than one auditorium within the zone shall patrol throughout the zone and need not remain within a particular auditorium.

NOTE: For the purpose of this rule:

- (i) "Floor" means a level on which the entrances to one or more auditoria, or a separate level of an auditorium, are situated.
- (ii) "Zone" means part of a floor where the greatest distance of travel between an entrance to the two most distant auditoria does not exceed 100 metres.
- (iii) "Staff alerting system" means a system by which staff who are available on duty or on call may be warned that a fire or other emergency has arisen on the premises
- (iv) A member of staff is not "on call" if:

- (a) they are the licensee or the person nominated for the time being to be in charge of the premises.
- (b) their normal duties or responsibilities are likely materially to affect adversely or delay their response to an emergency situation
- (c) they are more than 75 metres from:-
 - (i) the position to which they are required to go on alerting signals being activated;
 - (ii) a doorway normally affording a means of egress for the public from a floor or zone.

APPENDIX D

MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted (18) films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.

- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.