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SCARBOROUGH BOROUGH COUNCIL

Sex Establishment Licensing Conditions

2014-2019

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SEX ESTABLISHMENT LICENSING

SEX SHOPS, SEX CINEMAS & SEXUAL ENTERTAINMENT VENUES (SEV's)

INTRODUCTION

These licensing conditions set out the Licensing Authority's standards and conditions for determining applications for Sex Establishments. They should be read in conjunction with the Licensing Authority's 'Licensing Applications Guidance Notes' as the application and conditions will form the basis for determining the grant of Sex Establishments in the Borough.

Scarborough Borough has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to sex establishments and will apply these guidelines to sex establishments in its area to ensure consistency in its decision making. However, each licence application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

On 25 February 2011 (effective 1 April 2011) Scarborough Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 including the adoption of Section 27 of the Policing and Crime Act 2009 amending Schedule 3 to permit the Licensing Authority to licence Sexual Entertainment Venues.

Date of Approval by Licensing Committee: 21/02/2011

Date of Approval by Cabinet: 15/02/2011

Date of Adoption by Council: 25/02/2011

Date Effective From: 01/04/2011

Anyone who wishes to use any premises, vehicle, vessel or stall as a sex establishment in a Local Authority's area must first obtain a licence from the Borough Council's Licensing Authority.

A sex establishment can either be a Sex Shop, a Sex Cinema, or a Sexual Entertainment Venue.

- A Sex Shop is any premises used for business which consists to a significant degree of selling sex articles.
- A Sex Cinema is any premises used to a significant degree for showing films which are concerned primarily with or related to, or are intended to stimulate sexual activity.
- A Sexual Entertainment Venue is any premises where relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer.

Relevant Entertainment (Sexual Entertainment Venues)

The definition of relevant entertainment makes reference to 'live display of nudity'. Home Office Guidance indicates that the mere fact that there is a display of nudity does not mean that a sexual entertainment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre. In most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

Home Office Guidance over these matters indicates that whilst Licensing Authorities should judge each case on its own merits, it would be expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

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

Premises that are deemed to be Sexual Entertainment Venues

Paragraph 27A of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 deems premises with licences to operate as Sexual Entertainment Venues to be Sexual Entertainment Venues whilst their licence remains in force, irrespective of how frequently they are (or have been) providing relevant entertainment. This remains the case even if premises operate within the exemption for infrequent events.

If an operator with a Sexual Entertainment Venue licence is operating within the exemption for infrequent events and no longer wants their premises to be treated as a Sexual Entertainment Venue (e.g. because they are no longer operating as a lap dancing club) they shall write to Scarborough Borough Council to request that their licence be cancelled. Upon receipt of such a request from a licence holder the Licensing Authority shall cancel the Sexual Entertainment Venue.

Waivers

Scarborough Borough Council do not consider that it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by the Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003, insofar as they are providing regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate issued under Part 3 or Part 4 or a temporary events notice issued under Part 5 of that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a Sexual Entertainment Venue and may have committed an offence under Schedule 3 LGMPA 82 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

With regard to the latter point, an applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days' notice.

Appendix 1

SCARBOROUGH BOROUGH COUNCIL

STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX SHOPS & SEX CINEMAS

Notes:

- i. 'The Council' shall mean Scarborough Borough Council's Licensing Authority; the Council's Licensing Committee consists of a maximum of 15 elected Members.
- ii. 'Sex Establishment', 'sex cinema', 'sex shop' and 'sex article', shall have the meanings given them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- iii. 'Authorised officer' means an officer employed by Scarborough Borough Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- iv. 'Premises' shall mean any vehicle, vessel, stall or premise (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 Schedule 3 aforesaid.
- v. 'Special Conditions' shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid.
- vi. 'Licence' means any sex establishment licence that the Council can grant under this Act. This includes any associated consent or permission.
- vii. 'Licensee' means the holder of a sex establishment licence.
- viii. These conditions may be dispensed with, added to or modified by the Council in any special case.
- ix. Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- x. If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.

Exhibition of the Licence	1	a)	The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an Authorised Officer.
Hours of Opening	2	a)	Except with the written consent of the Council, the premises shall not open to the public before 09:00 and shall not be kept open after 21:00.
Conduct of the Premises	3	a)	No change from a sex cinema to sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
		b)	No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
		c)	In a sex shop all sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged.
		d)	All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the premises.
		e)	No film, digital versatile disc (DVD) or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.
		f)	The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises nor allow the premises to be used by prostitutes.
External Appearance	4	a)	The licensee shall exhibit on the outside of the premises the name of the shop or cinema, capable of being enclosed by a rectangle one square metre in

area, consisting of the words 'Adult Shop' or such other name as is agreed by the Licensing Authority. Shop names that include the word 'Sex' or have a direct sexual connotation shall not be permitted.

- b) The licensee shall exhibit on the outside of the premises a notice, capable of being enclosed by a rectangle one square metre in area, of the opening times and the words "No person under the age of 18 is permitted on these premises".
- c) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 4a), and 4b) above or otherwise approved by the Council in writing.
- e) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.
- f) The entrance 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.
- g) Windows and any form of openings to the premises other than entrances shall either be obscured by opaque blinds, or a material approved by the Council. Door entrances shall also be obscured by opaque blinds or material approved by the Council so as to prevent any member of the public from seeing through to the shop.

State, Condition and layout of the premises

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- a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- b) The premises shall be fitted with an inner entrance door so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises. A Notice shall be prominently displayed on the inner door stating: "Persons passing beyond this Notice will find material on display which they may consider indecent" and "Strictly no admittance to persons under 18 years. This premises operates a Challenge 21 Policy and persons appearing to be under the age of 21 shall be required to show proof of their

age.”

- c) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
- d) Any facilities for previewing films, video recordings or other similar material shall be controlled and monitored at all times by the licensee.
- e) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee shall seek advice from the Council.
- f) Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.
- g) In a sex shop the lighting in all parts of the premises shall be maintained at a level approved by Licensing Officers and shall be in operation continuously during the hours when the sex shop is open to the public.
- h) All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Licensing Officers.

Management of the Premises

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- a) The licensee, or a responsible person nominated by him and approved in writing by the Council for the purpose of managing the sex establishment, (‘the Manager’) shall have personal responsibility for and be present on the premises at all times when the premises are open to the public.
- b) A passport sized photograph of each Director (where the licensee is a body corporate or an incorporated body) and member of staff who will operate the premises shall be provided upon application. The reverse of the photographs shall state the name of the individual pictured, their date of birth and the signature of the applicant. The Council shall be informed of any changes of staff or directors and shall be provided with photographs as above.
- c) Where the licensee is a body corporate or an incorporated body, any change of director, company

secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

- d) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
- e) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- f) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
- g) No person under the age of 18 shall be admitted to the premises (during the hours of trading) and a Notice to this effect, in accordance with condition 4b) shall be displayed on the outside of the premises.
- h) The licensee shall operate and maintain a written Age Verification Policy including measures to ensure that persons appearing to be under the age of 21 shall be required to show proof of ID. This Policy shall be maintained on the premises for inspection purposes. A notice to this effect, in accordance with Condition 5b) shall be displayed on the premises
- i) The licensee shall not employ any person under 18 years of age in the business of the establishment.
- j) All members of staff shall be easily identifiable as follows; The licensee shall ensure that during the hours the sex shop or sex cinema is open for business, every employee (except for performers) wears an identifying badge, approved by the Council, indicating their full name and that they are an employee of the premises.
- k) The Licensee shall at all times keep and maintain at the licensed premises a written record of the names,

addresses, and dates of commencement and termination of employment of all persons employed within the licensed premises, whether upon a full or part time basis and shall, upon request by an authorised Officer of the Council, make such records available for inspection to them.

- l) Where there are any changes of persons employed within the licensed premises, whether upon a full time or part time basis, the licensee shall provide a photograph of such personnel in line with condition 6b) above.
- m) The licensee shall be responsible for ensuring compliance with these and any special conditions of the licence and shall be held responsible for any breach thereof.
- n) The licensee shall comply with all statutory provisions and any regulations made thereunder.
- o) The licensee shall provide in a timely fashion copies of any documents reasonable required by an authorised officer in relation to compliance with this licence, in addition all written policies and procedure documents must be kept on the premises in a location that can be swiftly accessed for the purposes of production for inspection.

Safety and Security

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- a) The licensee shall install a CCTV system overlooking the inner entrance door; this inner entrance door to remain locked at all times, to ensure that no person under 18 shall enter the premises unchallenged. This system shall be linked to a date and time recording facility and the system shall provide a high standard recording facility which will be admissible in court.
- b) A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- c) The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
- d) Cameras shall be installed to provide adequate cover to all public areas.
- e) CCTV cameras shall be installed to provide adequate images of good evidential value. Recordings must be kept for a minimum of 28 days.

- f) North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording for investigation purposes or following a complaint. Failure to comply with this condition will be regarded as a serious breach of this condition.
- g) Any request for such recordings shall be made in writing.
- h) It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the Police or Responsible Authority.
- i) North Yorkshire Police or a Responsible Authority can stipulate the installation of additional cameras at the premises if deemed necessary.
- j) The cameras which provide identification images should be lit to provide true colour rendition.
- k) Sufficient lighting shall be installed at all exits to enable clear CCTV coverage and to promote public safety.
- l) The licensee shall ensure that the Fire Risk Assessment is retained at the premises and at all times made readily available for inspection purposes.
- m) The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.
- n) The Licensee shall prepare a written policy to ensure the safety of performers when the leaving the premises after a period of work. This shall be retained on the premises for inspection purposes.

**Vessels/Stalls/
Vehicles**

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- a) In the case of licensed premises which are a vessel or stall, the licensee shall not move the vessel or stall from the location specified in the licence unless 28 days' written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem

reasonable in respect of such an application.

- b) This requirement shall not apply to a vessel or stall, habitually operating from a fixed location, which is regularly moved (whether under its own propulsion or otherwise) from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that which is specified in the licence.

Variation of conditions

- 9 a) The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case as it thinks fit.
- b) Applications to vary conditions of the Licence shall be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

Change of Licensee Name

- 10 a) An application in respect of a change of licensee name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to permit or refuse such change.

General

- 11 a) The licence hereby granted shall operate for one year from the date on the Licence, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.
- b) The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- c) The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and other licensing requirements.
- d) In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment, the special conditions shall prevail.

Appendix 2

SCARBOROUGH BOROUGH COUNCIL

STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES (SEVs)

Notes:

- i. 'The Council' shall mean Scarborough Borough Council's Licensing Authority; the Council's Licensing Committee consists of a maximum of 15 elected Members.
- ii. 'Sexual Entertainment Venue' means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation and or management of the entertainment or the premises).
- iii. 'Authorised officer' means an officer employed by Scarborough Borough Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- iv. 'Premises' includes any vehicle, vessel, or stall but does not include any private dwelling to which the public is not admitted.
- v. 'Special Conditions' shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid, but does not include any private dwelling to which the public is not admitted.
- vi. 'Licence' means any sexual entertainment venue licence that the Council can grant under this Act. This includes any associated consent or permission.
- vii. 'Licensee' means the holder of a sexual entertainment venue licence.
- viii. These conditions may be dispensed with, added to or modified by the Council in any special case.
- ix. Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- x. If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.
- xi. Relevant entertainment means any live performance; or 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). The following are not sexual entertainment venues for the purpose of this Schedule;
 - sex cinemas and sex shops

- premises at which the provision of relevant entertainment 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 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 above)
- premises specified or described in an order made by the relevant national authority.

Xii Display of nudity means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area, genitals or anus.

Exhibition of the Licence	1	a) The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an authorised officer.
Hours of Opening	2	a) Shall be determined by reference to the Premises Licence issued under Licensing Act 2003.
Conduct on the Premises	3	<p>a) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises.</p> <p>b) Relevant entertainment shall only be performed by the entertainer there must be no audience participation.</p> <p>c) Entertainers shall be aged 18 years and over and be accompanied and monitored by a member of security staff licensed by the Security Industry Authority (SIA or other regulatory body) to protect the entertainer from harm.</p> <p>d) Entertainers shall only perform on the designated stage area, to seated and segregated customers or</p>

in such other areas of the licensed premises as may be agreed with the Licensing Authority.

- e) The licensee shall not permit the display outside the premises of photographs or other images that indicate or suggest that striptease or similar entertainment takes place on the premises without the prior approval of the Licensing Authority.
- f) There must be no photography, video or similar recording (including mobile phones and video streaming) of any performer or customer in the premises without the express consent of both the person in question and the management. Any photography, videoing or similar (including mobile phones and video streaming) can only take place under the direct supervision of the management. No photography, videoing or similar (including mobile phones and video streaming) of an adult or explicit nature will be permitted.

External Appearance

- 4 a) There shall be displayed in each entrance or doorway to the licensed premises, in a prominent position so as to be readily visible to any person approaching the premises with a view to entering therein but without having to enter, a notice prohibiting entry to the premises of all persons under 18 years of age. The notice shall contain the following words and no others; -

“STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE. THIS PREMISES OPERATES A CHALLENGE 21 POLICY AND PERSONS APPEARING TO BE UNDER THE AGE OF 21 SHALL BE REQUIRED TO SHOW PROOF OF THEIR AGE”

No pictures or other matter shall appear on the notice.

- b) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 4(a) above or otherwise approved by the Council in writing. Leafleting is not permitted
- c) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

- d) The entrance to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by whilst “relevant entertainment” is being performed.
- e) Windows and any form of openings to the premises other than entrances shall either be obscured by blinds, or a material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst “relevant entertainment” is being performed.

State, condition and layout of the premises

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- a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
- c) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee shall seek advice from the Council.
- d) Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

Management of The premises

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- a) The licensee shall prepare a written document setting out the house rules for premises management (including a dispersal policy) that shall be submitted to and approved by the Council in consultation with the police on an annual basis.
- b) The licensee, or a responsible person nominated by him for the purpose of managing the sexual entertainment venue (‘the Manager’), shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the Council or

police.

The licence holder shall ensure that any person nominated by him under the above: -

- (i) Has been provided with a copy of the conditions relating to the premises and is fully conversant with them;
 - (ii) Is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
- c) Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
- d) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- e) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
- f) No person under the age of 18 shall be admitted to the premises (during the hours of trading) and a Notice to this effect, in accordance with condition 4a) shall be displayed on the outside of the premises.
- g) The licensee shall operate and maintain a written Age Verification Policy including measures to ensure that persons appearing to be under the age of 21 shall be required to show proof of ID. This Policy shall be maintained on the premises for inspection purposes. A notice to this effect, in accordance with Condition 4a) shall be displayed on the premises.
- h) The licensee shall not employ or engage any person under 18 years of age in any capacity connected with the business of the establishment.
- i) The licensee shall be responsible for ensuring compliance with these and any special conditions of the licence and shall be held responsible for any

breach thereof.

- j) The licensee shall comply with all statutory provisions and any regulations made thereunder.
- k) 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 anything similar, outside or in the vicinity of the licensed premises.
- l) As a general rule the name of the premises shall be of a non-contentious nature and externally the signage and colour scheme shall be in colours to the approval of the Council.
- m) No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold hired, exchanged, loaned or demonstrated at the premises.
- n) House Rules; Three documents setting out the house rules shall be produced (these shall be written codes of conduct). They shall be entitled as follows;
 - (i) House Rules For Premises Management
 - (ii) House Rules For Performers
 - (iii) House Rules For Customers
- o) The above house rules (3 separate codes of conduct) shall be displayed at each table, inside each booth/private room and at each entrance to the premises. These shall be submitted to and approved by Licensing Officer's in consultation with the police on an annual basis.
- p) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

Safety and Security

- 7 a) An employee shall be employed to continually view CCTV footage throughout the times when the premises are open.
- b) The licensee shall retain evidence for inspection purposes that all CCTV systems are registered with the Information Commissioners Office.

- c) The licensee shall specify precisely on the plans of the premises where CCTV cameras will be located and these shall be agreed with North Yorkshire Police and the Licensing Authority.
- d) Images for each camera shall be in “real time” and retained for a minimum of 30 days and in accordance with data protection guidelines.
- e) A colour digital CCTV system shall be installed within the premises and be operational and recording at all times when licensable activities take place.
- f) The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
- g) Cameras shall be installed to provide adequate cover to all public areas.
- h) The CCTV equipment shall be installed and monitored to cover the entrance to the toilets and shall cover each dance booth.
- i) CCTV cameras shall be installed to provide adequate images of good evidential value. Recordings must be kept for a minimum of 28 days.
- j) North Yorkshire Police or a Responsible Authority (as defined in the Licensing Act 2003) may at any time request a recording for investigation purposes or following a complaint. Failure to comply with this condition will be regarded as a serious breach of this condition.
- k) Any request for such recordings shall be made in writing stating the reasons for the request.
- l) It is the responsibility of the management to ensure that there are sufficient members of staff available during the hours of operation to be able to download evidence from the CCTV system at the request of the Police or Responsible Authority.
- m) North Yorkshire Police or a Responsible Authority can stipulate the installation of additional cameras at the premises if deemed necessary.
- n) The cameras which provide identification images should be lit to provide true colour rendition.

- o) No device shall be permitted that could in any way adversely affect or impede the quality of the images recorded by the CCTV system, e.g. smoke or dry ice machines.
- p) Sufficient lighting shall be installed at all exits to enable clear CCTV coverage and to promote public safety.
- q) Within the dance booths, cameras must cover an aerial shot looking down but the location shall in any event be agreed with North Yorkshire Police.
- r) A suitably trained member of staff shall be constantly watching the dance booth CCTV system to ensure:
 - a) dancer safety;
 - b) compliance with all house rules;
 - and c) compliance with all licence conditions. The CCTV monitor shall be positioned so that it cannot be viewed by customers and the monitor shall be switched off/covered when not directly monitored by staff.
- s) All members of staff shall be easily identifiable as follows: The licensee shall ensure that during the hours the Sexual Entertainment Venue is open for business, every employee (except for performers) wears an identifying badge, approved by the Council, indicating their name and that they are an employee of the premises.
- t) A Refusals/Incident/Accident Book shall be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
- u) The licensee shall ensure that a Fire Risk Assessment is retained on the premises and at all times and made readily available for inspection purposes by an authorised officer.
- v) In no circumstances must any animal be permitted to enter the premises except for assistance dogs.
- w) The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.
- x) The licensee shall ensure that a fire risk assessment is carried out and this shall be available for inspection

by an authorised officer or a member of the Fire Authority.

Dancers, dance areas & booths

- 8**
- a) The Licensee shall prepare a written policy to ensure the safety of performers when leaving the premises after a period of work. This shall be retained on the premises for inspection purposes
 - b) The number of booths/private rooms permitted and customer occupancy levels shall be determined by Members of the Licensing Sub Committee.
 - c) Each booth/private room shall be subject to the same house rules and licensing conditions that apply to all performance areas, performers and customers.
 - d) Booths shall not be permitted to have doors and locks instead a secure close fitting fire retardant curtain shall be installed. As such each booth shall be an “open booth” divided from the one next to it by a substantial wall /divider of at least 7 feet in height.
 - e) No alcoholic drinks shall be permitted to be consumed in any booths during the course of any performance.
 - f) Throughout a lap or table dance the customer shall remain seated and fully clothed throughout the performance with their hands on the arms of a chair or sofa and hands shall be fully visible at all times.
 - g) The licensee shall prepare a written policy setting out the rules/procedures for the use and operation of booths/private rooms addressing both customers and performers, which shall include time limits for their use. This document shall be submitted to and approved by the Council in consultation with the police on an annual basis, in addition it shall be maintained on the premises at all times for inspection purposes.
 - h) There shall be House Rules displayed for customers at the entrance and also inside each booth. Customers shall be required to read these before any performance.
 - i) At least one SIA registered member of security shall be positioned in the vicinity of the private dance booths so that they can respond to inappropriate activity with minimal delay.

Vessels, stalls and 9

- a) In the case of licensed premises that are a vessel,

vehicles

vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days' written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.

- b) This requirement shall not apply to a vessel, vehicle or stall, habitually operating from a fixed location, which is regularly moved (whether under its own propulsion or otherwise) from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that which is specified in the licence.

Variation of Conditions

- 10 a) The Council may at any time waive, modify or vary these standard conditions or impose additional conditions in any particular case as it thinks fit.
- b) Applications to vary the additional conditions placed on their Licence shall be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

Change of Licensee name

- 11 a) An application in respect of a change of licensee name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to permit or refuse such change.

General

- 12 a) The licence hereby granted shall operate for one year from the date on the Licence, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council. Where premises are licensed as a Sexual Entertainment Venue they shall remain so continuously throughout the duration of the whole licence period.
- b) The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

- c) The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and other licensing requirements.
- d) In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sexual entertainment venue, the special conditions shall prevail.
- e) The grant of a Licence for a sexual entertainment venue should not be deemed to convey any approval or consent which may be required under any enactment, bye-law, Order or Regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- f) The Licensee shall ensure performers have a secure private changing area and shall ensure performers have high quality sanitation facilities available to them at all times.
- g) Suitable numbers of Security Industry Authority (SIA or other regulatory body) registered door supervisors (numbers to be subject to the approval of North Yorkshire Police and the Licensing Authority) will be present on the premises during the performance of relevant entertainment.
- h) Suitable and sufficient training shall be provided to the licensee and all staff to include as a minimum the following:
- Knowledge of these conditions and conditions on the Premises Licence under the Licensing Act 2003
 - Knowledge of the four Licensing Objectives under the Licensing Act 2003 including the Council's Licensing Policy
 - Fire safety evacuation and regulations.
 - Safeguarding of performers, children and vulnerable persons
 - Basic health and safety awareness.
 - Any other relevant training as requested by the Police or authorised Council Officers.
- i) All training to be recorded and these documents to be made available upon request to both the Police and authorised Council Officers.
- j) The Designated Premises Supervisor (DPS) under

the Licensing Act 2003 shall participate in the local Pub Watch scheme, the adoption of “Banned from One Banned from All” scheme and the local night time economy radio system (where this system is in operation). The radio shall be turned on and used by staff at the premises at all times the premises is open for licensable activities.

- k) A drugs box shall be installed in the premises in accordance with North Yorkshire Police Drugs Policy.

Performers’ Rules 13

- a) The licensee shall prepare a written document setting out the house rules for performers that shall be submitted to and approved by Licensing Officers in consultation with the police on an annual basis.
- b) Dancers shall only perform their routine in the special areas marked on the floor plan attached to the licence and agreed by the Licensing Sub Committee. Topless bar staff shall only be permitted to serve tables where customers are seated.
- c) Performers must ensure that no performance shall be visible to any person outside the premises (e.g. through windows or open doors).
- d) Any performer who reports for duty appearing to be under the influence of alcohol, drugs or illegal or New Psychoactive Substances shall not be permitted to perform and shall be required to leave the premises immediately. In addition, no performer shall perform after having consumed alcohol, drugs or is under the influence of illegal or New Psychoactive Substances and shall be suspended from work on that day.
- e) Selling by a performer of any form of sexual favours is prohibited and shall result in immediate dismissal.
- f) Performers accepting a customer’s offer of payment in return for sexual favours, whether or not there is any intention of carrying them out will result in dismissal.
- g) Performers should not at any time simulate a sexual act.
- h) Whilst carrying out a performance, customers shall not be allowed to touch the performer with the

exception of the minimum amount of contact necessary to complete the purchase of drinks. This condition is also applicable to topless barmaids/waitresses as they are classed as performers.

- i) Customers must always remain fully clothed.
- j) Performers should never intentionally touch the genitals, buttocks or breasts of the customer or any other dancer.
- k) There shall be no skin to skin contact during the performance.
- l) Customers shall not be allowed onto the stage area at any time that the venue is trading as a Sexual Entertainment Venue.
- m) Customers shall not be allowed to enter within the marked performance area identified on the plan during the performance.
- n) Customers must remain 1 meter away from the edge of the stage identified on the plan when a performance is taking place.
- o) Performers leaving the stage, any booth or any marked performance area identified on the plan must either be dressed or put on a bath robe.
- p) Topless bar staff should only provide waiter/waitress service to seated customers.
- q) Topless bar staff should never try to push through a group of customers.
- r) Topless bar staff should always be supervised by a suitably trained member of staff when not behind the bar.
- s) The establishment shall maintain a ZERO tolerance policy (a written policy) regarding the illegal use of drugs and/or selling of drugs. Any performer (or employee) who is witnessed or known to be under the influence of an illegal drug will be dismissed and the management shall involve the police.
- t) All performances shall be restricted to dancing and the removal of clothes. There shall not be any other form of sexual activity or stimulation.
- u) Sex toys shall not be used and penetration of the

genital area by any means must not take place.

- v) Performers shall not entice any customer onto the stage or other performance areas identified on the plan.
- w) Written control measures (to be kept on the premises for inspection purposes) shall be maintained to provide an assurance that patrons are not to be permitted to arrange contacts or liaisons with the dancers or exchange telephone numbers or other means of making future contact with each other.
- x) Performers shall not give out their telephone numbers or any contact information to any patron or customer, nor may they accept any telephone numbers or contact details from a customer. Performers shall not make any arrangements whatsoever to meet any patron off the premises of the club.
- y) Performers shall remain substantially clothed in all of the public areas except for the designated performance areas identified on the premises plan.

**House Rules
for customers**

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- a) The licensee shall prepare a written document setting out the house rules for customers that shall be submitted to and approved by the Licensing Officers in consultation with the police on an annual basis.
- b) The following mandatory house rules must be included within the above house rules:
 - All customers must familiarise themselves with the house rules prior to any performance.
 - There shall be no skin to skin contact between the customer and performer during the performance.
 - Throughout a lap or table dance the customer shall remain fully clothed.
 - With regard to booths the customer shall remain seated and fully clothed throughout the performance with their hands on the arms of a chair or sofa and hands fully visible at all times.
 - Patrons shall not be permitted to throw money at the performers.