

CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENSING POLICY

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1. The City of Cambridge

- 1.1 Cambridge is a unique blend of market town, sub-regional centre, national and international tourist attraction and centre of excellence for education and research. It is a city of great beauty and is renowned for the qualities of its streets, spaces and buildings.
- 1.2 Cambridge City Council, in association with local partnerships wants Cambridge to be vibrant, socially mixed, safe, convenient and enjoyable, where all residents feel integrated into the life of the City and a part of its success.
- 1.3 Cambridge City Council has a clear vision for the future of the City, a vision shared with Cambridge citizens and partner organisations. Our vision includes:
 - A city that is diverse and tolerant, values activities which bring people together and where everyone feels they have a stake in the community
 - A city where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all
- 1.4 The overarching objectives of Cambridge City Council in licensing Sex Establishments are to:
 - Promote the Authority's visions and values
 - Protect the rights and health and safety of the general public, workers, residents, businesses, minority and vulnerable groups and
 - Ensure the principles of consistency, transparency, accountability and the promotion of good standards in licensing
 - Demonstrate compliance with statutory responsibilities in relation to procedures and enforcement
 - Ensure consistent and transparent decision making

2. Introduction

- 2.1 The Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) does not require the publication of a sex establishment licensing policy, however we recognise the benefits of having such a policy. A sex establishment licensing policy can play a pivotal role in the achievement of the pattern, number and standards of sex establishments within the City.
- 2.2 This document sets out the policy which will guide the Licensing Authority when considering applications and will generally be applied when making decisions on applications.
- 2.3 We will determine each application on its individual merits and this policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.
- 2.4 We may depart from this policy if, in the interests of the promotion of the objectives, the individual circumstances of any case merit such a decision. We will give full reasons for departing from the policy.
- 2.5 The 1982 Act introduced a licensing regime to control Sex Establishments. On 19th October 1989, Cambridge City Council resolved to bring into force

from 27th November 1989 Schedule 3 of the Act, which provided for the control of sex establishments (i.e. sex shops and sex cinemas).

- 2.6 Section 27 of the Policing and Crime Act 2009 (the 2009 Act), which came into force on 6th April 2010, amends Schedule 3 to the 1982 Act, providing for the control of a new category of sex establishment called a Sexual Entertainment Venue. The amendment allows councils to regulate lap dancing clubs and similar venues as sex establishments. On 21st October 2010, Cambridge City Council resolved that Schedule 3 to the 1982 Act as amended by section 27 of the 2009 Act should apply to the Cambridge City Council area commencing from 1st December 2010.

- 2.7 In carrying out our licensing functions, we will have regard to the following:

- 2.7.1 The Local Government (Miscellaneous Provisions) Act 1982
- 2.7.2 Any supporting regulations
- 2.7.3 Guidance issued by Central Government
- 2.7.4 This statement of licensing policy

We must also fulfil our obligations under s17 of the Crime and Disorder Act 1998, to do all that we reasonably can to prevent crime and disorder in Cambridge.

- 2.8 The Policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, including the Human Rights Act 1998, the Equality Act 2010, the Disability Discrimination Act 1995, the Provision of Services Regulations and the Regulators' Compliance Code (as set out under the Regulatory Reform Act 2006).

- 2.9 The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and victimisation; and to promote equality of opportunity and good relations between persons of different racial groups.

- 2.10 In carrying out our licensing functions we will have regard to equality and will expect an applicant to meet their statutory obligations in this area and not unlawfully discriminate against anyone on the grounds of age, gender, race, sexual orientation, disability, gender reassignment, religion or belief.

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

- 2.12 The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk

3. Consultation

- 3.1 In preparing this policy statement we have consulted with the following:

- the Chief Officer of Police for Cambridgeshire
- the Chief Officer of the Cambridgeshire Fire and Rescue Service

- persons/bodies representative of local holders of premises licences
 - persons/bodies representative of local holders of club premises certificates
 - persons/bodies representative of businesses and residents in the City of Cambridge
 - the child protection agency
 - other organisations as appear to the Licensing Authority to be affected, including councillors, local community, cultural, educational and entertainment organisations.
- 3.2 We consulted on this policy between 31st January 2011 and 26th April 2011 and was approved by Licensing Committee on 24th October 2011
- 3.3 We have considered the views of all those consulted prior to determining this policy.

4. Sexual Entertainment Venues

Sex establishment licences are required for

- 4.1 *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'*
- 4.2 *'Relevant entertainment' is "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. where the entertainment takes place in private booths).
- 4.3 In deciding whether entertainment is "relevant entertainment" We will judge each case on its' individual merits, however we would expect that the following forms of entertainment as they are commonly understood will be "relevant entertainment":
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
 - Topless Bars
 - Premises where private entertainment booths are present

This list is not exhaustive and as the understanding of the exact nature of these descriptions may vary, should be treated as indicative only. Ultimately, decisions as to whether entertainment is "relevant entertainment" will depend on the content of the entertainment and not the name it is given.

- 4.4 The following premises are not sexual entertainment venues:
- Sex shops and sex cinemas
 - Premises which provide relevant entertainment on an infrequent basis. These are premises where-

- a) relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
 - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 4.5 Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the Licensing Act).
- 4.6 Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser may be considered to have provided the entertainment where he has permitted the activity to take place, whether express or implied.

5. Sex shops and sex cinemas

- 5.1 Sex Establishment Licences are required for "sex cinemas" and "sex shops". "Sex shop" means any premises, vehicle, vessel or stall that is used for a business which consists to a "significant degree" of selling, hiring, exchanging, lending, displaying or demonstrating with "sex articles".
- 5.2 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:
- the ratio of sex articles to other aspects of the business
 - the absolute quantity of sales
 - the character of the remainder of the business
 - the nature of the displays in the business
 - turnover
 - other factors which appear to be materially relevant

6. Requirement for a Licence

- 6.1. Any person wishing to operate a sex establishment as defined by Schedule 3 to the 1982 Act requires a sex establishment licence, unless we have waived the requirement for a licence.
- 6.2 We will normally grant a licence for a period of one year, but we may exercise our discretion to issue a licence for a shorter period if we consider this to be appropriate.

7. Waiver

- 7.1 We may, upon application, waive the requirement for a licence in any case where we consider that to require a licence would be unreasonable or inappropriate.

7.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum

7.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

7.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

7.5 A waiver may be for such period as the Licensing Authority thinks fit. Where we grant an application for a waiver, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

8. The Licensing Act 2003

8.1 Premises holding a sexual entertainment venue licence will not require a premises licence under the Licensing Act 2003 unless the premises is carrying on other licensable activities e.g. the sale of alcohol or the provision of regulated entertainment that is not relevant entertainment.

8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act.

8.3 Premises which fall under the exemption created for infrequent entertainment do not require a sexual entertainment licence, but will instead need an appropriate authorisation under the Licensing Act, for example to cover the performance of dance. An exemption for live music or the playing of recorded music, which is integral to the entertainment, does not apply to such venues.

9. Location of Licensed Premises

9.1 We have not imposed a limit on the number of premises that may be licensed in any area of the City, however, whilst deciding each application upon its own merits we will not normally licence premises that are in close proximity to:

- 9.1.1 a residential area
 - 9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;
 - 9.1.3 a park or other recreational areas used by or for children under 16 years of age;
 - 9.1.4 a church or other place of religious worship;
- 9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.
- 9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

10. Commenting on licence applications

- 10.1 A wide range of people can raise objections about sex establishment licences. The Police are a statutory consultee for all applications.
- 10.2 We can only consider objections that are relevant to the statutory grounds for refusal set out in the 1982 Act and are received within the 28-day period for making objections.
- 10.3 We will notify applicants of any observations made by the Chief Officer of Police and provide details in general terms of objections that we have received within the 28-day period. We will not without the consent of the person making the objection reveal his/her name or address to the applicant.
- 10.4 Where no relevant objections are made, or objections are withdrawn, officers will grant the licence under the scheme of delegated powers.
- 10.5 Licensing Sub-Committee will consider all applications where there are relevant objections. We will give both applicants and objectors an equal opportunity to state their case in accordance with our hearings procedure.
- 10.6 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). Our officers will make decisions on whether objections are frivolous or vexatious. Where objections are rejected the objector will be given a written reason.

11. Determining Applications

- 11.1 In considering any application for the grant, renewal or transfer of a licence we will have regard to any observations submitted by the Chief Officer of Police and any relevant objections that we have received within the 28-day period.
- 11.2 Where we refuse to grant, renew or transfer a licence, we will send notice of the reasons for our decision to the applicant within seven days.
- 11.3 An applicant must be a suitable person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, we will consider all relevant information including the following:
- Previous relevant knowledge and experience of the applicant;
 - The operation of any existing or previous licence(s) held by the applicant, including any licence held in any other area.
 - Any report about the applicant and management of the premises received from statutory objectors.

12. Terms, conditions and restrictions

- 12.1 We may impose terms, conditions and restrictions on the grant of a licence. Where imposed, these will be necessary, non-discriminatory and proportionate.
- 12.2 We have model conditions relating to sex establishments and sexual entertainment venues. The conditions which may be attached to a licence are set out in Appendices A and B to this policy.
- 12.3 We will consider all applications on an individual basis and may impose additional or alternative conditions tailored to individual premises.

13. Grounds for refusal

The 1982 Act sets out mandatory and discretionary grounds for refusal of a licence.

- 13.1 We will not grant a licence;
- a) to a person under the age of 18; or
 - b) to a person who is for the time being disqualified under paragraph 17 (3) of Schedule 3 to the 1982 Act; or
 - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA state; or
 - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 13.2 We may refuse:

- i) an application for the grant or renewal of a licence on one or more of the grounds listed in a) – d) below:
- ii) an application for the transfer of a licence on either or both of the grounds specified in paragraphs a) and b) below:

The grounds are:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application determined is equal to or exceeds the number which the Licensing Authority consider is appropriate for that locality. Nil may be the appropriate number.
- d) that the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, or to the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

13.3 The 'relevant locality' means: in relation to premises, the locality where they are situated; and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

13.4 We have not made a decision to determine the number of sex establishment premises appropriate for the City of Cambridge however this may be subject to review.

13.5 We may refuse applications for a sex establishment licence where we are not satisfied that the application has been advertised in accordance with the requirements of the 1982 Act.

13.6 We may refuse to accept an application where we consider that relevant information has been omitted or an application is incomplete.

14. Hearing

14.1 Where relevant objections have been made we will give applicants the opportunity of appearing before the Licensing Sub-Committee.

14.2 We will advise the applicant and objectors of the date, time and venue of the hearing.

14.3 A copy of the committee report will be published on our website at least 5 days prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.

14.4 The hearing will be conducted in accordance with our hearings procedure.

14.5 The Licensing Sub-Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

14.6 Whilst the Act does not stipulate a timescale for hearing applications, where objections have been submitted and accepted, we aim to determine an application within 20 working days from the close of the 28-day period for receiving objections.

14.7 Applicants have a right of appeal to a Magistrates Court.

15. Enforcement

15.1 We will establish protocols with the police and any other relevant enforcement body on enforcement issues. These protocols will target agreed problems and high-risk premises, which require greater attention, while providing a lighter touch approach in respect of low risk premises that are well run.

15.2 In general, action will only be undertaken in accordance with the Council's enforcement policy, as adopted at the time, which reflects the Council's obligations relating to enforcement and is consistent with the Regulators Compliance Code. To this end, the key principles of consistency, openness, proportionality, clear standards and practices, courtesy and helpfulness and training will be maintained.

15.3 Cambridge City Council's enforcement policy is available on our website: <http://www.cambridge.gov.uk/enforcement-policy>

16. Amendments to Policy

16.1 Any significant future amendment to this policy will only be implemented after further consultation.

For the purpose of this section, any significant amendment is defined as one that:

(a) is likely to have a significant financial effect on the licence holders, or

(b) is likely to have a significant procedural effect on the licence holders, or

(c) is likely to have a significant effect on the community.

16.2 Any minor amendments to this Policy may be authorised by the Licensing Committee.

16.3 We retain the right to review the policy as deemed necessary, or as required due to legislative changes and Government guidance.

17. Integration with Council Strategies and the avoidance of duplication

17.1 By consultation and liaison, we will secure the proper integration of this policy with local crime prevention, planning, transport, tourism, race equality and equal opportunity schemes, cultural strategies and any other plans introduced for the management of the City and the night-time economy.

17.2 So far as is possible, the policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers and operators.

17.3 It is likely that certain aspects of the activities of a sex establishment will be licensed under the Licensing Act 2003 e.g. a bar in a lap-dancing club. We will not normally attach conditions to a sex establishment licence, which can just as well be attached to a premises licence under the 2003 Act.

18. Exchange of information

18.1 We may from time to time exercise our powers under section 115 of the Crime & Disorder Act 1998 to exchange data and information with the police and other partners to fulfil our statutory objective of reducing crime in the area.

18.2 Details of applications and objections which are referred to a 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.

19. Administration, exercise and delegation of functions

19.1 The functions of the Licensing Authority under the 1982 Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

19.2 Many of the decisions and functions will be largely administrative in nature. In the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers.

20. Fees

20.1 Fees are set each year. Details are available from the licensing team and on our website <http://www.cambridge.gov.uk/sex-establishments>. We charge a separate fee for applying/ varying/ transferring a licence and renewing a licence.

21. Effective Date and Review

21.1 This policy statement will take effect on 24th October 2011.

21.2 The policy statement will be kept under review and will be subject to further review and consultation before 24th October 2016.

22. Contact details, advice and guidance

22.1 Applicants can obtain further details about sex establishment licensing application processes, including application forms and fees from:

website: www.cambridge.gov.uk

e-mail: licensing@cambridge.gov.uk

telephone: 01223 457879

fax: 01223 457909

post: Licensing, Environmental Services
Cambridge City Council, PO Box 700,
Cambridge, CB1 0JH
in person: Customer Service Centre, Mandela House, 4, Regent
Street, Cambridge, CB2 1BY (Monday to Friday 08:00-
18:00)

Electronic applications can also be made online via the GOV.UK
website:
[www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/
apply-1](http://www.gov.uk/apply-for-a-licence/sex-shop-and-cinema-licence/cambridge/apply-1)

- 22.2 This policy can be made available in large print on request and similarly translations can be made available in a variety of languages. Please contact us for further help or assistance.
- 22.3 Informal discussion is encouraged prior to the application process in order to resolve any potential problems and avoid unnecessary hearings and appeals.

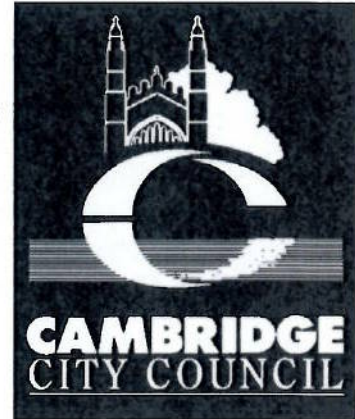
Appendix A

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

CAMBRIDGE CITY COUNCIL

SEX ESTABLISHMENT LICENCE CONDITIONS

Sex Shops and Sex Cinemas



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

1. Hours of Opening

- 1.1 The licensed premises shall not be open to the public before 9.30 am and shall not be kept open after 6.00 pm from Monday through to Saturday (inclusive) except that the premises may open to the public until 8pm on Fridays.
- 1.2 The licensed premises shall not be open to the public on Sundays, Christmas Day or Good Friday.

2. Management and Staffing of the Licensed Premises

- 2.1 Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.
- 2.2 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex

Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority can object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason. Where the Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. . An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 2.5 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.6 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 2.7 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 posters or similar ,
- 2.8 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.9 No amusement or gaming machines of any kind, whether for prizes or other wise, shall be kept or used upon the licensed premises at any time.

3 External Appearance

- 3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.

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

(As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the Licensing Authority's approval)

- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

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

4 Maintenance and Repair

- 4.1 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and discarded sex articles/waste stock emanating from the premises pending prompt removal from site.
- 4.2 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

5 General

- 5.1 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 5.2 IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

Cambridge City Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.



CAMBRIDGE CITY COUNCIL SEXUAL ENTERTAINMENT VENUE LICENCE CONDITIONS

These conditions may be applied to the licensed sexual entertainment venues as granted under the 3rd Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

1. Management and Staffing of the Licensed Premises

1.1 The Licensee shall at all times conduct the premises in a decent, sober and orderly manner. In particular the Licensee shall take whatever steps are necessary to ensure that none of the following takes place:

- (a) Indecent behaviour including sexual intercourse;
- (b) The offer of any sexual or other indecent service for reward;
- (c) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- (d) Any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

1.2 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 Licensing Authority within fourteen days of such change and such written details as the Licensing Authority may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the Licensing Authority.

1.3 The name of the person responsible for the management of the licensed premises, whether the Licensee or a manager approved by the Licensing Authority shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.

1.4 The Licensee shall notify the Licensing Authority and the Police of the name and address, and date of birth of any manager or employee involved at the premises within 7 days of them commencing employment. In the case of existing staff at the time the Sex Establishment licence comes into operation for the first time, this information shall be supplied to the Licensing Authority within 14 days of the licence coming into operation. The Licensing Authority can object to persons being involved with the premises where the Authority considers that they are unsuitable by reason of having been convicted of an offence or for any other reason. Where the

Licensing Authority has objected in writing to any person(s) they shall not be involved or employed at the premises

- 1.5 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for the management of the premises. . An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of details and a satisfactory photograph by the Licensee. A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.
- 1.6 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 1.7 The Licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 1.8 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 posters or similar.
- 1.9 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

2. The Premises

- 2.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the Licensing Authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Licensing Authority. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to condition 2.2.
- 2.2 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the licensed premises. There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order. On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

WARNING

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

- 2.3 The Licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times. This will include the need to maintain the front and rear of the premises in a clean and tidy condition, and to take appropriate measures to keep secure from public access (including unauthorised access) refuse and

discarded sex articles/waste stock emanating from the premises pending prompt removal from site.

- 2.4 The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.
- 2.5 CCTV shall be installed, maintained and operated to the satisfaction of the Council, to cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping.
- 2.6 Tape recordings shall be kept secure and shall be made available to an Authorised Officer of the Council or a Police Officer, on request.2.7 No person shall take any video recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed within the venue.2.8 There must be no display outside the premises of photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises.
- 2.9 There shall be no private booths
- 2.10 Entertainment, including dancing, which involves nudity or sexual performances of any kind, must not be visible from outside the premises.
- 2.11 Performers shall be provided with separate dressing/changing rooms, which shall be located so as to be separate and apart from the public facilities.
- 2.12 No person other than performers and authorised staff shall be permitted in the dressing/changing rooms.
- 2.13 Safe and controlled access to the dressing rooms for performers must be maintained at all times. A nominated person should monitor and supervise the performers' dressing/changing rooms.
- 2.14 Dressing/changing rooms are to include make-up lighting, mirrors and seating.
- 2.15 A curtain or similar such screen shall be provided so as to maintain privacy at all times when the dressing/changing room door is opened.
- 2.16 There shall be adequate licensed door supervisors in attendance on the premises when such entertainment is taking place. Of these door supervisors, at least one shall be female. Door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room in which the performance takes place.
- 2.17 All persons working as door supervisors must be approved and licensed by the Security Industry Authority (SIA). The Council will not normally consider the Licensee or the designated Premises Supervisor to be a door supervisor.

3. Performers

- 3.1 A register is to be kept of all staff working each day/evening .

- 3.2 Performers shall be aged not less than 18 years. Valid proof to be held on the premises of the age of each of the performers
- 3.3 No performer shall be allowed to work if, in the judgement of the Management, they appear to be intoxicated, or under the influence of illegal substances.
- 3.4 No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
- 3.5 Performers shall not use any props or clothing in the Act, which portrays them as a minor.
- 3.6 When making their way from the dressing/changing room to the dance area each performer will be robed. They will also be accompanied into the dance area by a licensed door supervisor. On the journey from the dance area to the dressing/changing room they will be robed and accompanied by a licensed door supervisor.
- 3.7 There shall be no physical contact between customers and the dancers except for the placing of gratuities into the hands or garter of the dancer at the beginning or conclusion of a performance. Whilst the dancers are performing there shall be a minimum distance of 1 metre between the dancer and the seated customers.
- 3.8 Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
- 3.9 Performers providing either table or lap dancing performances are to remain standing throughout the performance of the dance.
- 3.10 There shall be no table or lap dance performances given to customers seated or standing at a bar.
- 3.11 Dancers shall re-dress at the conclusion of the performance and are to remain clothed at all times except when giving a performance.
- 3.12 The Licensee, Designated Premises Supervisor or a licensed door supervisor will immediately deal with any report of contact, misconduct or provocation by a customer or a dancer.

4. General

- 4.1 Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed onto that part of the premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The licensee must provide and display clear notices to this effect at each entrance to the premises and in a prominent position so that it can be easily read by persons entering the premises.
- 4.2 No customer shall be admitted to the premises or allowed to remain in the dance area if, in the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.

- 4.3 Customers shall remain seated at all times whilst in the dance area, other than when they arrive, depart, visit the toilet or go to the bar.
- 4.4 Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose and have been provided with a copy of the Performance Code of Conduct by the Licensee. Audience participation shall not be permitted.
- 4.5 No persons other than dancers shall be in the dance area in a state of undress.
- 4.6 Dance entertainment shall only be performed in the area of the club as marked on the plans deposited with the Licensing Authority.
- 4.7 Customers shall not proposition performers or behave in a disorderly manner. Offenders must be removed from the premises. Appropriate notices stating these 'house rules' shall be displayed in prominent positions throughout the premises.
- 4.8 No telephone number, address or information leading to any further meeting may be passed from customer to performer or vice versa.
- 4.9 If performers are invited to have a drink with a customer the performer shall remain fully clothed during this period. Performers shall not be paid commission on the sale of beverages.
- 4.10 On leaving the premises performers shall be escorted to their transport by a registered door supervisor.
- 4.11 A clear copy of these conditions shall be exhibited at all times in or near the performers' dressing/changing rooms. These conditions shall be protected against theft, vandalism or defacement.
- 4.12 The Licensee is to ensure that prior to engagement, all performers provide documents proving that they are over 18 years of age and documents proving that they are legally entitled to work in the UK. Such documents are to be copied and retained on the performer's file.
- 4.13 All performer files are to be retained for a period of six months after engagement, and made available to the statutory authorities upon request if required for investigative purposes.
- 4.14 Where the Licensee employs performers from an agency, the performers must still provide the relevant documentation as required in the condition above. Details of agencies providing performers are to be made available to the statutory authorities upon request.
- 4.15 The licence shall be revocable in the event of the Licensing Authority being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 4.16 **IN ADDITION TO THE ABOVE CONDITIONS, IT IS THE DUTY OF THE LICENCE HOLDER TO COMPLY WITH ALL THE REQUIREMENTS OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.**

