

Cheshire West & Chester Council

# Statement of licensing policy:

## Sex establishments

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Cheshire West  
and Chester

## Statement of licensing policy

### Sex establishments

Revised March 2015

## 1. Introduction

Sex establishments are controlled by the Local Government (Miscellaneous Provisions Act 1982 as amended by section 27 Policing and Crime Act 2009. (“The Act”).

Cheshire West and Chester resolved to adopt the provisions of the Local Government (Miscellaneous Provisions Act 1982 as amended by section 27 Policing and Crime Act 2009 on 17 March 2011; coming into effect on 9 May 2011. Section 27 of the Act introduced a new category of ‘sex establishment’ under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. (“1982 Act”) called a ‘sexual entertainment venue’ which is defined as – ‘any premises at which **relevant entertainment** is provided before a live audience for financial gain of the organiser or the entertainer’

1.1 This document outlines Cheshire West and Chester Borough Council’s policy for considering applications for sex establishment licences. The Council may depart from this policy when there are sufficient grounds to do so bearing in mind:

- the spirit and intent of the Act;
- Council policies supporting economic growth and development or to protect the heritage and culture of a given area;
- the content of any prevailing Local or Neighbourhood Plan which may be relevant to an application;
- case law decided since it was passed.

It is therefore the policy of this Council that each case shall be decided on its merits.

1.2 When considering applications the Council will also take into account the relevant provisions of the following legislation:

- The Disability Discrimination Act 1995
- Crime and Disorder Act 1998

- The Human Rights Act 1998
- Equality Act 2010
- Home Office Guidance
- Any other relevant legislation

1.3 The current number and location of sex establishments licensed by Cheshire West and Chester can be found on our website.

## **2. Applicants**

2.1 Individuals, limited companies and firms may apply for licences.

## **3. Duration of licences**

3.1 Licences may be issued for up to one year but the Council has discretion to issue a licence for a shorter term if deemed appropriate.

## **4. Matters to be considered**

4.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on local residents.

4.2 The Council will take the following general matters into account: -

- type of activity;
- duration of proposed licence;
- proposed hours of operation.
- layout and condition of the premises
- the use to which premises in the vicinity are put
- the character of the locality in which the premises are situated

4.3 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:-

- crime and disorder;
- cumulative impact of licensed premises in the area, including hours of operation.
- the character of the locality in which the premises is situated

4.4 In considering all applications for renewal the Council will take into account:

- (i) levels of recorded crime and disorder in the area;
- (ii) past demonstrable adverse impact from the activity;
- (iii) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- (iv) the character of the locality in which the premises is situated

4.5 Conditions will be applied to the licence to control the hours of operation.

4.6 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that as appropriate. However, the Council will take into account the matters detailed at 4.4 (i) to (iv) above.

4.7 Where an application is made to vary a licence in terms of the activity, hours of operation or conditions as previously licensed (whether on renewal or not), the Council will treat the application as if it were a new application and take into account the criteria as set out in paragraphs 4.1 – 4.3 .

## **5. Location and relevant locality**

5.1 Licences will normally only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality.

5.2 The Act allows the Council to refuse to grant or renew a licence on the grounds that the number of sex establishments in the relevant locality at the time the application is made or determined is equal to or exceeds the number which the Authority considers is appropriate for that locality. The Act provides that the appropriate number of sex establishments within any relevant locality may be nil.

5.3 It would be inappropriate for the Council to treat the whole borough as “the relevant locality”. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map.

### **5.4 Defining the Character of a Locality**

The character of a locality is an important matter when the Council considers an application for the grant, renewal or variation of a sex establishment licence.

In terms of policy, reference to predominantly commercial areas refers to an area where commercial activities such as licensed premises, retail establishments and offices predominate over residential accommodation. In defining a residential area the Council will take into consideration domestic residences and hotels, guest houses and similar types of accommodation.

The degree to which one class of premises predominates over another class of premises is not defined – each case will be judged on its merits.

Consideration will be given to the number of residential premises and their proximity to a sex establishment. The Council may also take account of any planning permissions granted for additional residential accommodation (including hotels etc) within a locality; again number and proximity may be a

relevant consideration. The timescale for the development of any new residential development will also be a material consideration. The Council may consider granting a licence for a sex establishment for up to one year or a shorter period should the development be ready for occupation within the life of the licence.

The character of a locality will not be solely defined by the number and type of commercial premises and proximity of residential accommodation. The Council will take into consideration other types of premises where members of the public, especially vulnerable groups such as children are present. Such premises will include schools, playgrounds, youth centres, village halls and places of worship (not an exhaustive list). Traffic and pedestrian routes accessed by vulnerable groups that pass near to sex establishments will also be taken into consideration when defining a particular locality. A precise definition of locality cannot always be clearly defined within a policy. The locality will be defined by the particulars and circumstances of each individual case. Matters to be taken into consideration will therefore include the proximity and location of all premises where members of the public congregate in addition to the mix of residential and commercial premises.

5.5 The Council has determined that it is appropriate to consider a predominantly residential area as a relevant locality and has determined that the number of sex establishments that it believes to be appropriate in each residential area as nil.

5.6 In considering the location of all applications, the Council will take into account:

- proximity to residential areas, places of worship, village halls, youth centres, schools and open spaces e.g. playgrounds;
- proximity to areas with the highest levels of recorded crime;
- cumulative effect of existing related licensed activities in the vicinity.

## **6. Fitness of applicant**

6.1 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence, renewal or a transfer the Council will in most cases take into account:-

- previous knowledge and experience of the applicant;
- any evidence of the operation of any existing or previous licence held by the applicant, including any type of licence, includes Premises and Personal Licences etc held in this or any other borough;
- any report about the applicant and management of the premises received from statutory objectors.
- any convictions.

## **7. Premises management**

7.1 The Council requires all licensees to employ adequate procedures to ensure that their employees comply with all relevant licence conditions.

7.2 Licensees are required to work in partnership with the police and Council to create and maintain a safe environment, both within licensed premises and in the environs around them. Licensees with premises located in areas with the highest levels of recorded crime must also develop crime prevention strategies in consultation with the Police and the Council.

## **8. Consultations**

Statutory

8.1 Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated. A notice must also be displayed on or near the premises for 21 days beginning with the date of the application.

#### Public

- 8.2 The Council will consult residents in the immediate local area relation to applications for grant, renewal or variation of the terms or conditions of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received. The Council will inform every domestic dwelling and commercial unit within a radius of 50m of the premises subject to the application. This consultation area may be extended if it is appropriate to do so.

#### Statutory agencies and other organisations

- 8.3 The Council will consult with all relevant services within the Council, the Police and the Fire Authority to ensure that all relevant information is available when considering an application.

#### Ward councillors

- 8.4 Relevant Ward Councillors will be notified in writing of all applications for grant, renewals and transfer of licences and the variation of conditions within their Ward, and also those on or near the Ward boundary.

#### Parish and town Councils

- 8.5 Parish and Town Councils will be consulted in writing.

### **9. Consideration of consultation responses**

- 9.1 When considering any application in relation to sex establishments the Council is required to have regard to any observations made by the Chief Constable of the Cheshire Constabulary and objections raised by members of the public within the statutory 28 day consultation period, and any observations and objections made by the Parish and Town Councils within that period.
- 9.2 Objections made simply on moral grounds will be disregarded.

## **10. Other policies**

- 10.1 The Council may identify and apply other requirements from time to time, subject to consultation and proper notice.

## **11. Planning**

- 11.1 National and local planning policy seeks to locate retail uses in existing shopping centres and retail premises. A sex shop would normally fall within use class A1 Shops of the Town and Country Planning (Use Classes) Order 1987 and planning permission would normally only be required where a material change of use from another use was proposed.

## **12 Hearings**

- 12.1 All applications for new Sex Establishment Licences and variations will be considered by the Licensing Committee at a public hearing in accordance with the Council's constitution.

Applications for renewals and transfers may be decided under delegated powers by officers. However where relevant objections are received the application will be referred to the Licensing Committee.

- 12.2 Written representations will be considered by the committee. Objectors will not normally be afforded a hearing unless the Chairman invites individuals or responsible authorities to verbally clarify their representation for Members.

## **13 Decision**

- 13.1 The Council after due consideration of all the relevant matters may decide to:
- a) Grant the application or;
  - b) Refuse the application.

13.2 Under the provisions in Schedule 3 of the Act, the licensing authority, may grant, renew or transfer a licence on such terms and conditions and subject to such restrictions as it may specify after consultation with the applicant whenever reasonably possible.

Conditions may be imposed for example to control:

- (a) the external appearance of the premises;
- (b) the operating hours of the business;
- (c) the visibility of the interior of the establishment to passers by;
- (d) any change of a sex shop to a sex cinema;
- (e) displays or advertisements on or in such establishments;
- (f) CCTV provision;
- (g) the employment of suitable management and staff.

#### **14 Mandatory refusal**

14.1 Under the provisions in Schedule 3 of the Act, the Council must refuse a licence for the following reasons;

- (a) to a person under the age of 18; or
- (b) to a person who is disqualified by virtue of the revocation of a previous licence in the area within the preceding 12 months; or
- (c) to a person who has not been resident in the U.K. for the preceding six months; or
- (d) to a body corporate which is not incorporated in the U.K.; or
- (e) to a person who has been refused an application for a licence for the premises within the preceding 12 months, unless the refusal has been reversed on appeal.

## **15 Discretionary refusal**

15.1 The Council may refuse an application to grant or renew a licence on one or more of the following grounds:

(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 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 a licence if he made the application himself;

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant of the licence would be inappropriate, having regard to:

(i) the character of the locality where the premises are situated;

(ii) the use to which any premises in the vicinity are put;

(iii) the layout, character or condition of the premises in respect of which the application is made.

## **16 Appeals**

16.1 An applicant for the grant of a licence whose application is refused has the right of appeal to the Magistrates' Court within 21 days.

16.2 However, if refusal was on the grounds specified in paragraphs **15.1 c** and **15.1d** above then no right of appeal is available under this legislation. A person whose application is refused due to these reasons may seek a judicial review of the Council's use of its discretion in coming to a decision, if they believe they can show that the Council has, for example, acted improperly, unreasonably or irrationally, has not examined both sides of a case or has shown predetermination or bias.

16.3 Those making representation, objecting to or supporting an application, have no right of appeal under this piece of legislation.

## 17 Additional policy relating to Sexual Entertainment Venues

17.1 Sexual Entertainment Venue is defined as – ‘any premises at which **Relevant Entertainment** is provided before a live audience for financial gain of the organiser or the entertainer’

An audience can consist of just one person (e.g. where the entertainment takes place in private booths)

17.2 ‘Relevant Entertainment’ is defined as:

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

17.3 This Council shall judge each case on its merits; however, the Government suggests that the definition of Relevant Entertainment would Include:

- **Lap dancing**
- **Pole dancing**
- **Table dancing**
- **Strip shows**
- **Peep shows**
- **Live sex shows**

This list is not exhaustive and the decision to define an activity as relevant entertainment will be made on its content and not the description it is given. The Council recognises that the Act also describes premises that are not to be considered Sexual Entertainment Venues because they only provide relevant entertainment on an infrequent basis.

An infrequent basis is defined as;

- no relevant entertainment has been provided on 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

17.4 Exemptions may also exist for premises or types of performances or displays exempted by an order of the Secretary of State.

17.5 Premises providing relevant entertainment are likely to raise concerns relating to disorderly behaviour, public decency and public nuisance particularly if they are in or near residential areas, close to schools, places of worship or community facilities. These premises may also expose individuals in the vicinity – particularly women – to a heightened risk of facing criminal and disorderly behaviour or conduct amounting to nuisance.

17.6 It is the view of this Council that an application for the grant of a Sexual Entertainment Venue Licence or Premises Licence incorporating regulated entertainment of a form that meets the definition of relevant entertainment shall only be granted if the Licensing Authority is satisfied, having regard to all the circumstances including;

- the nature and extent of the activities;
- the location of the premises; and,
- the conditions proposed by the applicant or which might properly be imposed by the authority,
- are compatible with the promotion of the objectives of prevention of crime and disorder, prevention of nuisance and the protection of children from harm.

17.7 In particular, while each such application will be considered on its own merits:

- Applications are more likely to be granted in respect of premises in locations where licensed entertainment already takes place and where the locality is demonstrably capable of absorbing the impact of the night-time economy, than in other locations.

In such cases, applications may be subject to the cumulative effect of premises offering relevant entertainment in a particular area; and, in future, to any special policy which the licensing authority may adopt should a particular location become saturated with such premises.

- Applications will **not** normally be granted where the premises are located:
  - (a) near residential accommodation,
  - (b) near places of worship, community facilities or public buildings,
  - (c) near schools, youth clubs or other places regularly used by children, or
  - (d) on or within sight of pedestrian routes or transport nodes (such as stations or bus stops) primarily serving places in categories (a), (b) or (c).

17.8 Premises wishing to offer relevant entertainment will have conditions attached to the licence which may include;

- (a) exclusion of persons under 18 at all times from the premises;
- (b) the prevention of views into the premises;
- (c) prohibition of exterior advertising of the relevant entertainment at the premises; and
- (d) prohibition of leafleting or touting for business.
- (e) the participation of customers in the performances is prohibited
- (f) a minimum distance of 1 metre is maintained between performers and customers, and between performers, during performance.
- (g) provision and operation of CCTV inside and outside the premises,
- (h) retaining recordings of performances,

(i) employment of door supervisors.

17.9 Conditions are also likely to require that all service is to seated customers.

17.10 Applicants will be expected to indicate in their operating schedule what measures they propose to have in place to ensure that the conduct of the licensed activities, including the recruitment or supply of performers, is free of the influence of criminal activity and that no performer is recruited or supplied who is subject to any form or coercion.

17.11 The Council will take into consideration all relevant guidance produced by the Home Office or other Government Department when determining applications for Sexual Entertainment Venues.

## **18. Waivers**

18.1 The legislation contains provisions that permit this Council to grant a waiver from the requirements to hold a sexual entertainment licence. However, we do not consider that it would be appropriate to grant such waivers, particularly as the legislation allows relevant entertainment on an infrequent basis to be undertaken without the benefit of a sexual entertainment licence. "Infrequent basis" is defined at paragraph 17.3 of this policy

## **Sex establishment conditions (sex shops)**

These conditions shall be applied to the licensed sex establishment at (the licensed premises) as granted under the schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

### **1. Hours of opening**

- 1.1 Except with the previous written consent of the Council no sex establishment shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evenings on Saturdays. The sex establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

### **2. Management and staffing of the licensed premises**

- 2.1 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 be notified in writing to the Council within fourteen days of such change.

Such written details as may be required by the Council in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Council.

- 2.2 The name of the person responsible for the management of the licensed premises, whether the licensee or a manager approved by this Council shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The licensee shall notify the Council and the police of the name, address, and date of birth of any manager or employee involved at the premises within seven days of them commencing employment.

In the case of existing staff at the time the sex establishment licence comes into operation for the first time, this information shall be supplied to the Council within 14 days of the licence coming into operation.

The Council reserves the right to object to persons being involved with the premises where they are unsuitable, e.g. by way of previous relevant criminal convictions.

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.

An approved person for the purposes of this condition shall be a person approved in writing in advance by this Council following the submission of details and a satisfactory photograph by the licensee.

A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

- 2.5 The approved person shall be responsible for maintaining a daily register of persons employed. The entry shall include the name and address, position and times worked. The register shall be completed each day within 30 minutes of the premises opening and shall be retained at the business and be made available to a duly authorised officer of the Council or Constable.

- 2.6 During the hours the premises are open the licensee and all staff employed as either managers or sales staff shall wear, whilst on the premises, visible identification.

- 2.7 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

- 2.8 The licensee shall take all reasonable precautions and exercise all due diligence to ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.

- 2.9 Except with the written authorisation of the council neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.10 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.11 The licensed premises shall be used only for the purposes specified on the Sex Establishment Licence.
- 2.12 The licensee shall retain control over all parts of the premises licensed as a sex establishment and shall not let, licence or part with possession of any part of the sex establishment.
- 2.13 The licensee shall ensure that the public are not admitted to any part of the premises other than those that are specified in the licence.
- 2.14 All sex articles and other things displayed for supply, sale, hire, exchange or loan shall be clearly marked with the price being charged.
- 2.15 All goods exposed for supply, sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to that effect shall be prominently displayed within the premises.
- 2.16 No film, DVD or video shall be exhibited, sold, hired, loaned or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinizing 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 DVD or video film so certified.

2.17 The licensee shall inform the Council if he is convicted under:

- The Obscene Publications Act 1959
- The Prosecution of Children Act 1978
- Customs and Exercise Management Act 1979

Or;

if an order for forfeiture is made under The Obscene Publications Act 1959 following the service of a summons on the licensee.

2.18 Without the express consent of the Council the licensee shall not in the conduct of the business employ any person:

- Whose application for a Sex Establishment Licence, or renewal thereof, has been refused by any Licensing Authority.
- Whose Sex Establishment Licence has been revoked by any Licensing Authority.
- For a continuous period of in excess of 21 days, details of which have not been notified to the Council.

### **3. Appearance and Layout**

3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the licensing authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.

Except with the written authorisation of the council no advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

3.2 The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the business, its postal address, opening hours, website address and any security grilles/shutters.

- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.

There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.

On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**"Warning: Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age."**

- 3.4 The licensed premises shall not afford access to any other adjoining or adjacent premises.
- 3.5 Except with the written authorisation of the council no advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises shall be displayed at the premises.

#### **4. Maintenance and repair**

- 4.1 The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times.

This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

## **5. General**

- 5.1 No part of the premises shall be used as a sex cinema.
- 5.2 The licence is not transferable by the licensee without formal application to the Council.
- 5.3 The licensee shall forthwith notify the Council of his ceasing to carry on the business of a sex establishment.
- 5.4 The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 5.5 All notices and advertisements published in local newspapers and publications by or on behalf of the business shall bear all the business details specified in the licence and shall indicate that the person is licensed by the Council. All other notices and advertisements shall be approved by the Council prior to publication. This may include for example notices appearing on vehicles or hoardings.
- 5.6 The licensee shall not permit unsolicited publicity in respect of the establishment, its goods or service beyond the boundaries of the premises other than by way of advertising in recognized media or by point of sale promotions by itself or associated companies.
- 5.7 In addition to the above conditions, it is the duty of the licence holder to comply with all the requirements of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 5.8 Members of the public shall be prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises.
- 5.9 A sign advising members of the public that they are prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises shall be displayed in a prominent position in all rooms to which they have access.

## **Sex establishment conditions (sex cinemas)**

These conditions shall be applied to the licensed sex establishment at (the licensed premises) as granted under the schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

### **1. Hours of opening**

- 1.1 Except with the previous written consent of the Council no sex establishment shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evenings on Saturdays. The sex establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

### **2. Management and staffing of the licensed premises**

- 2.1 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 be notified in writing to the Council within fourteen days of such change.

Such written details as may be required by the Council in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Council.

- 2.2 The name of the person responsible for the management of the licensed premises, whether the licensee or a manager approved by this Council shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The licensee shall notify the Council and the police of the name, address, and date of birth of any manager or employee involved at the premises within seven days of them commencing employment.

In the case of existing staff at the time the sex establishment licence comes into operation for the first time, this information shall be supplied to the Council within 14 days of the licence coming into operation.

The Council reserves the right to object to persons being involved with the premises where they are unsuitable, e.g. by way of previous relevant criminal convictions.

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.

An approved person for the purposes of this condition shall be a person approved in writing in advance by this Council following the submission of details and a satisfactory photograph by the licensee.

A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

- 2.5 The approved person shall be responsible for maintaining a daily register of persons employed. The entry shall include the name and address, position and times worked. The register shall be completed each day within 30 minutes of the premises opening and shall be retained at the business and be made available to a duly authorised officer of the Council or Constable.

- 2.6 During the hours the premises are open the licensee and all staff employed as either managers or attendants shall wear, whilst on the premises, visible identification.

- 2.7 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

- 2.8 The licensee shall take all reasonable precautions and exercise all due diligence to ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.

- 2.9 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.10 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.11 The licensed premises shall be used only for the purposes specified on the Sex Establishment Licence.
- 2.12 The licensee shall retain control over all parts of the premises licensed as a sex establishment and shall not let, licence or part with possession of any part of the sex establishment.
- 2.13 The licensee shall ensure that the public are not admitted to any part of the premises other than those that are specified in the licence.
- 2.14 The licensee shall inform the Council if he is convicted under:
- The Obscene Publications Act 1959
  - The Prosecution of Children Act 1978
  - Customs and Exercise Management Act 1979
- Or;
- if an order for forfeiture is made under The Obscene Publications Act 1959 following the service of a summons on the licensee.
- 2.15 Without the express consent of the Council the licensee shall not in the conduct of the business employ any person:
- Whose application for a Sex Establishment Licence, or renewal thereof, has been refused by any Licensing Authority.

- Whose Sex Establishment Licence has been revoked by any Licensing Authority.
- For a continuous period of in excess of 21 days, details of which have not been notified to the Council.

### **3. Appearance and Layout**

- 3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the licensing authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council.

No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

- 3.2 The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the business, its postal address, opening hours, website address and any security grilles/shutters.
- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.

There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.

On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**"Warning: Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age."**

- 3.4 The licensed premises shall not afford access to any other adjoining or adjacent premises.

- 3.5 No advertisements, other than advertisements relating to other licensed sex establishments shall be displayed at the premises.
- 3.6 Members of the public shall be prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises.
- 3.7 A sign advising members of the public that they are prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises shall be displayed in a prominent position in all rooms to which they have access.

#### **4. Exhibition of Films and Advertisements**

- 4.1 No film shall be exhibited at the premises unless:

It is a current news-reel: or

- (a) it has been passed by the British Board of Film Classification (BBFC) and no notice of objection to its exhibition has been given by the Council and bears a certificate to that effect or;
- (b) approved by the Council. In the case of a film exhibition that has not been classified by the BBFC, the licensing authority will expect the licence holder to submit the film to the authority at least 28 days before it intends to show it. The authority will then conduct an assessment of the suitability of the film for exhibition and classify the film accordingly. The licensing authority will impose a condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or any classification made by the authority.

- 4.2 Every poster, advertisement, photograph, sketch synopsis or programme of, or relating to a film (other than a current newsreel) exhibited at the premises, sold or supplied anywhere on or behalf of the Licensee shall indicate clearly the category in which the film has been passed for exhibition.

## **5. Maintenance and repair**

- 5.1 The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times.

This will include the need to maintain the front and rear of the premises in a clean and tidy condition.

## **6. General**

- 6.1 The licence is not transferable by the licensee without formal application to the Council.

- 6.2 The licensee shall forthwith notify the Council of his ceasing to carry on the business of a sex establishment.

- 6.3 The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.

- 6.4 All notices and advertisements published in local newspapers and publications by or on behalf of the business shall bear all the business details specified in the licence and shall indicate that the person is licensed by the Council. All other notices and advertisements shall be approved by the Council prior to publication. This may include for example notices appearing on vehicles or hoardings.

- 6.5 The licensee shall not permit unsolicited publicity in respect of the establishment, its goods or service beyond the boundaries of the premises other than by way of advertising in recognized media or by point of sale promotions by itself or associated

- 6.6 The premises shall not be used for a closely seated audience, except in accordance with plans approved by the Council.

- 6.7 A copy of the approved seating plan shall be kept at the premises and be available to authorised officers or a Police Constable.

- 6.8 Persons shall not be allowed to sit or stand in any gangways or exits.
- 6.9 The level of lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.
- 6.10 In addition to the above conditions, it is the duty of the licence holder to comply with all the requirements of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**Conditions of licence relating  
to  
sexual entertainment venues**

These conditions shall be applied to the licensed Sexual Entertainment Venue at (the licensed premises) as granted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

1. At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.

An approved person for the purposes of this condition shall be a person approved in writing in advance by this Council following the submission of the following details: name, address, date and place of birth, national insurance details, government issued photographic id and current and previous address history for 5 years preceding the application and a satisfactory photograph supplied by the licensee.

A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

2. The name of the person responsible for the management of the licensed premises, whether the licensee or a person approved by this Council shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
3. The licensee shall notify the Council and the police of the name, address, and date of birth of any manager or employee involved at the premises within seven days of them commencing employment.

4. The approved person shall be responsible for maintaining a daily register of all employees and performers including their names and addresses. The performers should sign the register that they have read and understand the conditions. The register shall also record the approved person that was on duty during the times that performances of relevant entertainment took place. The register shall be retained at the business and be made available to a duly authorised officer of the Council or Constable.
5. An approved person is expected to be on the premises throughout any performance of relevant entertainment. A nominated female should be present to oversee the activities of the female performers and likewise a nominated male should be present to oversee the activities of any male performers.
6. During the hours the premises are open the approved person in charge, managers and supervisors shall wear, whilst on the premises, visible identification.
7. The licensee shall inform the Council if he is convicted under:
  - The Obscene Publications Act 1959
  - The Prosecution of Children Act 1978
  - Customs and Exercise Management Act 1979

Or;

if an order for forfeiture is made under The Obscene Publications Act 1959 following the service of a summons on the licensee.
8. No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
9. No part of the premises shall be used as a sex cinema.
10. Publicity material in the form of unsolicited leaflets and other forms of advertisement may not be given out beyond the boundary of the premises

without prior approval of the Council. Publicity material in the form of advertisements in recognised media or by point of sale promotions does not require prior approval.

11. Any person who can be observed from outside the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entrance way, windows or in the area surrounding the premises.
12. The Council shall approve the design of the front elevation and any security grilles/shutters.
13. The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.
14. The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times.
15. No performer/entertainer or member of the public shall commit any sex act or simulation and shall not perform any sexually explicit or lewd act.
16. The area proposed for striptease (involving complete nudity) shall:-
  - a) be in a position where the performance cannot be seen from the street.
  - b) be in a designated area of the premises with segregation from the audience.
  - c) except where a performer dresses immediately at the conclusion of a performance, be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience
17. The area proposed for relevant entertainment shall be in a position where the performance cannot be seen from the street.

18. (a) There shall be no physical contact between performers/entertainers and the audience except for the placing of money or tokens into the hands of the performer/entertainer\* at the beginning or conclusion of the performance. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate. Notices to this effect shall be clearly displayed at each table, at the entrance to any dance area and in the reception area and should state that any customer attempting to make physical contact with a performer/entertainer will be asked to leave. Signs must be sufficient in size, legible and positioned so as to be read by all customers.
- (b) Performers/entertainers shall not:
  - i touch customers or be touched by customers (other than as permitted in part (a));or
  - ii perform with another performer/entertainer.
19. Persons appearing on a stage should have direct access to the dressing room without passing through or in close proximity to the audience.
20. Suitable changing facilities shall be provided for all performers, customer access to this area shall be restricted at all times the premises conduct relevant entertainment.
21. All performers must immediately dress at the conclusion of each performance.
22. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 18 above)
23. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council.

24. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager/supervisor.
25. The Licensee or authorised person will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
26. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
27. No dancer may perform if they are intoxicated.
28. No member of the public shall be admitted or allowed to remain in the premises if they appear to be intoxicated.
29. Other than when they arrive, depart, visit the toilet or go to the bar, all members of the public shall remain seated in areas where the following relevant entertainment takes place: personal dance, lap dancing, strip tease not taking place on a stage, or other relevant entertainment identified by the Council
30. Members of the public shall be prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises.
31. A sign advising members of the public that they are prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises shall be displayed in a prominent position in all rooms to which they have access.
32. Whilst relevant entertainment takes place not less than ....(insert agreed number following consultation between licensee and the police)...of Door Supervisors shall be present on the premises.  
Each person required by this licence to be at the premises to carry out a security activity must
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

33. The licensee shall take all reasonable precautions and exercise all due diligence to ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
34. A tamperproof CCTV system shall be installed at the premises and shall be used to record during all hours that relevant entertainment takes place on the premises
- The Police and Council shall approve the CCTV system and its operating procedure
- Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions
- Images shall be kept available for a minimum of 28 days with time and date stamping.
- a) Images shall be made available to an authorised officer of the Council or a Police Officer together with facilities for viewing.
  - b) The images for the preceding two days shall be made available immediately on request. Images outside this period shall be made available on 24 hours notice.
35. The licence is not transferable by the licensee without formal application to the Council.
36. The copy of the licence and these conditions shall be displayed in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

## Accessing Cheshire West and Chester Council information and services

Council information is also available in Audio, Braille, Large Print or other formats. If you would like a copy in a different format, in another language or require a BSL interpreter, please email us at [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

Pokud byste požadovali informace v jiném jazyce nebo formátu, kontaktujte nás

Jeżeli chciałoby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਵੋ।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

Türkçe bilgi almak istiyorsanız, bize başvurabilirsiniz.

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

**Tel:** 0300 123 8 123 **Textphone:** 18001 01606 867 670

**email:** [equalities@cheshirewestandchester.gov.uk](mailto:equalities@cheshirewestandchester.gov.uk)

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