



**South Hams  
District Council**

# **Sex Establishment Licensing Policy**

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[licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)

**UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED BY SECTION 27 OF THE POLICING AND CRIME ACT 2009)**

**(Approved by Full Council on 16<sup>th</sup> December 2011)**

**(Responsible Authorities updated 27<sup>th</sup> October 2010.)**

**(Equality impact assessment updated 27<sup>th</sup> October 2010)**

# Contents

	<b>Page</b>
<b>Foreword</b>	<b>3</b>
<b>1.0 Introduction</b> .....	<b>4</b>
Definition of Sex Establishment.....	4
Geographical Location.....	4
Policy Development.....	5
Consultation.....	6
Exchange of Information.....	6
Further Information	6
<b>2.0 Primary Considerations</b> .....	<b>7</b>
<b>3.0 The Application and Determination Process</b> .....	<b>8</b>
Making an Application.....	8
Duration of Licences.....	8
Commenting on Licence Applications.....	9
Determination of Applications.....	9
Conditions.....	10
Refusal of Licences.....	10
Mandatory Grounds for Refusal.....	10
Discretionary Grounds for Refusal.....	11
Revocation of Licences.....	11
Cancellation of Licences.....	11
Appeals.....	12
<b>4.0 Complaints and Enforcement</b> .....	<b>13</b>
<b>Appendices</b>	
A Definition of Terms.....	14
B Requirements for Applying for Grant, Variation, Transfer or Renewal of a Sex Establishment Licence.....	17
C Sex Shops and Sex Cinemas Licence Conditions and terms	19
D Mail Order Licence Conditions and terms	24
E Sexual Entertainment Venue Premises Conditions and terms	27

## Foreword

This Licensing Policy sets out South Hams District Council's requirements for premises to be licensed as sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009). This legislation shall be referred to thereafter as 'the Act'.

Section 2 of the Act provides that local authorities may resolve that Schedule 3 will apply to their area, which has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. The adoption of Schedule 3 also allows the Council to set terms and conditions and fees for the grant, renewal, variation and transfer of such licences and the number of licences that may be issued in the area, which may be nil.

We do not take a moral stand in adopting this policy. We recognise that parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a Local Authority to administer this licensing regime in accordance with the law.

The Council having adopted the legislation and adopted this policy for the Policy to come into effect on 1<sup>st</sup> March 2011 and for legislative purposes the 1<sup>st</sup> March 2011 to be known as the First (1<sup>st</sup>) Appointed Date.

Applications for the grant of a new licence will be referred to the Licensing Sub-Committee to determine together with any application for the transfer, variation or renewal of a licence where representations have been raised. In all other cases the matter will be determined by the Licensing Manager in consultation with the Licensing Chairman.

## 1.0 Introduction

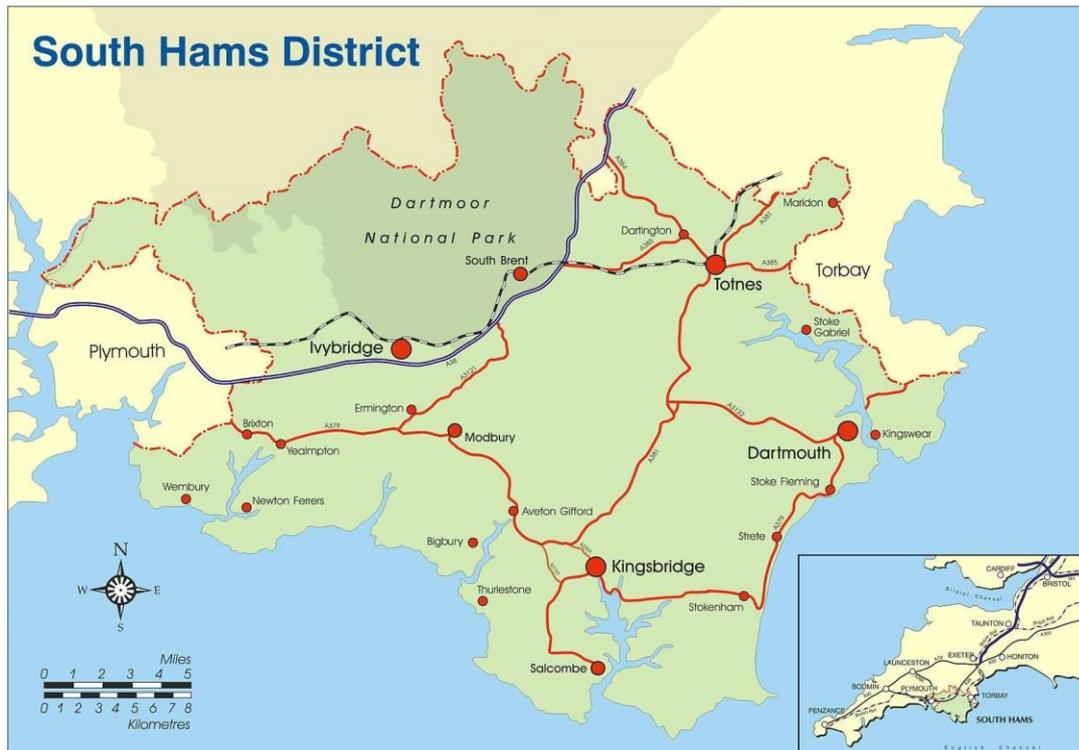
- 1.1 South Hams District Council with has previously resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, providing that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the Council.
- 1.2 This Statement of Licensing Policy for Sex Establishments sets out the Council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act superseding previous sex establishment policies.
- 1.3 The information contained in the appendices attached and referred to within this policy should be read as an inclusive part of this policy document.
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Act or schedules issued under the Act.

## Definition of Sex Establishment

- 1.5 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'. Full definitions of those and other relevant terms can be found in Appendix A. This appendix also provides detail on when a sexual entertainment venue is exempt from the provisions of the Act.

- 1.6 Sex establishments include any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

## Geographical Location



- 1.7 The South Hams reaches into the Dartmoor hills to the north and enjoys some 60 miles of magnificent coast to the south. The city of Plymouth lies to the west and the urban area of Torbay to the east. Within the South Hams there are no conurbations. It has a population of about 87,000 with about one third of the population living in the four towns of Dartmouth, Ivybridge, Kingsbridge and Totnes, with some 57,000 people living in the villages, hamlets and isolated cottages spread across the 350 square miles of rich, natural beauty.
- 1.8 A significant number of South Hams residents (24%) are retired (compared with 18% in England and Wales) and the average house price in the district is now £308,000 (2009). The relatively good economic performance is tempered by four things – very high house prices, a shortage of suitable skills, hidden deprivation, and a lack of available land and premises.
- 1.9 There are almost 4,000 businesses in the South Hams of which 65% employ five people or fewer. Levels of entrepreneurship are second highest in the South West with 48 VAT-registered firms per 10,000 population (compared with the UK average of 40). Unemployment in the area is low at 3.6% (national average 5.4%), but the area's appearance conceals the statistic that wages are among the lowest in England and higher wage occupations are underrepresented in the region.

1.10 The entertainment industry is a major contributor to the economy of the South Hams. It attracts tourists and local residents, makes for vibrant communities and is a major employer. Tourism makes a significant contribution to the South Hams economy, accounting for 8% of employment. The South Hams District Council has a duty to protect both amenity and the prosperity of its residential population. That population doubles in the summer months with tourists and international visitors who are, in the main, families with young children and retired people.

## **Policy Development**

1.11 This Licensing Policy sets out the policies the Council will generally apply when making decisions on applications. This document explains the application process and provides information on what is expected of applicants. In addition, the processes by which representations may be made about an application are explained.

1.12 Whilst this policy stands alone, applicants are advised to also have regard to the Council's Licensing Act 2003 Policy which may impact on applicants, particularly those wishing to undertake other licensable activities such as the retail sale of alcohol.

1.13 In addition to considering the requirements of the Act, consideration has been given to the following requirements in developing this policy:

- (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the district;
- (b) the Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- (c) the Provision of Services Regulations 2009 to ensure requirements are:
  - (i) non-discriminatory;
  - (ii) justified by an overriding reason relating to the public interest;
  - (iii) proportionate to that public interest objective;
  - (iv) clear and unambiguous;
  - (v) objective;
  - (vi) made public in advance; and (vii) transparent and accessible.

1.14 At the time of adopting this policy, the Council has no licensed sex establishments and no premises likely to fall within the definition of sexual entertainment venue.

## **Consultation**

1.15 The consultation with regard this revised document took place between the 21<sup>st</sup> July 2010 and the 8<sup>th</sup> October 2010, in line with the HM Government Code of Practice on Consultation (published July 2008) which is available at [www.berr.gov.uk/files/file47158.pdf](http://www.berr.gov.uk/files/file47158.pdf). Consultation was conducted with: The Citizens Advice Bureau; South Devon and Dartmoor Crime and Disorder Reduction Partnership; Devon & Cornwall Constabulary; Children & Young People Services, Devon County Council; Devon and Somerset Fire & Rescue Service; Kingsbridge & Salcombe Chamber of Commerce; Totnes and District Chamber of Commerce; Dartmouth Chamber of Trade; Ivybridge Chamber of Trade; Modbury Chamber of Commerce; NSPCC; Director of Public Health, Devon PCT; Environmental Health; Holders of Premises Licences and Members Clubs under the Licensing Act 2003; District Councillors; Parish and Town Councils within the District.

## **Exchange of Information**

- 1.16 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.
- 1.17 Details of applications and objections which are referred to a Licensing SubCommittee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 1.18 The names and addresses of objectors will not be disclosed to applicants or published in public reports in accordance with the Act. Such details will be made available to Councillors on the Licensing Sub-Committee.

## **Further Information**

- 1.19 Should you have comments regarding this policy please write to:

The Licensing Department  
South Hams District Council  
Follaton House  
Totnes  
TQ9 5NE

or email [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)

- 1.20 Relevant legislation can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

## **2.0 Primary Considerations**

- 2.1 South Hams District Council being the Local Authority for the purposes of the Act recognises that it can set a quantity limit regarding the number of sex establishments in an area but has not chosen to do so based on the specific geographical characteristics and nature of this District.
- 2.2 Whilst the Council has not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application upon its own merits, the Council will not normally licence premises in proximity to:
- (a) a residential area;
  - (b) premises, areas or access routes to such premises or areas which are designed for or attract children or families, such as school, play areas, parks, children's centres, youth clubs, nurseries or leisure facilities, or any other similar establishment;
  - (c) a place of public religious worship;

- (d) historic buildings, cultural attractions and tourist attractions;
- (e) educational establishments;
- (f) community facilities and public buildings;
- (g) an area with a history of social difficulties;
- (h) shopping centres and establishments that cater for children.

## **3.0 The Application and Determination Process**

### **Making an Application**

- 3.1 Whilst not required, the Council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.
- 3.2 The Authority expects that applicants will have consulted with local residents, businesses and/or community groups in the vicinity of the premises so far as is reasonable practicable.

- 3.3 Applicants are advised to consult the Local Authority's pool of sex establishment conditions in order to ascertain the standard of the premises required, and the types of controls typically applied. These are available on request from the Licensing Department.
- 3.4 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must also state where it is to be used as a sex establishment.
- 3.5 Applications should be made in line with Appendix B, which details requirements such as notification of the Police, and the display and advertisement of public notices. Application forms can be downloaded from the Council's website, completed online or are available upon request to the Licensing Department.
- 3.6 An application form and relevant documentation for the new licence, renewal, variation or transfer must be completed and returned with the appropriate fee as set in the Council's fees and charges.
- 3.7 Upon receipt by the Local Authority of an application for a new licence the Authority will normally notify the District Councillor and the Parish / Town Clerk in the area of which the premises are located subject of the application.

### **Duration of Licences**

- 3.8 Licences will generally be issued on an annual basis but can be issued for a shorter term if deemed appropriate.

### **Commenting on Licence Applications**

- 3.9 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences and may have something to say about the application. In addition the police are a statutory consultee for all applications.
- 3.10 Representations must state the grounds on which the objection/positive representation is made. Objections should ideally:
- be made in writing;
  - be made in black ink;
  - indicate the name and address of the person or organisation making the representation;
  - indicate the premises to which the objection relates;
  - indicate the proximity of the premises to the person making the representation.
- 3.11 Representations may only be made within the period of 28 days following the date on which the application was given to the Local Authority.
- 3.12 The Local Authority will not normally consider any objection or positive representation that does not contain the name and address of the person making it.

- 3.13 Representations received that are frivolous or vexatious or which relate solely to moral grounds are likely to be given lesser weight.
- 3.14 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness. Where representations are made the Local Authority will provide copies to the applicant. Names and addresses of those making representations will not be disclose, except with written permission.

### **Determination of Applications**

- 3.15 When considering applications, the Local Authority will have regard to:
- The Local Government (Miscellaneous Provisions) Act 1982 (as amended);
  - Any supporting regulations;
  - This Licensing Policy
  - Any supporting Government Guidance
- 3.16 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 3.17 When determining applications, the Local Authority will take account of any comments made by the Chief Officer of Police and any representations made.
- 3.18 We take the following approach to deciding applications:
- each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;
  - objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Sub-Committee determining the application in question;
  - we will give clear reasons for our decisions.
- 3.19 In all cases, the Local Authority reserves the right to consider each application on its own merits. Where objections are made and not withdrawn, a hearing before a Licensing Sub-Committee will normally be held within 20 working days of the end of the period during which representations may be made, unless all parties agree that a hearing isn't necessary.
- 3.20 Objections will be considered by a Licensing Sub-Committee, where both applicants and objectors have an equal opportunity to state their case.

### **Conditions**

- 3.21 The Local Authority may determine and agree an application unconditionally or with reasonable conditions. The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be

tailored to each individual premises. No condition will be imposed that cannot be shown to be necessary. Whilst not forming part of this policy, the Local Authority maintain and keep under review a pool of conditions which may be imposed by Licensing Sub-Committee, these are available on request. For the guidance of applicants the suggested conditions that may possibly be imposed are annexed to this document under Appendix C – for Sex Shops and Sex Cinemas; Appendix D – for Mail-Order Premises and Appendix D – for Sexual Entertainment Venue Premises.

### **Refusal of licences**

3.22 Except where the Council are prohibited from granting, renewing, varying or transferring a licence, the Council will not refuse a licence without first:

- Notifying the applicant or holder of the licence in writing of the reasons;
- Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

### **Mandatory Grounds for Refusal**

3.23 The Council must refuse to grant or transfer a licence to:

- (a) A person under the age of 18;
- (b) A person who is for the time being disqualified from holding a licence;
- (c) A person who is not resident in an European Economic Area state (EEA) or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
- (d) A body corporate which is not incorporated in an European Economic Area (EEA) state; or
- (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

There is no right of appeal against refusal on these grounds.

### **Discretionary Grounds for Refusal**

3.24 An application for grant or renewal of a licence may be refused on one or more of the grounds shown in below.

3.25 An application for transfer of a licence on either or both of the grounds shown in paragraphs (a) and (b) below.

The grounds for refusal are:

- (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person,

- other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Council considers is appropriate for that locality (nil may be an appropriate number for these purposes).
- (d) That the grant or renewal of the licence would be inappropriate having regard to:
- i. The character of the relevant locality;
  - ii. The use to which any premises in the vicinity are put; or
  - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### **Revocation of licences**

3.26 The Council may revoke a licence:

- on any of the grounds specified in paragraph under the paragraph 3.23 entitled mandatory grounds for refusal;
- on either of the discretionary grounds specified in paragraph 3.25 (a) and (b).

3.27 The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

### **Cancellation of licences**

3.28 The licence-holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

3.29 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

3.30 Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

### **Appeals**

3.31 Section 27 of the Act permits appeals against the decisions of the Council in relation to sex establishments. Appeals will be heard in the first instance by the Magistrate's Court. An appeal should be made within 21 days of the date of the decision to the Magistrates Courts'.

3.32 An appeal can be made in the following circumstances:

- Refusal of an application for the grant, renewal or transfer of a licence.
- Refusal of an application to vary terms, conditions, or restrictions on or subject to which any licence is held.

- A grievance relating to any term, condition or restriction on or subject to which a licence is held.
- Revocation of a licence.

3.33 There is no right of appeal for objectors. There is a right of appeal against refusal on mandatory grounds, only where the appellant alleges the ground did not apply to them. There is no right of appeal against refusal on the grounds that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

3.34 A person wishing to appeal against a Council decision on a sex establishment is strongly advised to seek legal advice prior to commencing any action in a Court of Law.

## **4.0 Complaints and Enforcement**

4.1 Where possible and appropriate the Council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

- 4.2 The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The Council will carry out its regulatory functions in a fair, open and consistent manner.
- 4.3 Specifically, the Council is committed to:
- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
  - (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
  - (c) be consistent – to implement rules and standards fairly;
  - (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
  - (e) target its regulatory action at cases in which action is needed.
- 4.4 The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.
- 4.5 The Council has set clear standards of service and performance that the public and businesses 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.
- 4.6 This policy is freely available from the licensing department, as are details of the corporate complaints procedures, both of which can also be viewed on the Council's website.

## **Appendix A – Definition of Terms**

## • Definition of a 'Sex Establishment'

A 'Sex Establishment' is defined under the Act as a 'Sex Shop', a 'Sex Cinema' and a 'Sexual Entertainment Venue'.

It includes any premises, vehicle, vessel or stall used as a sex establishment but does not include a private dwelling to which the public are not admitted.

## • Meaning of a 'Sex Cinema'

'Sex Cinema' means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- (a) Are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity
  
- (b) Are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwellinghouse to which the public is not admitted.

## • Meaning of a 'Sex Shop'

'Sex Shop' means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- (a) Sex articles; or
- (b) Other things intended for use in connection with, or for the purpose of stimulating or encouraging:
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity.

## • 'Sex Article' means anything made for use in connection with, or for the purpose of stimulating or encouraging:

- (i) sexual activity; or
- (ii) acts of force or restraint which are associated with sexual activity

(a) anything to which the sub paragraph below applies.

This sub paragraph applies –

- (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (b) to any recording of vision or sound, which:
  - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity
  - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to genital organs or urinary or excretory functions.

- **Sex Articles and Significant Degree**

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

The phrase ‘sex articles’ is defined in the 1982 Act, (as above) but the phrase ‘a significant degree’ is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (a) the ratio of sex articles to other aspects of the business;
- (b) the absolute quantity of sales;
- (c) the character of the remainder of the business;
- (d) the nature of the displays in the business;
- (e) turnover;
- (f) other factors which appear to be materially relevant.

- **Meaning of a ‘Sexual Entertainment Venue’**

A ‘sexual entertainment venue’ means:

“any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. For the purposes of the Act it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

- **‘Relevant entertainment’** means:

(a) Any live performance; or (b) Any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience includes an audience of one.

- A **‘display of nudity’** means:

- (a) In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) In the case of a man, exposure of his pubic area, genitals or anus;

- An **organiser** means:

Any person who is responsible for the organisation or management of;

- (a) The relevant entertainment; or (b) The premises.

- **Exempt Premises**

Notwithstanding the above, the following are not sexual entertainment venues for the purposes of this policy:

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment is such that:
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months;
  - (ii) no occasion has lasted for more than 24 hours; and

(iii) no occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided

For the purposes of this policy, relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser before an audience and involves partial or full nudity.

## Appendix B

### Requirements for Applying for Grant, Variation, Transfer or Renewal of a Sex Establishment Licence

#### Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must: -
  - a) send the Council: -
    - i) a completed application form; ii) a plan to the scale of 1:100 of the premises to which the application relates; iii) a non-returnable application fee of £5,600 [2010 – Please check with LA];
  - b) display a notice on or near the premises;
  - c) advertise the application in a local newspaper;
  - d) send a copy of the application and plan to the Chief Officer of Police, Totnes Police Station, Ashburton Road, Totnes, TQ9 5JY within 7 days of making the application to the Council.

#### Plan requirements

- 2) The plan shall show: -
  - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) the location of points of access to and egress from the premises;
  - c) the location of escape routes from the premises;
  - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
  - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
  - j) the location of a kitchen, if any, on the premises.
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

#### Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the Council, where it can be conveniently read from the exterior of the premises.

- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state: -
  - a) details of the application and activities that it is proposed will be carried on or from the premises,
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, being 28 days after that on which the application is given to the Council, by which representations may be made to the Council and that representations should be made in writing,
  - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the Council.

#### **Variation of a licence**

- 9) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 10) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

#### **Renewal of a licence**

- 11) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
- 12) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

#### **Transfer of a licence**

- 13) A person may apply for transfer of a licence at any time.
- 14) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

## Appendix C

### **SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEX SHOPS AND SEX CINEMAS**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### Introduction

1. In these Conditions “The Council” shall mean the South Hams District Council and all enquiries concerning this licence shall be directed to the Licensing Department, South Hams District Council, Follaton House, Plymouth Road, Totnes TQ9 5NE. Email [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)
2. These conditions may be imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, varied, renewed or transferred by the Council save and insofar as they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to “Sex Shop and Sex Cinema” premises.

### Management of the Premises

4. The Licensee or some responsible person, over the age of 18, nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the

Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.
10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the Premises.
11. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.
12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
13. The Licensee shall take all reasonable precautions for the safety of the public and employees.
14. No person under the age of 18 shall be admitted to the Premises.
15. The Licensee shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25 in order to ensure that they are not under the age of 18.
16. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
17. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
18. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### Opening of the Premises

19. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9:30 am – 6:00 pm

20. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day or Good Friday.

#### Operation of the Premises

21. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Council. This will require consideration of an appropriate application.
22. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.
23. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

#### External Appearance

24. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
25. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
26. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.
27. No items should be stored on the premises so that they can be viewed from any external window or door.
28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
- (i) The licensed name of the premises (as explained in paragraph 40 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
  - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
  - (iii) A notice stating the opening hours of the establishment.

- (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.
29. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

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

30. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
31. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
32. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
33. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
34. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
35. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.
36. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
37. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

#### Goods Available in Sex Establishments

38. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
39. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
40. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

#### Information for Customers

41. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

#### Licensed Name

42. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

**SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO  
MAIL-ORDER PREMISES**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1982**

**INTRODUCTION**

1. In these Conditions “The Council” shall mean the South Hams District Council and all enquiries concerning this licence shall be directed to the Licensing Department, South Hams District Council, Follaton House, Plymouth Road, Totnes TQ9 5NE. Email [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)
2. These conditions may be imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, renewed or transferred by the Council save and insofar as they do not conflict with the provisions of the Act itself.
2. These conditions are only applicable to a “Mail-Order Sex Shop” premises.

**Management of the Premises**

4. The Licensee or some responsible person, over the age of 18, nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
8. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the

event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.
10. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
11. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the Premises.
12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
13. The Licensee shall take all reasonable precautions for the safety of employees.
14. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### Operation of the Premises

15. No change from a sex shop (including a mail-order shop) to either a sex cinema or sex entertainment venue, sex cinema to either a sex shop or sex entertainment venue, or from a sex entertainment venue to either a sex cinema or a sex shop shall be made without the approval of the Council. This will require consideration of an appropriate application.
16. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.
17. The sex establishment shall be used exclusively for 'mail-order' purposes only, selling sex articles and other articles that do not fall within the definition of sex articles in Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.
18. All advertisements, catalogues, sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state "MAIL ORDER ONLY". All deliveries/despaches of parcels shall be in plain wrapping not identifying what is inside.

### External Appearance

19. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building, or from other units within the building or from the common parts of the building.
20. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
21. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.
22. No items should be stored on the premises so that they can be viewed from any external window or door.

### State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
25. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
26. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

### Goods Available in Sex Establishments

27. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

### Licensed Name

28.
  - (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
  - (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the

Council shall have an absolute and unfettered discretion to allow or refuse such change.

## Appendix E

### **SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEXUAL ENTERTAINMENT VENUE PREMISES**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **INTRODUCTION**

1. In these Conditions “The Council” shall mean the South Hams District Council and all enquiries concerning this licence shall be directed to the Licensing Department, South Hams District Council, Follaton House, Plymouth Road, Totnes TQ9 5NE. Email [licensing@southhams.gov.uk](mailto:licensing@southhams.gov.uk)
2. These conditions may be imposed by the Council pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act as terms, conditions and restrictions on a subject to which a licence is in general to be granted, renewed or transferred by the Council save and insofar as they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to a “Sexual Entertainment Venue” premises.

### **Management of the Premises**

4. The Licensee or some responsible person, over the age of 18, nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”) with the authority to direct activities within the Premises, shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public. A form will be provided for this purpose.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.
10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality (village or town) of the Premises.
11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.
12. The Licensee shall take all reasonable precautions for the safety of the public and employees.
13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.
14. No person under the age of 18 shall be admitted to the Premises.
15. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
18. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
17. The Licensee must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.
18. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

19. CCTV recordings will be made available for viewing by authorised officers of the licensing authority or the police. Copies of such recordings must be provided upon request.
20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation.
21. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
22. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
23. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst relevant entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
24. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### Opening of the Premises

25. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

#### Operation of the Premises

26. No change from a sex entertainment venue to either a sex cinema or a sex shop (including a mail-order shop), or a sex shop to either a sex cinema or sex entertainment venue, or from a sex cinema to either a sex shop or sex entertainment venue, shall be made without the approval of the Council. This will require consideration of an appropriate application.
27. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or a sex cinema.

### External Appearance

28. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.
29. The exterior design of the premises shall be such that the interior of the premises is invisible to passers-by.
30. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.
31. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.
32. External advertising of relevant entertainment shall not include any of the following:
  - a) any depiction of full nudity
  - b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
  - c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.
33. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - (i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
  - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
  - (iii) A notice stating the opening hours of the establishment.
34. No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned or otherwise approved by the Council in writing;
35. No external loudspeakers may be installed.

### State, Condition and Layout of the Premises

36. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement

for the use of the Premises, he shall maintain the Premises in good repair and condition.

37. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
38. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
39. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
40. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
41. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.
42. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

#### Provision of Relevant Entertainment

43. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
44. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
45. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as where relevant entertainment may be provided.
46. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.
47. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.

48. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
49. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
50. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
51. The Licensee must ensure that during the performance of a table or lap dance:
  - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
  - (2) customers must remain seated during the entire performance of the dance;
  - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
  - (4) Performers must not sit or straddle the customer;
  - (5) Performers must not place their feet on the seats.
52. The Licensee must ensure that during performances of relevant entertainment:
  - (1) Performers may not perform any act that clearly simulates any sexual act;
  - (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
  - (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
  - (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
  - (6) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
  - (7) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
53. The Licensee must ensure that during performances of relevant entertainment:
  - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
  - (2) Customers must remain appropriately clothed at all times.

54. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-
- The payment of an entry fee by customers to authorised members of staff.
  - The payment of a fee for relevant entertainment.
  - The purchasing of drinks by customers from authorised members of staff.
  - The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
  - SIA door staff in the execution of their duties.
55. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.
56. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
57. Notices outlining condition will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.
58. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

#### Licensed Name

59. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.