

Policy in Relation to Sex Establishment Licensing

3 April 2019

Local Government (Miscellaneous Provisions) Act 1982
(As Amended by Section 27 of The Policing and Crime Act 2009)

Whilst all applications will be judged and determined on their individual merits the policy will be the basis of the Licensing Authority’s decisions. The policy will be reviewed regularly to reflect the needs of the East Lindsey District.

Any comments on this policy document should be addressed to:

The Licensing Team
East Lindsey District Council
Tedder Hall
Manby Park
LOUTH LN11 8UP
Tel: 01507 601111
Email: licensing@e-lindsey.gov.uk

Contents

Part A - Sex Establishment Licensing

1 Preface	3
2 The District of East Lindsey	4
3 Commenting on Licence Applications.....	4
4 Exchange of Information and Criminal Record Disclosure	6
5 Compliance and Enforcement.....	6

PART B - Sex Shops and Sex Cinemas

6 Sex Shops and Sex Cinemas	7
-----------------------------------	---

PART C - Sex Entertainment Venues (SEVs)

7 Sex Entertainment Venues	9
----------------------------------	---

APPENDICES

APPENDIX I - Regulations Prescribing Standard Conditions Applicable to Licences for Sex Establishments.....	12
APPENDIX II - Standard Conditions For Sexual Entertainment Venues	17
APPENDIX III - Plan Requirements in Relation to Sexual Entertainment Venues	22
APPENDIX IV - Standard Conditions for Sex Cinemas	23

Part A - Sex Establishment Licensing

1 Preface

- 1.1. East Lindsey District Council had adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas and sexual entertainment venues in the District. In this policy, we refer to these as “sex establishments” unless we say otherwise.
- 1.2. We do not make a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a Licensing Authority to administer the licensing regime in accordance with the law.
- 1.3. The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk.
- 1.4. We consulted on this Policy between 22 January 2019 and 1 March 2019 and it was approved by our General Licensing Committee on 4 March 2019 and came into force with effect on 3 April 2019.
- 1.5. In developing this policy, we took into account the legal requirements of the 1982 and 2009 Acts and our 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 Provision of Services Regulations 2009 to ensure requirements are:
 - i. Non-discriminatory
 - ii. Justified by an overriding reason relating to the public interest
 - iii. Proportionate to that public interest objective
 - iv. Clear and unambiguous
 - v. Objective
 - vi. Made public in advance, and
 - vii. Transparent and accessible
- 1.6. This Policy will remain in existence for a period of six years and will be subject to review and further consultation before 2025. However, following consultation, the Licensing Authority may make revisions to it as deemed necessary.

2 The District of East Lindsey

- 2.1. East Lindsey District Council is situated in the County of Lincolnshire, which contains 7 District Councils in total. The East Lindsey District Council area has a population of 140,100. In terms of area it is the largest in the County, covering 700 square miles. Furthermore the Council is the third largest district (in terms of area) in the country. The district covers virtually the entire Lincolnshire coastline, including the seaside resorts of Skegness, Ingoldmells, Chapel St Leonards, Sutton on Sea and Mablethorpe. Skegness is the fifth largest seaside resort in England. The population along the coast increases from 60,000 to 240,000 during the summer tourist season.
- 2.2. At the time of adopting this Policy, there were no premises holding a sex shop or sex cinema licence in the East Lindsey District. There were two venues holding sexual entertainment venue licences. The premises are in Skegness.

3 Commenting on Licence Applications

- 3.1. Unlike some other licensing regimes, a wide range of people can raise objections about sex establishment licences; the Police are a statutory consultee for all sex establishment applications.
- 3.2. Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.
- 3.3. We take the following approach to deciding applications:
 - a) Each case will be decided upon its merits. This Authority will not apply a rigid rule to its decision making;
 - b) Objectors can include residents'/ tenants' associations, community associations and trade associations. Councillors may represent interested parties, providing they do not also sit on the General Licensing Committee determining the application in question.
 - c) We will give clear reasons for our decisions.

The full General Licensing Committee will consider all applications for sex establishment licences; Officers acting under delegated powers will not consider applications of this type.

- 3.4. We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by our Officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A Report will be made to our Committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- 3.5. A vexatious objection is generally taken to be one, which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 3.6. Valid objections will be considered by the full General Licensing Committee; we give both applicants and objectors an equal opportunity to state their case in accordance with our protocol, which is available from our Licensing Team.
- 3.7. Objections should ideally:
- Be made in writing (unless submitted electronically)
 - Be in black ink on single sides of A4 paper
 - Indicate the name and addresses of the person or organisation making the representation
 - Where appropriate, indicate the premises to which the objection relates
 - Indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
 - Clearly set out the reasons for making the objections.

4 Exchange of Information and Criminal Record Disclosure

- 4.1. The Authority may from time to time exercise its' powers under Section 115 of the Crime and Disorder Act 1998 to exchange data and information with the Police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 4.2. Details of applications and objections which are referred to a General Licensing Committee for determination will be published in Reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 4.3. Where requested the names and addresses of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to Councillors on the General Licensing Committee.
- 4.4. Basic Criminal Record Disclosure - Licence applicants (and persons responsible for the management of the licensed premises) will be required to produce a current Basic DBS Disclosure. The Disclosure will reveal the existence and content of any criminal record (not spent under the terms of the Rehabilitation of Offenders Act) held in the name of the applicant or manager. A basic check will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act 1974.

- 4.5. Limited Company Directors - where the application is made by a Limited Company then a current Basic DBS Disclosure must be submitted in respect of each Director of the Company.

5 Compliance and Enforcement

- 5.1. This Authority will keep itself informed of developments as regards the work of the Better Regulation Executive and other Central Government bodies in its consideration of the regulatory functions of Local Authorities.
- 5.2. We recognise that sex establishments are not generally a source of crime or disorder. We will adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.
- 5.3. Our approach to enforcement is set out in our Enforcement Policies, which are available on request.

PART B - Sex Shops and Sex Cinemas

6 Sex Shops and Sex Cinemas

6.1. Sex Shops – Significant Degree

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

6.2. The phrase “sex articles” is defined in the 1982 Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- a) The ratio of sex articles to other aspects of the business
- b) The absolute quantity of sales
- c) The character of the remainder of the business
- d) Turnover
- e) The nature of the display
- f) The nature of the articles
- g) Other factors which appear to be materially relevant.

The Courts have indicated that no single factor is decisive when considering whether a shop sells sex articles to a significant degree. Significant degree cannot be prescribed by any rule of thumb and so

the Licensing Authority will decide on a case-by-case basis, which considerations are material to the individual case at hand and what weight is to be attached to them.

6.3. Relevant Localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

6.4. We can also refuse applications for new or renewed licences where:

- a) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider appropriate for that locality.
- b) The grant or renewal of the licence would be inappropriate, having regard to
 - i. The character of the relevant locality, or
 - ii. The use to which any premises in the vicinity are put, or
 - iii. To the layout, character or condition of the premises.

6.5. We recognise that different parts of our District have different characteristics; the number or numbers of sex shops appropriate for a particular locality can be set by the Authority.

6.6. At the time of adopting this policy the Authority had not set a number for any locality within the District. If a number is set then this Authority will indicate (in the table below) the locality, number of sex shops or sex cinemas and the reason for the number.

Locality	Number of Sex Shops or Sex Cinemas	Reason
None Set at Present	None Set at Present	None Set at Present

6.7. This table is not exhaustive and we would consider representations from applicants as to why our view should be changed about any particular locality. Where this is likely to affect existing licence holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- Residential accommodation
- Parks and children's play areas
- Other retail units (and their uses)
- Schools and nurseries
- Religious and communal buildings
- Alcohol or entertainment licensed premises
- Halfway houses

6.8. Length of licence

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

6.9. Waivers

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

6.10. Application form and operating schedule

We have a standard application form, including public notices, which are available on request from our Licensing Team. As part of the application, the applicant will have to submit an operating schedule showing how the licensee will operate the premises, so as to comply with the Council's standard licence conditions.

6.11. Licence Conditions

We have adopted standard conditions for the operation of sex shops that are set out at Appendix I of this Policy. We have also adopted standard conditions for sex cinemas that are set out at Appendix IV of this policy. Where it is reasonable and necessary to do so, our General Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our Licensing Officers.

6.12. Fees

Our fees are set each year and details are available from our Licensing Team. We charge separate fees for applying for a licence, renewing a licence, and making variations to a licence.

PART C - Sex Entertainment Venues

7 Sex Entertainment Venues (SEVs)

7.1. Relevant Entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2. “Relevant entertainment” is defined in Schedule 3 (as amended by Section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person, e.g. in a private booth.

7.3. In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but it will generally apply to:

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

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003. Further information is available from the Licensing Team.

7.4. Relevant Localities

There are some specific grounds for refusing sex establishment licences set out in Paragraph 12 of Schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5. We can also refuse applications for new or renewed licences where:

- a) The number of sex entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider appropriate for that locality.
- b) The grant or renewal of the licence would be inappropriate, having regard to
 - i. The character of the relevant locality, or
 - ii. The use to which any premises in the vicinity are put, or
 - iii. To the layout, character or condition of the premises.

We recognise that different parts of our District have different characteristics; the number of SEVs appropriate for a particular locality can be set by the Authority.

7.6. At the time of adopting this policy the Authority had not set a number for any locality within the District. If a number is set then this Authority will indicate (in the table below) the locality, number of sex entertainment venues and the reason for the number.

Locality	Number of Sex Entertainment Venues	Reason
None Set at Present	None Set at Present	None Set at Present

7.7. This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect licence holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall take account of the density and proximity of:

- Residential accommodation
- Parks and children's play areas
- Other retail units (and their uses)
- Schools and nurseries
- Religious and communal buildings
- Alcohol or entertainment licensed premises

7.8. Length of licence

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

7.9. Waivers

We do not consider it would be 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. However, in extreme and compelling circumstances waivers may be considered by our full General Licensing Committee.

7.10 Application form and operating schedule

We have a standard application form, including public notices, which are available on request from our Licensing Team. As part of the application, the applicant will have to submit an Operating Schedule showing how the licensee will operate the premises, so as to comply with the standard conditions detailed at Appendix II of this document, together with a plan showing:

- the area where the entertainers perform,
- the means of access and egress to and from the performance area,

- the performers' dressing room,
- the seating layout for the customers.

The Operating Schedule will detail:

- stewarding arrangements, including the means by which physical contact between the audience and performers will be prevented.
- the appearance and content of any advertising material outside and inside the premises.
- the means by which potential customers will be made aware of the nature of the performance.

7.11. Licence conditions

We have adopted standard conditions for the operation of sexual entertainment venues set out at Appendix II of this Policy. Where it is reasonable and necessary to do so our General Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our Licensing Officers

7.12. Licence conditions – private booths or performing areas

There will be a presumption against granting consent for private booths or private performing areas on the premises, unless the Council are satisfied that the relevant risk assessments have been undertaken and adequate safety measures and assurances are in place.

7.13. Licence conditions – Birching or Whipping

Acts of birching or whipping (or acts of a similar nature) may not take place at the premises.

7.14. Fees

Our fees are set out each year and details are available from our Licensing Team. We charge separate fees for applying for a licence, renewing a licence and for making major and minor variations to a licence.

7.15. This Authority's detailed requirements in relation to plans of sex entertainment venues can be found at Appendix III of this policy.

7.16. Safer Lincolnshire Partnership

The Licensing Authority recommends that SEV licence applicants and licence holders have regard to the SEV Safety Policy issued by the Safer Lincolnshire Partnership, when drafting licence applications and premises operating schedules and undertaking licensable activities. In addition, the Licensing Authority recommends that licence holders maintain, within the licensed premises, a copy of the current version of the Partnership's SEV Safety Policy and the document be made easily available for viewing by performers, employees and other interested parties.

APPENDIX I - Regulations Prescribing Standard Conditions Applicable to Licences for Sex Establishments

Definition

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:-
 - (i) "Sex Establishment" "Sex Cinema" "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - (ii) "Premises" means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building, which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - (iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
 - (iv) "Approved" means approved by the Council in writing.
 - (v) "The Council" means East Lindsey District Council.
 - (vi) "He" means he or she and "his" means his or her.

General

2. 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.
3. 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.

Times of Opening

4. Except with the previous consent of the Council a Sex Establishment shall only be open between 9 a.m. and 5.30 p.m.
5. Except with the previous consent of the Council a Sex Establishment shall not be open on Christmas Day and New Years Day.

Conduct and Management of Sex Establishments

6. 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.
7. 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 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.
8. The name of the person responsible for the management of a Sex Establishment (the Licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
9. 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.
10. The Licensee shall maintain good order in the Premises.
11. The Licensee shall ensure that there is no nuisance or annoyance to neighbouring residents or commercial occupiers arising from noise emanating from the premises.
12. No person under the age of 18 shall be admitted to the Premises or employed in the business of the Sex Establishment.
13. 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.
14. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
15. Neither the Licensee nor any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the Premises.
16. The Licensee shall comply with all statutory provisions and any regulations made hereunder.
17. 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.

APPENDIX I - Regulations Prescribing Standard Conditions Applicable to Licences for Sex Establishments

18. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
19. 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.
20. 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.
21. Neither Sex Articles nor other things intended for use in connection with, or 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.
23. 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.
24. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified 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.

Goods available in Sex Establishments

22. 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.
25. The licence holder shall comply with any requirements relating to the external appearance of the licensed premises, as the Council may consider reasonably necessary for the preservation of public amenity.
26. Without prejudice to the generality of Regulation 19 above no advertisement display, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be displayed outside or on the exterior of the licensed premises or inside the licensed premises so as to be visible from outside such premises without the consent of the Council except:

- (i) As required by law, regulation or licence condition; or
 - (ii) The name of the business carried on at the licensed premises, in not more than one place, in characters not exceeding 15 inches in height;
 - (iii) 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.
27. The Licence holder shall ensure that the interior of the licensed premises shall not be visible to persons outside the premises.

State, Condition and Layout of the Premises

28. The Premises shall be maintained in good repair and condition.
29. 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.

30. There shall be exhibited on the licensed premises a warning notice containing the following words and no others:

“WARNING”

NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

- (i) The word “WARNING” must appear as a heading;
 - (ii) No pictures or other matter shall appear on the notice;
 - (iii) The notice must be so situated that no-one could reasonably gain access to the licensed premises or any part of such premises without being aware of the notice and it must be easily legible by any person gaining such access.
31. 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 emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

32. The external doors of the licensed premises shall be fitted with self-closing door mechanisms and such mechanism shall be maintained in good working order. No external door shall be fixed in the open position at any time during which the premises are open for the serving of customers. A partition shall be erected inside the premises in such a position so that the interior of the premises and the contents cannot be seen when the front door of the premises is opened.
33. 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.
34. 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.
35. All parts of the Premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.
36. The Licensee shall provide and maintain satisfactory sanitary conveniences and hand washing facilities for any staff employed by him.

Safety

37. The Licensee shall take all reasonable precautions for the safety of the public and employees.
38. The Licensee shall comply with any fire prevention and safety measures that may be required of him by the Council or Lincolnshire Fire and Rescue.
39. The Premises shall be provided with fire appliances suitable to the fire risks of the Premises and such fire appliances shall be maintained in proper working order and shall be available for instance use, in accordance with the requirements of Lincolnshire Fire and Rescue.

APPENDIX II - Standard Conditions For Sexual Entertainment Venues

1. The Licensee must remain in personal control of the premises at all times or nominate an individual in writing over the age of 18 with the Authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority (SIA).
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the premises ("floor supervisors") whilst performances are being given under this licence.
4. No persons under the age of 18 shall be admitted to the premises. A clear notice shall be displayed at each entrance to the Premises, in a prominent position so that it can easily be read by people entering the Premises, saying:

"WARNING"

NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.

5. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.

Right to work checks shall be conducted on all potential performers prior to their employment in this capacity at the venue. Checks shall be in accordance with the Home Office Code of Practice for employers as current at that time.

A daily log book shall be kept on the premises of every person employed on the premises as a performer. The record shall contain the following details:

- The performer's name;
- The time and date he/she commenced and concluded the working shift;
- The performer shall sign each entry.

The Licence holder, manager of the Premises or other duly authorised person shall also endorse each entry. Each record shall be available for inspection on reasonable request by an Authorised Officer of the Council or a Police Constable. Each entry shall be retained for a period of 24 months from date of completion.

6. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.
 - a) Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.
 - b) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar sexual entertainment takes place on the Premises and which may be offensive.
 - c) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the premises is not visible from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from the outside of the Premises.
7. Performances of sexual entertainment shall not be the subject of any advertising involving the distribution of leaflets in the street, promotion by canvassers or by touting in the street.
8. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
9. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council. There shall be no private booths or private performing areas provided on the Premises (unless specifically permitted in writing by the Council).
10. Performances of sexual entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose.
11. The Licensee is to implement a policy to ensure the safety of the performers when they leave the Premises after a period of work. A written copy of the policy must be deposited with the Licensing Authority and maintained at the premises at all times.
12. No performer shall be allowed to work if they appear to be under the influence of intoxicating liquor and/or drugs.
13. Performers shall be provided with changing room(s) that shall be located so as to be separate and apart from public facilities. No person other than performers and authorised staff shall be permitted in the changing room(s).

14. Performers must remain clothed in public areas and all other areas except while performing in areas approved by the Council as where sexual entertainment may be provided.
14. Performers must remain clothed in public areas and all other areas except while performing in areas approved by the Council as where sexual entertainment may be provided.
15. Performers must dress fully at the end of each performance.
16. Performers must never be alone in the company of a customer except in an area open to the public within the Premises.
17. The Licensee is to ensure a sufficient number of staff are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers
18. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
19. The Licensee must ensure that during performances to which this Licence relates:
 - a) Performers may not perform any act that clearly simulates any sexual act;
 - b) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - a) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
 - b) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the Performer has no intention of carrying out the act;
 - c) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
20. The Licensee must ensure that during performances to which this Licence relates:
 - a) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - b) Customers must remain appropriately clothed at all times.
21. Apart from that permitted under Condition (22) below, there shall be no physical contact between any member of the audience or any performer(s).

22. The only time any physical contact shall be allowed between a performer and a customer is when the performer introduces herself/himself with a formal handshake or when a gratuity or tip is placed in the garter or armband. Other than that, there shall be no contact.
23. No performer shall give or accept any telephone number, email address, address, contact information or business card or note to or from members of the audience.
24. The Licensee, management or anyone concerned in providing the approved entertainment shall not encourage or permit the encouragement of the audience to throw money or otherwise give gratuities to the performers except as permitted by condition (22) above.
25. The Licensee shall provide a copy of the House Rules to the Licensing Authority for approval.
26. On arrival, each customer shall be provided with a copy of the House Rules which shall include:
 - a) No person under the age of 18 years shall be admitted to the premises.
 - b) During all performances (including performances usually termed 'private dances') there shall not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - Leading a patron by the hand to and from a chair or private room or designated dance area.
 - Simple handshake greeting at the beginning and/or end of the performance.
 - A customary ("peck on the cheek") kiss at the end of the performance.
 - The placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
 - c) No member of the audience shall throw money or otherwise give gratuities to the performers except as permitted in section (b) above.
 - d) There shall be no physical participation by any member of the audience.
 - e) No customer shall accept from or give to any performer any telephone number, email address, address, contact information or business card or note.

As an alternative to the handling of House Rules to customers this condition also allows the display of A3 sized copies of the house rules at a minimum of three separate locations within the premises; the location of the A3 sized copies to be agreed with the Licensing Authority. In such circumstances the handing of house rules to customers as they enter the venue is no longer required.

28. A clear copy of these conditions and House Conditions shall be exhibited at all times in or near the performers' changing room(s) in such a manner that they can be read by the performers. These conditions shall be protected against theft, damage or defacement.
29. The Licensee shall ensure that working CCTV is installed (both internally and externally). The CCTV to be maintained to the satisfaction of Lincolnshire Police, and the Licensee to ensure that any images are:
 - a) Retained for a period of at least 31 days, and
 - b) Made available on request to a Police Officer or Authorised Officer of the Council.
30. No still or moving photographic or video recordings other than under condition (29) above shall be made of any performance of an approved entertainment.
31. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an Authorised Officer of the Council in relation to compliance with this licence.
32. Acts of birching or whipping (or acts of a similar nature) may not take place at the Premises.
33. The Licence is for the Premises in its existing layout (as shown on the plan attached to the licence application) and for the managers listed in the application, any changes will need to be approved by the Council.

APPENDIX III - Application for a Licence for Sexual Entertainment Venue (SEV)

Plan of the Premises

The Licence application must be accompanied by a scale plan of the Premises, which meets the detailed requirements described below. The recommended scale of the plan is 1:100. Any different scale must be agreed with the Licensing Authority prior to the submission of the licence application.

The plan must show:

1. The layout of the Premises including:
 - The area where the entertainers will perform,
 - The means of access and egress to and from the performance area,
 - The performers' dressing room,
 - The seating layout for the customers,
 - The cloakroom,
 - The bar or bars.
2. The extent of the boundary of the Premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the Premises, (e.g. performance areas, reception, etc.)
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the Premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the Premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the Premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the Premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the Premises
16. The location of emergency exits.

The plan must also show how the Premises lie in relation to the street.

APPENDIX IV - Specific Conditions For Premises Operating As A Sex Cinema

These conditions are ADDITIONAL TO THE STANDARD SEX ESTABLISHMENT CONDITIONS AND only applicable to a SEX CINEMA

Film Exhibition

1. No film shall be exhibited unless:
 - a) It has been passed by the British Board of Film Classification (BBFC) as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
 - b) The film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18).
2. If the Licence holder is notified by the Council, in writing, that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
3. The Licence holder shall give at least 28 days notice in writing to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film shall only be exhibited if consent has been obtained from the Council in writing and subject to any terms or restrictions contained within such written consent.

4. When the programme includes a film in the 12, 15 or 18 category, no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme.
5. If the Council does not agree with the category of any film as passed by the BBFC, it may alter the category or prohibit the showing of the film.
6. Where any notice is given by the Council to the Licence holder that it has altered the category of any film, the film shall thereafter be treated as being in the altered category and the conditions application to the exhibition of films in the altered category shall be observed accordingly.

General

7. 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.

If you would like this information in a different format, please contact us on 01507 601111.



**Policy in Relation to
Sex Establishment Licensing**

April 2019

Tedder Hall, Manby Park, Louth, Lincolnshire LN11 8UP

T: 01507 601111 - F: 01507 600206

www.e-lindsey.gov.uk