



Sex Establishment Application & Licensing Guidelines 2011

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(1) LICENSING PROCEDURES

GUIDELINES GOVERNING APPLICATIONS

INTRODUCTION

A) South Gloucestershire Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to sex establishments; as amended by the Policing and Crime Act 2009. The amendments introduced provisions to reclassify lap dancing, pole dancing clubs etc. as sex establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

B) These guidelines relate to applications for Sex Establishment Licences covering:

- Sex Cinemas
- Sex Shops
- Sexual Entertainment venues

C) These guidelines have been developed to assist current licence holders, potential licence holders and the Council when considering applications for Sex Establishment Licences. They have been agreed by the Licensing, Regulatory & General Purposes Committee and set out the Council's standards for determining applications for, and enforcement of, Sex Establishments in the South Gloucestershire area.

D) Each application to be determined will be done so on its own merits.

E) The Council does not take any moral stand in adopting these guidelines. The Council recognises that Parliament has made it lawful to operate Sex Establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

F) In developing these guidelines the following, including legal requirements of the 1982 Act, have been considered: duties under

(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 Provisions 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.

Section 1 Interpretation

In these guidelines:-

Act refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009).

Applicant means the applicant for the grant, variation, renewal or transfer of a licence as appropriate.

Application means an application for one or more of the following, as the case may be:

- (a) grant of a licence;
- (b) transfer of a licence;
- (c) renewal of a licence;
- (d) variation of a licence (including waiver or modification of a licence condition or to extend the licensed area, increase the accommodation capacity or extend the licensed hours).

Authorised Officer means an officer employed by South Gloucestershire Council and authorised by Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Licence means any Sex Establishment Licence that the Council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of such a Sex Establishment Licence.

Licensed Premises This is the premises, vessel, vehicle or stall which is subject to a Sex Establishment Licence. The premises will be in possession of all appropriate consents and permissions required to operate. Note: Licenses are not required for 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.

Objector means any person who has given Notice of Objection in accordance with Paragraph 10 (15) of the Schedule.

Observations means the giving of views by the statutory authorities such as the Fire and Police Authority.

Parties means the applicant(s) and any objector(s) to the grant of the application. In the case of revocation proceedings it means the licensee and the persons seeking revocation.

Permitted Hours These are the hours of activity and operation that have been authorised under the Sex Establishment Licence.

Policy Statement This refers to the Sex Establishment Policy Statement.

Premises shall mean any vehicle, vessel, stall or premises (which shall include any part thereof, installations, fittings, forecourt, yard or storage place in connection with any building) which is subject of a licence granted under the Schedule or for which a licence is sought.

Relevant Locality shall be determined according to the area in which the premises, vehicle, vessel or stall, for which the application is being made, are situated or such other area as the Committee considers appropriate as the relevant locality for the application, which they are hearing.

Relevant Locality – Character The Character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances.

Revocation means the revocation of a licence under Paragraph 17 of the Schedule or a proposal to revoke the licence.

Sex Cinema (1) “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; or
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

(2) No premises shall be treated as a sex cinema by reason only—

- (a) if they are licensed under [section 1 of the Cinemas Act 1985], of their use for a purpose for which a licence under [that section] is required; or—
- (b) of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of that Act.]

Sex Shop (1) “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.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule “sex article” means—

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

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

(b) anything to which sub-paragraph (4) below applies.

(4) 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; or
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Sexual Entertainment Venue (1) “Sexual Entertainment Venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “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).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

(a) sex cinemas and sex shops;

(b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—

- (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 ending with that time;
- (ii) no such occasion has lasted for more than 24 hours; and
- (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in Sub paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

The Council means South Gloucestershire Council.

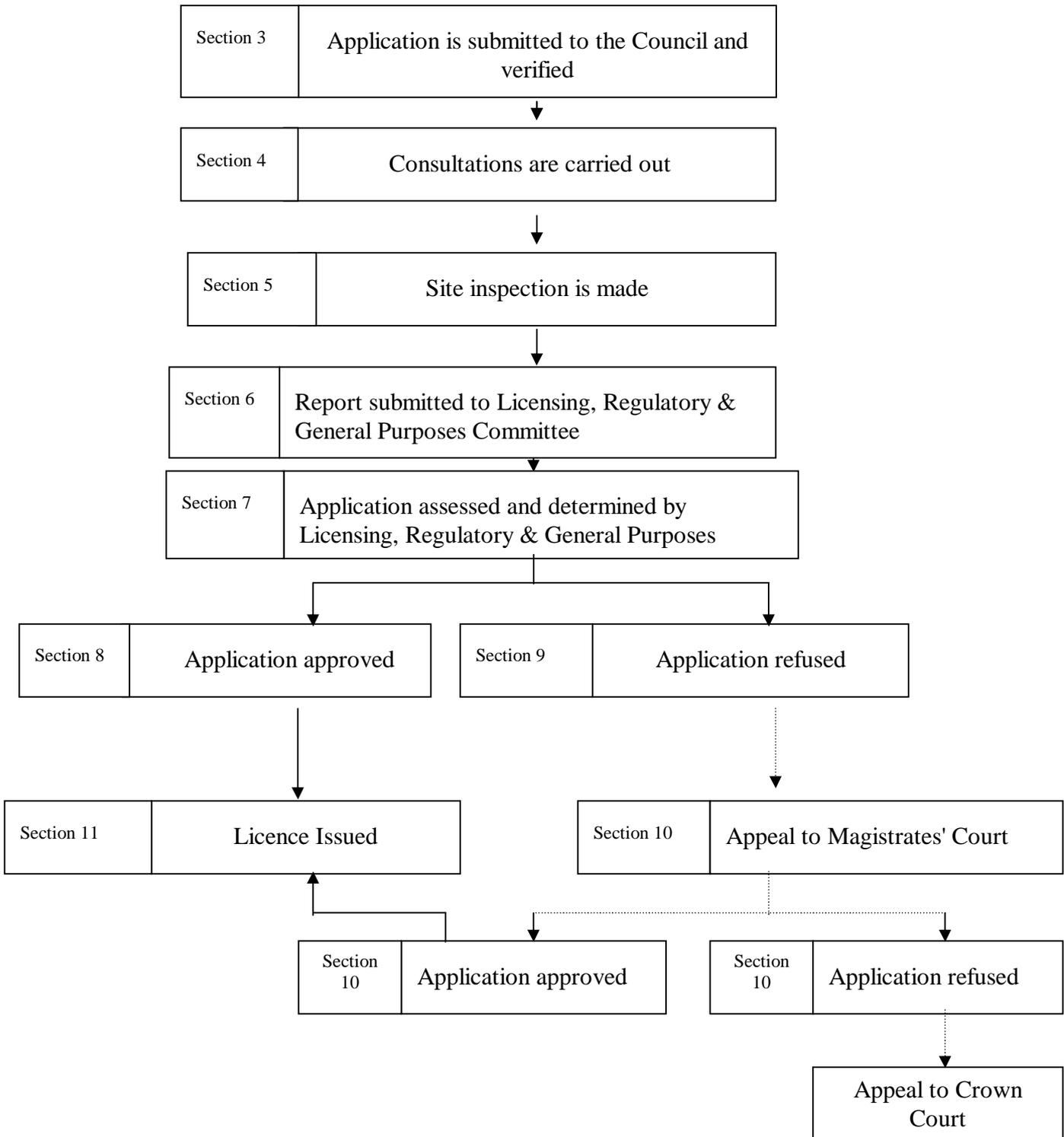
The Committee means South Gloucestershire Council Licensing, Regulatory & General Purposes Committee.

The Schedule means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The masculine always includes the feminine and the singular includes the plural.

Section 2 Procedure for determining Sex Establishment Licence Applications

2.1 The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of this guide:



Section 3 Submission of the Application

Making an Application

- 3.1 An application for a Sex Establishment Licence must be made to South Gloucestershire Council in writing in accordance with the requirements set out below.
- 3.2 In keeping with the Council's policy on the introduction of e-Government, the Council consents to applications and other notices being given electronically. All applications received will be posted on the Council's consultation pages at the earliest opportunity.
- 3.3 The address at which the Council will accept applications and notices is:-
- (a) By post/personal service to Department for Environment and Community Services, PO Box 299, Trading Standards & Licensing, Civic Centre, High Street, Bristol, BS15 0DR
 - (b) By e-mail to licensing@southglos.gov.uk;
 - (c) By facsimile to 01454 863484;
 - (d) On-line www.southglos.gov.uk/licensing

For all enquiries please contact the Licensing Team on 01454 868001.

Application for the Grant of a licence

- 3.4 To apply for the grant of a Sex Establishment Licence an applicant must: -
- (a) Send the council: -
 - A map of at least 1:1250 scale (enclosed) clearly outlining the locality in which the proposed establishment will be situated. The map should clearly identify the proposed sex establishment by marking the site/premises boundary with a red line;
 - A plan to the scale of 1:100 showing the part(s) of the premises that it is proposed to license. All areas requiring to be licensed should be outlined in red on the plan. all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street;
 - The fee;
 - Display a notice on or near the premise;
 - Advertise the application in a local newspaper;
 - Send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the council.
- 3.5 A specimen application form for the Grant, Variation or Transfer for a Sex Establishment Licence is attached at **Appendix A** but please check the website for the current version.

Public Notices

- 3.6 Additionally, public notice of the application shall be given by;
- Displaying an approved notice in on or near the premises, in a place where it can conveniently be read by the public, for 21 days beginning with the day of the application. By publishing an advertisement detailing the above notice in a local newspaper circulating in the South Gloucestershire area not later than 7 days after the date of the application.

- By providing South Gloucestershire Council with a completed 'Publication of notice of application for a licence' within 28 days of the application being made (shown in **Appendix E**) and sending one complete copy of the newspaper containing the advertisement to the Council.
- 3.7 A notice (shown in **Appendix D**) and 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.
- 3.8 Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 3.9 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.
- 3.10 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 objections may be made to the council and that the objections 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 (£20,000) for which a person is liable on summary conviction for the offence;
 - (f) 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

- 3.11 The holder of a Sex Establishment Licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 3.12 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.
- 3.13 A specimen application form for the Grant, Variation or Transfer of a Sex Establishment licence is attached at **Appendix A** but please check the website for the current version.

Renewal of a Licence

- 3.14 The holder of a Sex Establishment 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 form together with the appropriate fee must be submitted before the current licence expires.
- 3.15 The process of applying for the 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. See **Appendix B** for a specimen application form but please check the website for the current version.

Transfer of Licence

- 3.16 A person may apply for the transfer of a licence at any time.
- 3.17 The process of applying for the 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. See **Appendix C** for a specimen application form but please check the website for the current version.
- 3.18 The applicant must send a copy of the completed application form to the Chief Officer of Avon and Somerset Constabulary, within 7 days of the application being made.
- 3.19 Help in completing the application form can be obtained from the Council's Trading Standards & Licensing Team on 01454 868001.

Section 4 Consultations on applications made

4.1 Before a Sex Establishment Licence is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular, we will consult with the following organisations or persons:

- Avon and Somerset Constabulary
- Avon Fire Brigade
- The Council's Director of Planning, Transportation and Strategic Environment
- The appropriate Ward Member
- The appropriate Parish or Town Council
- The Council's Trading Standards Section
- The Safe Guarding Children's Board
- Trading Standards
- The appropriate priority neighbourhood partnership, where applicable.

4.2 For new applications, in addition to the above, further consultations will be carried out with property and business owners and residents within the relevant locality of the proposed sex establishment as determined by the Licensing Authority. This consultation will consist of the Council sending copies of the Notice of Application to the relevant property and business owners and residents.

4.3 Local consultative arrangements for dealing with applications will also apply.

4.4 As soon as possible after a completed application is received details will be posted on the Council's website.

Objections

4.5 When considering an application for the grant, renewal, variation or transfer of a Sex Establishment Licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory 28 day period from the date of the application being given to the Council.

- 4.6 Any person can object to an application but the objection should be relevant to the grounds set out in **Section 3** and the **Mandatory grounds** for refusal set in **Section 4** above.
- 4.7 Objections should not be made on moral grounds or values and the Council should not consider objections that are not relevant to grounds other than those in **Sections 3 and 4**.
- 4.8 Objectors must give notice of their objection in writing, stating the general terms of the objections.
- 4.9 Where the Council receives notices of any objections it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 4.10 Written observations from the above bodies, organisations and occupiers of properties will be sought and taken into consideration by the Panel when determining an application that has been made to the Council.
- 4.11 Due consideration will be given to representations received from the appropriate partnership when applications have been received for priority neighbourhoods.
- 4.12 In specified circumstances applicants, licensees and objectors must be given the opportunity of appearing before, and being heard by, a committee or sub committee;

Section 5 Inspection of Sex Establishments

5.1 On receipt of an application the premises will be visited and inspected by an Authorised Officer of the Council to determine compliance with the Sex Establishment Licence conditions. A report will be prepared for submission to the next available Committee and the applicant will be informed in writing of the referral of the application to the Committee and notified of the date when the application will be considered.

Section 6 Report submitted to the Licensing Committee

- 6.1 Following inspection of the proposed establishment, a report will be prepared for consideration by the Council's Licensing, Regulatory & General Purposes Committee.
- 6.2 Any persons making written objections will also be informed of a decision to refer an application to the Panel, and notified of the hearing date of the application.
- 6.3 Applicants, licensees and valid objectors must be given the opportunity of appearing before, and being heard by, the committee;
- 6.4 The appropriate South Gloucestershire Council Ward Members, Parish and Town Councils for the proposed sex establishment will be informed of a referral of an application to the Licensing, Regulatory & General Purposes Committee for consideration and the hearing date.

Section 7 Determining and granting an application

Granting a Licence

- 7.1 In determining applications for sex establishments, the Licensing, Regulatory & General Purposes Committee shall have regard to the relevant matters for determination and the standard conditions. Each case, though, will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.
- 7.2 All applications for the Grant of a **new** Sex Establishment Licence will be referred to Licensing, Regulatory & General Purposes Committee for determination. Committee will take into account the criteria set as out in **Section 3** above with regards to the character, relevant locality and the appropriate number of Sex Establishments for the relevant locality.
- 7.3 In determining the application the Committee will have regard to this Policy Statement, the application itself and any objections that may have been made. In all cases, each application will be determined on its own merits.
- 7.4 The applicant will be expected to attend the hearing and may be accompanied by a solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.
- 7.5 In determining an application the Licensing Committee will consider presentations from the applicant and the Council's Licensing Officer. Either side may use witnesses and supporting documentation may be submitted to the Licensing Committee for consideration.
- 7.6 Where objections have been raised to the granting a Sex Establishment Licence the Committee will consider the objections made. Persons who have raised objections, or their representative, to the application will be allowed the opportunity to address the Committee.
- 7.7 The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and the applicant. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.
- 7.8 Letters of objection that have been received by the Council will be circulated to members of the Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection.
- 7.9 The Committee will always strive to ensure that when it is considering an application that all persons get a proper and fair hearing through:
- 1) Considering each case on its merits.
 - 2) Using these guidelines to assess applications where it is felt appropriate.

- 3) Dealing with the appeal in a balanced and impartial manner.
 - 4) Ensuring that the rules of natural justice are applied in any hearings held.
 - 5) Giving a person making an appeal, a reference or an objection sufficient opportunity to present their case, and present information for consideration in support of their appeal or objection.
- 7.10 When a Sex Licence Establishment Licence is granted by the Committee, the Licence will be provided to the applicant as soon as possible.

Section 8 Criteria for refusal of an application

8 The following criteria will be considered when determining an application:

8.1 Mandatory Grounds for Refusal (Paragraph 12 of Schedule 3)

8.2 Specific Mandatory grounds for refusal of a licence are set out in the Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the persons having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

8.3 A Licence may also be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed 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) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time which the authority consider is appropriate for the locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard-
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or

(iii) to the lay out, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(e) NIL may be an appropriate number for the purposes of (c) above

8.4 Any decision to refuse a licence **MUST** be relevant to one or more of the above grounds.

The relevant locality

8.5 Paragraph 12 (5) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 defines the relevant locality as:

- (a) in relation to premises, the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

8.6 The local authority is entitled to consider the relevant locality, and to determine the number of sex establishments suitable for it. That number can be nil. The locality cannot include the whole of the District. The relevant locality may cover the area of a ward or, alternatively, the local authority may wish to consider a suitable distance from the applicant premises or some other nearby landmark as comprising the relevant locality.

8.7 In deciding the appropriate number of premises to be licensed, the Committee must consider the character of the relevant locality and what is the appropriate number of sex establishments for the relevant locality. The number can be 'nil'.

8.8 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Committee shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) The fact that the premises are sited in a residential area.
- (b) The premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same.
- (c) The Premises are sited near properties which are sensitive for religious purposes e.g. churches, mosques, temples.
- (d) The premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets.

8.9 When hearing an application for the grant of a sex establishment licence, the Committee shall have regard to the Policy Statement provisions set out above but subject to the overriding principle that each application will be determined on its merits.

8.10 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a Sex Establishment.

8.11 The Council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned. In assessing the locality each case will be considered on its merits.

The layout, character, or condition of the premises

8.12 Premises or part of premises to may be unsuitable to be used as a sex establishment due to their physical layout. For example, a basement may have limited access rendering it unsafe or unsuitable and therefore it may be appropriate to licence the ground floor only.

8.13 The use of premises can be considered in the context of the character of a building or location. The use of the whole or part of a building or location may not be in keeping with the character of that building or location.

Section 9 Appeals against decisions

9.1 The Local Government (Miscellaneous Provisions) Act 1982, Section 27 permits appeals against the decisions of the Council in relation to Sex Establishment Appeals will be heard in the first instance by at a Magistrates' Court. An appeal should be made within 21 days of the decision of the Council to Northavon Magistrates, Kennedy Way, Yate, South Gloucestershire.

9.2 An appeal can be made in the following circumstances:-

- 1) Refusal of an application for the grant, renewal or transfer of a licence.
- 2) Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held.
- 3) A grievance relating to any term, condition or restriction on or subject to which a licence is held.
- 4) Revocation of a licence.

9.3 A person wishing to appeal against a Council decision on a Sex Establishment Licence is strongly advised to seek assistance from a solicitor, prior to commencing action in a Court of Law.

Section 10 Issue of Sex Establishment Licences

10 Sex Establishment Licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'South Gloucestershire Council'.

10.1 Fees will be determined by Regulatory Committee on an annual basis and any charges are made from 01 April each year. There will be a fee for a new application, renewals and transfers. There may be differentiation between 'sex shops' and 'sex encounter' establishments to reflect the work involved in dealing with the different types of applications.

10.2 Fees will be set on a cost recovery basis in line with Council policy on fee setting.

10.3 If a cheque is dishonoured by a bank this will result in the revocation of the Sex Establishment Licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees within 5 working days of the initial contact with the Council.

Section 11 Enforcement of Sex Establishments

11.1 South Gloucestershire Council will actively enforce the provisions of the Local Government (Miscellaneous Provisions) Act 1982 in relation to sex establishments within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Departmental Enforcement Policy, copies of which are available on the web site.

11.2 The following principles will be adhered to when carrying out enforcement activities:

Openness: The Council will be open about how it enforces the legislation. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.

Helpfulness: The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.

Proportionality: The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Officers will have regard to the human rights of all parties involved in its enforcement activities.

Consistency: The Council will carry out its duties in a fair, equitable and consistent manner. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

Complaints against the Service

11.1 South Gloucestershire Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the service you should in the first instance contact the Licensing Team Leader, in writing, to Department for Environment and Community Services, PO Box 299, Trading Standards & Licensing, Civic Centre, High Street, Bristol, BS15 0DR

11.2 Copies of the Council's formal complaints procedure, including form, can be found on the website at <http://www.southglos.gov.uk/NR/exeres/cf407657-9cd7-4311-ad57-f13b8b6227a3>

11.3 If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme.

Standard Conditions

11.4 Section 13 of Schedule 3 allows the Council to make regulations prescribing Standard Conditions applicable to Sex Establishments and the Standard Conditions applicable to Sex Shops and Sex Cinemas. These are included in **Appendix C**.

11.5 The Standard Conditions for Sexual Entertainment Venues are also attached at **Appendix C**.

Specific Conditions

11.6 Under paragraph 8 of schedule 3 the Council may grant to an applicant, and from time to time renew, a licence for Sex Establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of Sex Establishment Licence.

11.7 Specific conditions could include door staff, proof of age policy, advertising of the event and strict controls.

European Convention on Human Rights

11.8 As far as existing operators are concerned the Government has decided having listened to views from previous consultations that 'Grandfather Rights' will not apply.

11.9 The Transitional Order allows local authorities to refuse applications whether they are from existing operators or new applicants, on one or more grounds as under paragraph 12 of Schedule 3 as detailed in section 3 and 4 above.

11.10 When making such decisions, local authorities must take into account any rights the existing operators have under Article 1, Protocol 1 of the European Convention on Human Rights (which entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression).

11.11 The Council will have regard to the fact that it will be prudent to assume that freedom of expression includes the right to use particular premises as Sexual Entertainment Venues and that a person who is denied the right to use his premises as a Sexual Entertainment Venue where he already has a licence to do so under the Licensing Act 2003 (or in future under the 1982 Act) has been deprived of possessions.

Waivers

11.12 The Council does not consider that it would appropriate to permit 'Waivers' from the requirements to hold a Sexual Entertainment Venue licence particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

Duration of Licence

11.13 The Council, unless there are exceptional circumstances for doing so shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

Offences

11.14 The offences under Schedule 3 are set out in paragraphs 20 to 23 of that schedule and include: Knowingly causing or permitting the use of any premises as Sex Establishment without a licence;

- Being the holder of a licence, knowingly employing a persons in a Sex Establishment who is disqualified from holding a licence;
- Being the holder of a licence, knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
- Being the servant or agent of the holder of a licence, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in a licence;
- Being the holder of a licence, without reasonable excuse knowingly permits a person under the age of 18 years to enter the establishment;
- Being the holder of a licence, employs a person known to them to be under 18 years of age in the business of the establishment.

11.15 A person guilty of any of the above offences is liable on summary conviction to a fine not exceeding £20,000.

11.16 It is also an offence for the holder of a licence, without reasonable excuse to fail to exhibit a copy of the licence and any standard conditions applicable to the licence in a suitable place as specified in the licence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.



Application for the grant, variation or transfer of a sex establishment licence

FULL NAME OF APPLICANT	
ADDRESS OF PREMISES (Or details of where a vehicle, vessel or stall are to be operated from)	
1. Is the applicant being made by	
(a) An individual	
(b) A Partnership or other unincorporated body	
(c) A Body Corporate	
2. Give the full name of the applicant (i.e. the individual, Body Corporate or Unincorporated Body to whom the licence is to be issued). If the applicant is an individual any former names must also be given.	
3. Give the following information on behalf of the applicant	
(a) Telephone Number (during normal office hours)	

(b) Address to which communications are to be sent							
4. Give the applicant's permanent address (i.e. an individual) or registered or principal office (if a body corporate or an unincorporated body).							
5. If the applicant is an individual the following information is to be supplied							
(a) Date of Birth							
(b) Place of Birth							
(c) Height							
6. If the applicant is a body corporate or an unincorporated body complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership details of all the partners must be given.							
FORENAME	SURNAME	FORMER NAME (if any)	ADDRESS	CAPA-CITY	DATE OF BIRTH	PLACE OF BIRTH	HEIGHT
7. Complete the table below in respect of each of the individuals whose names are given in response to questions 2 and 6 above.							
NAME		Date became resident in United Kingdom	Address of permanent residents throughout six months immediately preceding this application				

8. This question need only be answered where the applicant is a Company		
(i) Is the applicant a wholly or partly owned subsidiary of another company?		
(ii) What type of Company is the applicant (e.g. public or private limited by share or guarantee etc?)		
(iii) In which Country is the Company incorporated?		
(iv) What is the date of incorporation of the Company?		
(v) Give a full list of names, addresses and holdings of shareholders holding 5% or more of the issued share capital and the number of remaining shareholders.		
	Addresses	Shareholding

(vi) If the applicant is a subsidiary of another company supply a copy of the memorandum and Articles of Association of the parent company and of any ultimate holding Company and on a separate sheet give the same particulars as are sought in questions 4, 6, 7 and 8 (i. to v.)

9. Is the applicant or any person whose name is given in response to questions 6 or 8 concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?

Answer;

10. If the answer to Question 9 is “yes” give the names of the persons concerned, full details of the other business and the nature and extent of the connection. (in a separate sheet)

11. What is the nature of the applicant’s interest in the premises? Please state whether it is -

(i) freehold: of	
(ii) leasehold	

12. If the applicant’s interest in the premises is a leasehold one please state -

(i)	whether a head lease or an underlease	
(ii)	(a) The name and address of the landlord	
	(b) The name and address of the superior landlord (where applicable)	

	(iii)	The amount of the annual rental or where this is not a certain figure describe the method of calculating the rental	
	(iv)	The length of the unexpired term	
	(v)	The length of notice required to terminate the tenancy	
13.	Has the applicant a financial interest in the business which is the subject of this application? If “YES” to what extent?		
14.	Is the whole of the business owned by the applicant?		

The Premises, Vehicle, Vessel or Stall to be
the subject of a licence

15.	Is the application in respect of -		
	(a)	A Sex Cinema	
	(b)	A Sex Shop	
	(c)	A Sexual Entertainment Venue	
16.	State whether the application is in respect of -		
	(a)	Premises	
	(b)	Vehicle	
	(c)	Vessel	
	(d)	Stall	
17.	Where the Licence is sought in respect of a vehicle, vessel, or stall state where it is to be used as a sex establishment.		
18.	Where the Licence is sought in respect of premises give the full address of the premises in respect of which the licence is sought.		

19. Are the whole of the premises described in response to Question 18 above to be used under the Licence?		
20. If the answer to question 19 above is "NO" please state		
(i)	Which part of the premises is to be used for the purpose of the Licence.	
(ii)	The use to which the remainder of the premises are put.	
(iii)	The names of those who are responsible for the management of the remainder of the premises	
21. Are the premises which are to be used for the purpose of the Licence so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?		
22. If the answer to question 21 above is "NO" please state (on separate sheet) the applicant's proposals for affording such access.		
23. Are the premises, vehicle, vessel or stall in use as a sex establishment at the date of this application? If "YES" give the name and address of the person or body who now operate the business, and (where it is known) the date upon which the premises were first used as such.		
YES <input type="checkbox"/> NO <input type="checkbox"/>		
Name	Address	Date
24. Were the premises, vehicle, vessel or stall in use as a sex establishment (Sexual Entertainment Venues Only) on 6 th April 2010 If "YES" give the name of the person carrying on the business at that date.		
YES <input type="checkbox"/> NO <input type="checkbox"/>		
Name	Address	

The Business

25. Under what name is or will the business be known?		
26. Has the applicant in connection with the business entered into any Agreement or Deed other than the Tenancy Agreement or lease? If “YES” please supply full details and a copy of the Agreement		
YES <input style="width: 50px; height: 15px;" type="checkbox"/>	NO <input style="width: 50px; height: 15px;" type="checkbox"/>	
27. If the whole of the business is not owned by the applicant state the names and addresses of those who will share in the profits of the business. In each case state the percentage share to be taken by each individual.		
Name	Address	%
28.	(a) State the total turnover of the business during the 12 months immediately prior to this application.	
	(b) What proportion of the turnover derived from	
	(i) The sale, hire, exchange, loan display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;	
	(ii) The use of premises as a sex cinema	
	(iii) The use of premises as a Sexual Entertainment Venue	

29. State -		
	(a)	The anticipated turnover of the business for the next 12 months
	(b)	The proportion of the turnover expected to be derived from -
	(i)	the sale, hire, exchange, loan, display or demonstration of sex articles as defined in paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions Act 1982; and
	(ii)	The use of premises as a sex cinema
	(iii)	The use of premises as a Sexual Entertainment Venue
30. Give the names and addresses of any lenders, mortgagees or others providing finance with the full terms of such loans.		
Name		Address
31. Is the business required to purchase merchandise from a particular company, person or body? If "YES" supply a copy of any Agreement and state what is to be purchased and from whom.		
YES <input type="checkbox"/> NO <input type="checkbox"/>		

Operation of the business

<p>32. If the application is for a licence for a sex shop state whether any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures. If “YES” state whether cubicles are to be used for viewing and if so how many.</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p>33. What articles are to be offered for sale?</p>
<p>34. If the application is for a Licence for Sexual Entertainment Venue state the proposed use of the premises and give a full description of the type of proposed performance’s’, service, entertainment or exhibition for which a licence is required</p>
<p>35. What advertisements or displays are to be exhibited? Please indicate size(s) of proposed displays or advertisements.</p>
<p>36. What means are to be taken to prevent the interior of the premises being visible to passerbys?</p>

37. **Give details of the times during which it is proposed to open the premises -**

(i) Day of the work	Please Tick	Hours each day
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

38. **In respect of each individual who is to be responsible for the management of the premises in the absence of the licence holder (i.e. Nominated person or Designated Premises Supervisor) please supply the following details -**

FORENAME	SURNAME	FORMER NAME (if any)	PERMANENT ADDRESS	DATE ON WHICH BECAME RESIDENT IN U.K.	DATE OF BIRTH	PLACE OF BIRTH	HEIGHT

39. In respect of each of the persons whose names are given in response to Questions 2, 6, 8 and 38 give details of their occupations during the 5 years immediately prior to this application. These must include the names and addresses of all employers and the nature and dates of employment -

FORENAME	SURNAME	FORMER NAME (if any)	PERMANENT ADDRESS DURING PERIOD OF RELEVANT EMPLOYMENT	EMPLOYERS NAME AND ADDRESS	DESCRIPTION OR NATURE OF WORK	PERIOD OF EMPLOYMENT FROM/TO

Details of Previous Convictions,
Cautions and Disqualifications

40. In respect of each of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38 give details of their previous convictions and of any previous convictions of any of their spouses -

FORENAME	SURNAME	FORMER NAME (if any)	DATE OF CONVICTION	PLACE OF CONVICTION	NATURE OF OFFENCE	SENTENCE

41. Have you any reason to believe that a prosecution may be pending against any of the persons or bodies whose names are given in response to Questions 2, 6, 8 and 38? If “YES” give details.

YES NO

42. Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment either in South Gloucestershire or elsewhere? If “YES” give full details (including the address of the premises and the Council’s reference).

YES NO

<p>43. Is there in force against the applicant or any of the persons whose names appear in answer to Questions 6, 8, 38 and 39 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982.</p> <p style="text-align: right;">YES <input type="checkbox"/> NO <input type="checkbox"/></p>
<p>44. Is there any further information which the applicant would wish the Council to take into account when considering this application?</p> <p>This space may also be used to amplify any replies to other questions.</p>

Applicants are warned that any person who, in connection with any application for the grant, renewal, variation or transfer of a licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand pounds (£20,000).

B. DECLARATION

I, declare that the information given above is true and complete in every respect.

Dated this day of 20....

Signature:

Designation of Signature .

Please note that the application must be accompanied by the following:

1. In respect of individual applicants and each of those named in response to Questions 6, 8 and 38 a birth certificate.
2. 5 copies of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 6 and 38. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. A site plan scale 1:1250.
4. Scale plans of the premises (1:100) in respect of which the licence is sought showing (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.
5. Drawings showing the front elevation as existing and as proposed (1:50).
6. Duly certified copies of the documents of title (i.e. land certificate, lease, rental agreements) and of any other agreements referred to in response to questions in this application.
7. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the Resolution authorising the application.
8. Where the business is carried out by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.
9. If the applicant is a company, copies of the Memoranda and Articles of Association of the company, the parent company and any ultimate holding company.
10. If the application is being made on behalf of a partnership a certified copy of the Partnership Deed.
11. The relevant fee. Fees are non-refundable.

Please note that before the application can be considered the following additional documents will have to be supplied.

- A. A complete copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10 (8) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (As amended by Policing and Crime Act 2009). Photocopies of the newspaper will not be accepted. Copies of the forms of notice to be used in the newspaper advertisement and for display upon premises have been prescribed by the Council and may be obtained from the Licensing Team.
- B. Evidence of the due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10 (14) of the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (As amended). A copy of the application including a copy of all the enclosures and an additional two photographs as described in note 2 above must be sent to the Chief Officer of Police no later than 7 days after the date of the application being given to the Council.
- C. Evidence by Affidavit that the Notice of Application has been displayed on or near the premises as required by paragraph 10 (10) Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (As amended).

APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

I/We apply for renewal of a licence for the premises in item 2.

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)
	(b) Tel No: (during normal office hours)
2.	(a) Date of Birth
	(b) Place of Birth
3.	(a) Name and address of premises.
	(b) Tel No:
4.	Give details of the total turnover of the business during the 12 months immediately prior to this application. (See Note A)
5.	Give details of the anticipated turnover of the premises for the next 12 months.
6.	Give details of the articles which are to be offered for sale at the premises.

IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

7.	Has the management of the premises in the absence of the licence holder changed?	Yes/No (If yes, the following details need to be supplied on a separate sheet). (a) Full Name (b) Private Address (c) Date of Birth (d) Place of Birth (e) Four photos of them
8.	(a) Name of newspaper in which application was advertised.	
	(b) Date of newspaper: (See Note A)	
9.	Date poster exhibited at the premises: (See Note B)	
10.	Have you sent a copy of the application to the Police as required by the Act. (See Note C)	Yes/No
11.	Address to which licence and correspondence should be sent.	

WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

I/We (please print full name)
declare that the information given above is true and complete in every respect.

Signature.....
Date.....

NOTES

- A. A **complete** copy of the newspaper in which notice of the application has been advertised in accordance with paragraph 10(8) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Policing and Crime Act 2009). Photocopies of the newspaper will NOT be accepted.
- B. Evidence of Affidavit that the notice of application has been displayed at the premises as required by paragraph 10(10) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- C. Evidence of the due service of the notice of application upon the Police as required by paragraph 10(14) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

SOUTH GLOUCESTERSHIRE COUNCIL

**STANDARD CONDITIONS APPLICABLE TO
LICENCES FOR SEX ESTABLISHMENTS**

1 General

- 1.1 In the event of a conflict between these Regulations and any special conditions contained in a Licence relating to a Sex Establishment the special conditions shall prevail.
- 1.2 The grant of a Licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

2 Times of Opening

- 2.1 Except with the previous consent of the Council a Sex Shop shall not be open to the public before 9.00 a.m. and shall not be kept open after 6.00 p.m.
- 2.2 Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays or any Bank Holidays or any Public Holidays.

3 Conduct and Management of Sex Establishments

- 3.1 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 14 days of such change and such written details as the Council may require in respect of any new Director Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
- 3.2 The Licensee, or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the Premises during the whole time they are open to the public.
- 3.3 The name of the person responsible for the management of a Sex Establishment shall be the Licensee or a Manager approved by the Council and shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
- 3.4 The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his 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 opening for business and is to be available for inspection by the Police and by authorised Officers of the Council.
- 3.5 The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the Premises.

- 3.6 The Licensee shall maintain good order in the Premises.
- 3.7 No person under the age of 18 shall be admitted to the Premises or employed in the business of a Sex Establishment.
- 3.8 Door staff shall be provided and they should be trained to an SIA equivalent level.
- 3.9 The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
- 3.10 No part of the Premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling.
- 3.11 Neither the Licensee nor any employee or to the person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
- 3.12 The Licensee shall comply with all statutory provisions and any regulations made thereunder.
- 3.13 The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council, indicating his name and that he is an employee.
- 3.14 The copy of the Licence and of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

4 Use

- 4.1 A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 4.2 No change of use of any portion of the Premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
- 4.3 No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
- 4.4 Neither Sex Articles nor 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.

5 Goods Available in Sex Establishments

- 5.1 All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 5.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.

5.3 No film or video film shall be exhibited sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

5.4 The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling in matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

6 External Appearance

6.1 No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-

- (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a Licence granted by the Council.
- (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

6.2 The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.

6.3 Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.

7 State Condition and Layout of the Premises

7.1 The Premises shall be maintained in a good repair and condition.

7.2 Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

7.3 The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
- (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
- (iii) Save in the case of an emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

7.4 The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

7.5 The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.

7.6 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.

7.7 Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting, or layout of the Premises shall not be made except with the prior approval of the Council.

7.8 All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Standard Conditions for Sexual Entertainment Venues

1 Conditions applicable to entertainments involving nudity, semi-nudity or transparent clothing

1.1 Only activities which have previously been agreed in writing by the Licensing Authority shall take place.

1.2 The agreed activities shall take place only in designated areas approved by the Licensing Authority

1.3 Any individual employed on the Premises to conduct a security activity (within the meaning of schedule 2 of the Private security Industry Authority) must be licensed by the Security Industry Authority

1.4 Dressing rooms will be provided for entertainments and access to these will be restricted by management in accordance with approved arrangements – before, during and after the entertainment

1.5 The entertainment will be provided only by the entertainers and no members of the audience shall be permitted to participate

1.6 There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:

(a) if the contact is accidental

1.7 Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden

1.8 There must be no contact between performers and audience and a minimum of 1 metre separation between performers and audience.

- 1.9 Performers should be confined to the stage area.
- 1.8 Entertainers or performers not performing must not be in a licensed area in a state of undress
- 1.9 A clear notice shall be displayed at each entrance to the premises or to the licensed area in a prominent position stating "No persons under the age of 18 years will be admitted.
- 1.10 No entertainers under the age of eighteen shall take part in the entertainment, and an adequate record must be maintained of the names, addresses and dates of birth of all performers including adequate identity checks
- 1.11 No person under the age of eighteen will be allowed on the premises where the entertainment is taking place
- 1.12 The entertainment shall under no circumstances be visible to members of the public from outside the premises
- 1.13 Any external advertising at the premises shall be in a form acceptable to the council and advertising in public spaces, including on bill boards, telephone booth boards and leafleting is prohibited.
- 1.14 No advertising will be permitted in media that is not exclusively aimed at adults.
- 1.15 The licensee or a nominated manager shall be present on the premises at all times whilst the entertainment is taking place
- 1.16 A nominated person shall be present to oversee the activities of performers
- 1.17 There shall be no filming of performers.
- 1.18 Contravention of the rules by patrons should result in a life time ban from the premises.
- 1.19 There shall be no private booths
- 1.20 There shall be CCTV coverage of all public areas to the satisfaction of the Police and Licensing Authority.
- 1.21 A register shall be maintained and kept on the premises and be available for inspection at any time by police or officers of the Licensing Authority at all times, to clearly record the identity of the licensee(s) on duty, the day and times of start and finish of the duty, and the record shall be retained for a period of not less than 12 months after the last entry in the register
- 1.22 There shall be no fee charged by the premises / business to a performer for working in the club.
- 1.23 Any charging policy, post the entry fee in to the premises, must be pre-agreed with the Council.
- 1.24 There shall be no smoking areas permitted directly outside of the premises so that the potential for harassment to persons walking by is minimised. All smoking will be in private external areas away from public spaces.

2 Conditions applicable to table dancing

2.1 No audience participation shall be permitted

2.2 There must not be any contact by the performer with the patron immediately before, during and immediately after the performance of striptease except:

(a) if the contact is accidental

2.3 (a) A CCTV system, to a specification agreed by the Police and Licensing Authority, shall cover all areas where dancing will take place. s located on the first floor.

(b) Tape recordings shall be made available to an authorised council officer or a police officer together with facilities for viewing

2.4 Whilst dancing takes place at least two trained door supervisors shall be employed in those parts of the premises used for dancing, unless otherwise agreed by the Licensing Authority and the Police

2.5 A code of conduct for dancers shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented if approved in writing by the council. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the council

2.6 Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.

2.7 In relation to points 2.5 and 2.6 above, these procedures and rules must be produced for inspection by the Licensing Authority and the Police within 14 days of issue of the licence.

NOTICE OF APPLICATION TO APPLY FOR A SEX ESTABLISHMENT NOTICE

South Gloucestershire Council

ADDRESS OF PREMISES

.....
.....
.....
.....

I/WE.....

Hereby give notice that I/we have applied to South Gloucestershire Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises as a sex shop / sex cinema*

Any person wishing to make representations about the application should make them in writing to:

**Department for Environment and Community Services
PO Box 299
Trading Standards & Licensing
Civic Centre
High Street
Bristol
BS15 0DR**

Signed.....

***On behalf of.....**

Date of application to South Gloucestershire Council
.....

*Delete where appropriate

Publication of notice of application for sex establishment licence

South Gloucestershire Council

Address of premises.....

Name of proposed licensee.....

I,

Hereby certify that:

- 1. On the day of.....(month).....(year)

I affixed a copy of the attached notice upon the*

Being a place where the notice could conveniently be read by the public and that the said notice was kept displayed as aforesaid for 21 days thereafter;

- 2. | On the day of.....(month)(year), I caused a copy of the notice attached to be published in the
.....
being a local newspaper circulating in the South Gloucestershire Council area. A copy of the relevant newspaper is hereby provided.

Signed.....Date.....

*Describe the part of the premises upon which the notice was affixed.