

Sexual Entertainment Venue Policy

(inc Adult Shops & Adult Cinemas)

April 2012



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1. Preface

- 1.1 This policy relates to the operation of premises as a sex shop, sex cinema or sexual entertainment venue ('SEV'). In this policy, unless otherwise specified, we refer to these as "sex establishments".
- 1.2 Oldham Council ('the Council') adopted Schedule 3 to the Local Government (Miscellaneous Provisions Act 1982 (as amended) ('the 1982 Act') so that it can regulate sex establishments.
- 1.3 The Council recognises 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 the Council's role as licensing authority to regulate such premises in accordance with the law and not on any moral standing.
- 1.4 This policy seeks to provide clear guidance for the benefit of prospective applicants, existing licence holders, those who may wish to object to an application; and Members of the Licensing Panel when making a determination on an application.
- 1.5 While the Licensing Panel must have regard to this policy when making their decisions they are not rigidly bound by it and each application will be decided on its own individual merits. However, this document gives prospective applicants an early indication as to whether their application is likely to be granted or not and what considerations will be taken into account. Where the Licensing Panel chooses to depart from this policy, clear reasoning for doing so will be provided.
- 1.6 This policy came into effect on 1st April 2012, and supersedes all previous policies relating to sex establishments.
- 1.7 The standard conditions appended to this policy (Appendix I) do not form part of the policy document, although they may be referred to within it. These standard conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.

2. Introduction

- 2.1 Oldham is situated to the North East of Manchester and covers 56 square miles. About one third of the Borough consists of the major conurbation of Oldham Town, where the majority of the 218,000 residents of the Borough reside. Another third of the Borough consists of moorland, which is largely uninhabited. The final third consists of small rural towns and villages.
- 2.2 There is a wide range of retail facilities available to residents and visitors providing employment for approximately 20,000 people.
- 2.3 Some 850 commercial outlets now offer activities which are licensable. These include approximately 200 off licences, 410 on licences, 60 registered clubs, 80 public entertainment establishments and 100 late night refreshment houses. The

Borough has a population of 217,273 (2001 census) which is comprised of the following:

Under 16's -	49,973 (23%)
16 – 19 year olds -	11,298 (5.2%)
20 – 29 year olds -	25,638 (11.2%)
30 – 59 year olds -	88,647 (40.8%)
60 – 74 year olds -	27,159 (12.5%)
Over 75's -	14,775 (6.8%)

3. Definition of Sex Establishment

3.1 Schedule 3 to the 1982 Act establishes three types of sex establishment; sex shops, sex cinemas and sexual entertainment venues. However, due to certain provisions and exemptions within the 1982 Act not all these premises automatically require a licence. The criteria for requiring a licence is set out below.

3.2 Sex Shop

Licences for Sex Shops are required for any premises, vehicle, vessel or stall:-

- a) where R18 films are being sold; or
- b) are used for a business which consists, to a “significant degree”, of selling, hiring, exchanging, lending, displaying or demonstrating “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.

“Sex Articles” are defined as:-

- a) anything made 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, and
- b) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article, and to any recording of vision or sound which:
 - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions;

Significant Degree

The meaning of “significant degree” is not expressly defined in the legislation and is for the licensing authority to determine on the individual circumstances of each case presented to it. In deciding whether the significant degree threshold has been met the licensing authority will consider a number of factors such as:-

- a) the ratio of sex articles to other aspects the business;
- b) the absolute quantity of sales;
- c) the character of the remainder of the business;
- d) the nature of the displays in the business;
- e) turnover;
- f) other factors which appear to be materially relevant;

3.3 Sex Cinema

Licences for sex cinemas are required for any premises, vehicles, vessels or stalls:-

- a) used to a “significant degree” for the exhibition of moving pictures, by whatever means produced, which
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:-
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity; or
 - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions;

a private house or dwelling to which the public are not admitted does not require a licence.

Significant Degree

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- a) the ratio of sex articles to other aspects the business;
- b) the absolute quantity of sales;
- c) the character of the remainder of the business;
- d) the nature of the displays in the business;
- e) turnover;
- f) other factors which appear to be materially relevant;

3.4 Sexual Entertainment Venue

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;

Relevant Entertainment

The meaning of “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 (i.e. in a private booth)

In deciding whether entertainment falls under the definition of “relevant entertainment” the licensing authority will judge each case on its own individual merits; but in general “relevant entertainment” will apply to the following:-

- lap dancing;
- pole dancing;
- table dancing;
- strip shows;
- peep shows;
- live sex shows;

3.5 Where premises provide relevant entertainment on an infrequent basis no licence will be required. In order to qualify for this exemption relevant entertainment can only be provided on 11 occasions within any 12 month period, provided that each occasion lasts no longer than 24 hours; and no such occasion begins less than a month from the end of the last.

3.6 Adult entertainment not falling under the definition of “relevant entertainment” may still require a licence under the Licensing Act 2003.

4. Application Procedure

4.1 An application must be made by completing the prescribed form, giving the full address of the premises, the name, permanent address and age of the applicant or, where the applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company.

4.2 In addition to completing the prescribed form applicants must give public notice of the application by publishing an advertisement, no later than 7 days after the application is made, in a local newspaper, circulated within the borough of Oldham. In addition the applicant must display a public notice on, or near to, the premises where it can be conveniently read by members of the public. This public notice

must be displayed for a period of 21 days beginning with the date the application was made.

4.3 Where an application is submitted electronically, the Authority will serve the Chief Officer of Police a copy of the application within 7 days of the application being submitted, where the application is not submitted electronically, the applicant must serve notice on the Police no later than 7 days after the date of the application.

4.4 Applications will be processed using the following procedure:-

- 1 Application is received by Licensing Team and checked to ensure it complies with the requirements of the 1982 Act;
- 2 Arrangements made for applicant, members of Licensing Panel and officers to attend site to view premises and its locality;
- 3 FORMAL HEARING - Application and any objections will be presented to the Licensing Panel in accordance with established procedures;

(N.B - In certain circumstances an application may be granted by an authorised officer)

Decision by panel taken in private session, during which the panel's decision will be made in 3 stages:

- Stage One – Does the application relate to the town centre locality?¹ If it does, does the application warrant a departure from the general policy that zero licences will be granted? If the decision is that the application warrants a departure, then the panel should move onto stage 3;
- Stage Two – If the application does not relate to the town centre, how many sex establishments are appropriate for the locality*;
- Stage Three - If the appropriate number of sex establishments for the locality has not been met, or the panel have agreed to depart from the general policy for the town centre locality, is the grant of the licence appropriate having regard to:-
 - a) the character¹ of the relevant locality; or
 - b) the use which any premises in the vicinity are put; or
 - c) the layout, character¹ or condition of the premises in respect of which the application is made;

once a decision has been reached the public meeting will resume and the applicant informed of the Panels decision.

4.5 The prescribed application form and the prescribed public notice are available from www.oldham.gov.uk.

(¹please see section 5.2 for information on locality and characteristics.)

5. Grounds for Refusal

- 5.1 The 1982 Act provides 5 mandatory grounds for refusing an application and 4 discretionary grounds. Before proceeding with an application, applicants should consider whether their application will be refused on one or more of the mandatory grounds or is likely to be refused on one or more the discretionary grounds.

Mandatory Grounds:-

- a) applicant is under age of 18;
- b) applicant is for the time being disqualified from holding a sex establishment licence;
- c) the applicant is not a body corporate, and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application;
- d) the applicant is a body corporate which is not incorporated in an EEA state;
- e) the applicant has in the period of 12 months preceding the date of the application 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.

Discretionary Grounds:-

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

- 5.2 As stated two of the discretionary grounds for refusal are that:-

- (a) in a specified locality, the number of sex establishments or sex establishments of a particular kind, is equal to or exceeds the number considered appropriate by the Council; and
- (b) the appropriateness of the character of the locality to which the application relates;

The following outlines the numbers considered appropriate by the Council for certain localities; and the characteristic of a locality where the Council considers it would be inappropriate to grant a sex establishment licence:-

Relevant Number – Town Centre

It is recognised that Oldham town centre is likely to be the main locality where an application to operate as a sex establishment would be received. However, it is also recognised that one of the corporate objectives of the Council is to promote re-generation of the town centre and it is seen that granting a sex establishment licence within the locality of the town centre could be detrimental to that re-generation. Therefore the Council consider it appropriate to set the relevant number of sex establishment licences for the town centre to zero. The map attached at appendix III shows the extent of what the Council considers to be the town centre.

Notwithstanding the number of sex establishments within the town centre be set to zero, the Licensing Authority will still consider applications for that locality; however, the onus will be on the applicant to demonstrate why the Council should depart from its policy.

Relevant Number – Other Localities

For all other localities within the Borough the Licensing Authority will treat each application on its own merits. However, applicants should be aware that there will be a general presumption for refusal where the characteristic of the locality is made up of:

- i) residential accommodation,
- ii) parks and children's play areas,
- iii) other retail units (and their uses),
- iv) schools,
- v) religious and communal buildings,
- vi) alcohol or entertainment licensed premises,

6. Conditions

- 6.1 Where a licence is granted the conditions set out in Appendix I will be attached.
- 6.2 Where it is reasonable to do so, the Licensing Panel may attach additional, proportionate, conditions to a licence. Where possible these additional conditions will be discussed in advance with operators.

7. Commenting on Applications

- 7.1 The 1982 Act permits a wide range of persons to raise objections against applications for sex establishment licences. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing Panel determining the application) or MP's. The Police are statutory consultees for all applications.
- 7.2 The Licensing Authority 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). When deciding whether an objection is frivolous or vexatious officers will do so in an objective manner and not on the basis of any political judgement.
- 7.3 Where objections are rejected the person(s) making the objection will be given written notification of why their objection was rejected. A report will be presented to the Licensing Panel determining the application, indicating the general grounds of the representation and the reason it was rejected.
- 7.4 As a general rule an objection will be considered vexatious where it is repetitive, without foundation or is made with malice. An objection will be considered frivolous if it lacks seriousness.
- 7.5 Unless being submitted electronically objections should be in writing, indicate the name, and address of the person or organisation making the objection and clearly set out the reasons for making the objections. Objector's names and address are not revealed to the applicant without the specific consent from the person(s) or organisation making the objection.
- 7.6 Objections will be considered by the Licensing Panel determining the application. The applicant will be informed in general terms of any objections received in respect of his application. A copy of the order of proceedings for the hearing will be sent to the applicant and any objectors prior a hearing.

8. Appeals

- 8.1 The 1982 Act strictly limits who can appeal to Magistrates Court, and the matters about which they can appeal. Any appeal must be lodged before the expiration of the period of 21 days following receipt of notification of the outcome of the application. The Act affords rights of appeal to the industry only. The decisions against which a right of appeal lies are
 - a) refusals of grants, renewals, transfers or variations; or
 - b) the imposition of conditions; or
 - c) revocation of a licence;
- 8.2 Applicants need to be aware that there is no right of appeal against the Council's decision if the application was refused on the grounds that:-

- a) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
 - b) the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.
- 8.3 The Magistrates' Court will determine the appeal application. If an applicant does not agree with the decision made by the Magistrates' Court, the applicant can appeal to the Crown Court.
- 8.4 The Council must comply with a decision made by the Magistrates' or Crown Court.
- 8.5 Where an appeal is lodged against refusal to renew or for revocation of a licence, the licence remains in force until such time as the appeal is determined.
- 8.6 Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

9. Fees

- 9.1 The fees are set each year and details are available from our licensing team upon request or from www.oldham.gov.uk.

10. Length of Licence

- 10.1 Where a licence is granted, unless there are exceptional circumstances the licence will be valid for a maximum of 12 months.

11. Granting a Waiver

- 11.1 Applications can be made to waive the requirement for a sex establishment licence.
- 11.2 The Licensing Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sex Shops and Sex Cinemas, except in extreme circumstances considered by the Licensing Panel, for example, to allow a temporary re-location of a business following damage to licensed premises.
- 11.3 The Licensing Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sexual Entertainment Venues, 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.

12. Revocation of Licences

12.1 The council may revoke a licence on any of the following grounds:-

- i) applicant is under age of 18;
- ii) applicant is for the time being disqualified from holding a sex establishment licence;
- iii) the applicant is not a body corporate, and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application;
- iv) the applicant is a body corporate which is not incorporated in an EEA state;
- v) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- vi) if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;

12.2 The council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a committee or sub committee. Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in Oldham for 12 months beginning with the date of revocation.

13. Appendix I

13.1 In these conditions unless the context otherwise requires:-

- 'The Council' means Oldham Council;
- 'Approval' or 'consent' of the Council means the approval or consent of the Council in writing;
- 'Approved', 'accepted', or 'permitted' by the Council means approved, accepted or permitted by the Council in writing;
- 'Approved arrangements' means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council;
- 'Escape lighting' (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting;
- 'Licensee' means the holder of a sex establishment licence;
- 'Non-combustible' material means material which is deemed to be non-combustible when tested in accordance with the provisions of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules;
- 'Officer' means any person authorised in writing by the Council;
- 'Premises' means any premises within the Council's area licensed as a sex establishment and includes all installations, fittings and things in connection therewith;
- Except where the context demands otherwise the singular includes the plural and masculine includes the feminine;
- Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements;
- 'Sex Establishments', shall have the meanings ascribed to them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009;
- All references to a British Standard (BS) shall be deemed to refer to the current standard;

These conditions may be dispensed with or modified by the Council in any special case.

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;

If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council;

13.2 General Conditions applying to all Sexual Establishments

Notices to be displayed

A copy of the licence and these Regulations are to be displayed in the premises where the public can see them. They must be suitably framed and remain in a clean and legible condition. The licence and a copy of these conditions must be produced to an authorised officer or constable upon request.

There shall be displayed above the entrance or main entrance to the premises a notice in permanent form in letters not less than 2" high nor more than 3" high stating the name of the licensee of the said premises and that the said premises are licensed under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

Management Responsibilities

The person in charge of the premises at the time they are open under the licence shall:-

- a) not be engaged in any duties which will prevent them from exercising general supervision; and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision;
- b) be conversant with these conditions, a copy of which should be held on the premises;

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 (including the person for the time being in charge of or responsible for the day to day conduct of any establishment in respect of which a licence is granted renewed or transferred) is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require (including a Statutory Declaration as to previous convictions, if any) in respect of any new director, secretary, manager or other persons as described herein are to be furnished within 14 days of a request in writing from the Council.

The Licensee, or some responsible person, nominated by him in writing for the purpose of managing the premises 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. Prior to any such nomination or within five working days thereafter, the Licensee shall supply details of the person involved to the Council, who may serve notice on the Licensee that such nomination shall not be made or shall be revoked PROVIDED THAT the number of occasions when such a nominated person has not received the prior approval of the Council before managing the premises in the absence of the Licensee shall not exceed three during the term of the Licence.

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.

Premises Safety

Overcrowding shall not be permitted in any part of the premises.

The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.

All exit routes shall be maintained with nonslip, even floor/step surfaces and shall at all times remain free of trip hazards.

All exit doors shall be unobstructed and available for immediate use, without the use of a key or similar fastening, the whole time the public are in the premises. Only fastenings that have been approved by the Council may be provided on such doors.

All fire doors shall be maintained effectively, self-closing and not wedged open.

The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.

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

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:-

- a) all such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit";

- b) 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";
- c) except in the cases of emergency no access shall be permitted through the premises to any adjoining or adjacent unlicensed premises

All lighting (including escape lighting) shall be maintained in full working order.

All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.

Any fire extinguisher discharged shall be replaced or recharged immediately.

Crime & Anti-Social Behaviour

The licensee shall maintain good order on the premises and in particular shall ensure that none of the following takes place:-

- a) unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
- b) indecent behaviour, including sexual intercourse;
- c) the offer of any sexual or other indecent service for reward;
- d) acts of violence against person or property and/or the attempt or threat of such acts;

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.

The licensee nor any other person concerned in the conduct or management of the premises shall seek to obtain custom by means of personal solicitation or touting from, inside the premises, immediately outside the premises nor in the vicinity of the premises, or allow the premises to be used by prostitutes. *(NB. Soliciting includes the distribution of leaflets)*

Underage

No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

Alterations to premises

No alterations (including temporary alterations) shall be made to the premises without prior consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

Where works necessitate the premises being closed for a 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.

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sexual entertainment venue).

Advertisements

No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, and advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

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

Windows and openings to the premises, other than entrances, shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at a height approved by the Council, opaque screens or blinds of a type and size approved by the Council.

Noise

The licensee shall ensure that no noise emanates from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.

Without prejudice to the generality of this condition 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.

The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

13.3 **Additional Conditions Attached to Sexual Entertainment Venues**

Management of Premises

The licensee shall maintain a register in a form approved by the Council indicating staffs which are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.

All members of staff shall be easily identifiable as such. If required by the Council the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating their name and that he is an employee or person working in the premises.

The licensee or a personal licence holder, who has sound knowledge of this type of venue, shall be at the premises during the times the premises are operating under this licence.

Management of Performance / Performers

Performers shall not touch customers in any way.

Customers shall not be permitted to touch performers in any way.

Performers shall not approach closer than 12 inches from any part of a customer.

Striptease entertainment shall only be provided by the authorised performers and no audience participation shall be permitted.

Scantily clad persons shall not be exhibited in the entrance or the surrounding area of the entrance.

All performers must be over 18 years of age.

No order shall be accepted unless the customer has been provided with a copy of the tariff and has been given sufficient time and opportunity to read it.

No charge shall be made to the customer for any drink provided for the hostess, companion or performer unless that customer has specifically ordered it having first been made aware of the cost.

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Safety

The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons, including members of staff, that are currently on the premises. This information shall immediately be divulged on request by a police officer or an authorised officer of the Council.

Where approval is given for curtains to be used, the curtains shall where necessary be periodically re-sprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.

Where permitted, curtains across doors shall be in two halves and on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

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

Any activity which involves special risks, (e.g. use of firearms), and special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

Filters within kitchens, serveries and grill extractor systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.

The ventilation system(s) shall be maintained in a clean condition and full working order.

The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:-

- a) maintain each sanitary convenience in clean and efficient order;
- b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean;
- c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot

- water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities;
- d) ensure the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.

The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.

The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.

Portable heating appliances shall not be used without the Council's written consent. No alterations / additions to the approved heating system shall be made without the written consent of the Council.

Gas and electricity / mains intake enclosures shall not be used for any other purpose (e.g. storage).

Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior consent of the Council.

Sale of Sex Articles

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue.

Security

A tamper proof digital CCTV system shall be installed to the satisfaction of a Greater Manchester Police Crime Reduction Officer.

A minimum of 4 SIA door supervisors shall be on duty when the premises are open to the public.

The door supervisors should be so positioned so that 2 are present at all times on the entrance to the premises, at least 1 door supervisor should patrol the public areas and at least one door supervisor should monitor the interaction between any performer and their customer.

Where the premises have more than one entrance there must be at least 2 door supervisors per entrance.

A written record should be kept of all door supervisors employed and this record should have, at the minimum, the following amount of information. Name, SIA badge number, time shift started, time shift finished, signature, date.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter or leave the premises except for the purpose of delivery.

13.4 Additional Conditions Attached to Sex Shop

Management of Premises

The premises shall be open between 9.30am and 6.00pm on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays and between 9.30am and 8.00pm on Fridays and remain closed during all other times but under no circumstances shall the premises be open on Christmas Day, Good Friday or any Sunday without additional permission.

No charge shall be made for admission to the premises in respect of which a licence is granted or for admission to any part thereof.

No refreshments of any kind shall be served or sold to or consumed by potential customers visiting the premises hereby licensed or to or by any person thereupon other than bona fide staff employed upon the said premises.

No amusement or gaming machines of any kind whether for prizes or otherwise shall be kept or used upon the premises hereby licensed at any time.

Advertisements

The Licensee may, with the consent of the Council, create window displays as means of advertising their goods. A 'mock-up' of the window display must be submitted to the Licensing Authority for approval and approval must be given before the display is created, the 'mock up' must be in the form of pictures or drawings. The licensing authority will not permit displays that:

- are likely to cause offence or upset;
- depict a sexual act;
- are designed to stimulate a person;
- exhibit sex articles, (in this context 'sex articles' has the same meaning as Schedule 3 Para 4(3) of the 1982 Act);

13.5 **Additional Conditions Attached to Sex Cinema**

Film Categories

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

U – Universal – suitable for all

PG – Parental Guidance – some scenes may be unsuitable for young children

12 – Passed only for persons of 12 years and over

15 – Passed only for persons of 15 years and over

18 – Passed only for persons of 18 years and over

Restricted 18 – Passed only for persons of 18 or over, to be shown in licensed sex cinemas or sold in licensed sex shops.

Unclassified Films

The licensee must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

Restricted Films

Films restricted 18 (R18) may be shown at the premises only with the Council prior written consent and in accordance with the terms of any such consent.

Management of Premises

The premises hereby licensed shall be open between 9.30am and 6.00pm on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays and between 9.30am and 8.00pm on Fridays and remain closed during all other times but under no circumstances whatsoever shall the premises be open on Christmas Day, Good Friday or any Sunday.

The licensee shall maintain a register in a form approved by the Council indicating staffs which are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.

The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machines whether for prizes or not.

Where a sex shop forms part of the structure of a building containing a sex cinema there shall be no access from the sex cinema to the sex shop or from the sex shop into the sex cinema

Safety

The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons, including members of staff, that are currently on the premises. This information shall immediately be divulged on request by a police officer or an authorised officer of the Council.

Where approval is given for curtains to be used, the curtains shall where necessary be periodically re-sprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.

The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

Filters within kitchens, serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.

The ventilation system(s) shall be maintained in a clean condition and full working order.

The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:-

- a) maintain each sanitary convenience in clean and efficient order;
- b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean;
- c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities;
- d) ensure the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.

The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.

The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.

Portable heating appliances shall not be used without the Council's written consent. No alterations / additions to the approved heating system shall be made without the written consent of the Council.

Gas and electricity / mains intake enclosures shall not be used for any other purpose (e.g. storage).

Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior consent of the Council.

Advertisements

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority as 18 or R18.

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Sale of Sex Articles

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Where a sex shop forms part of the structure of a building containing a sex cinema there shall be no access from the sex cinema to the sex shop or from the sex shop into the sex cinema

Security

A tamper proof digital CCTV system shall be installed to the satisfaction of a Greater Manchester Police Crime Reduction Officer.

A minimum of 4 SIA door supervisors shall be on duty when the premises are open to the public.

The door supervisors should be so positioned so that 2 are present at all times on the entrance to the premises, at least 1 door supervisor should patrol the public areas and at least one door supervisor should monitor the auditorium(s).

Where the premises have more than one entrance there must be at least 2 door supervisors per entrance.

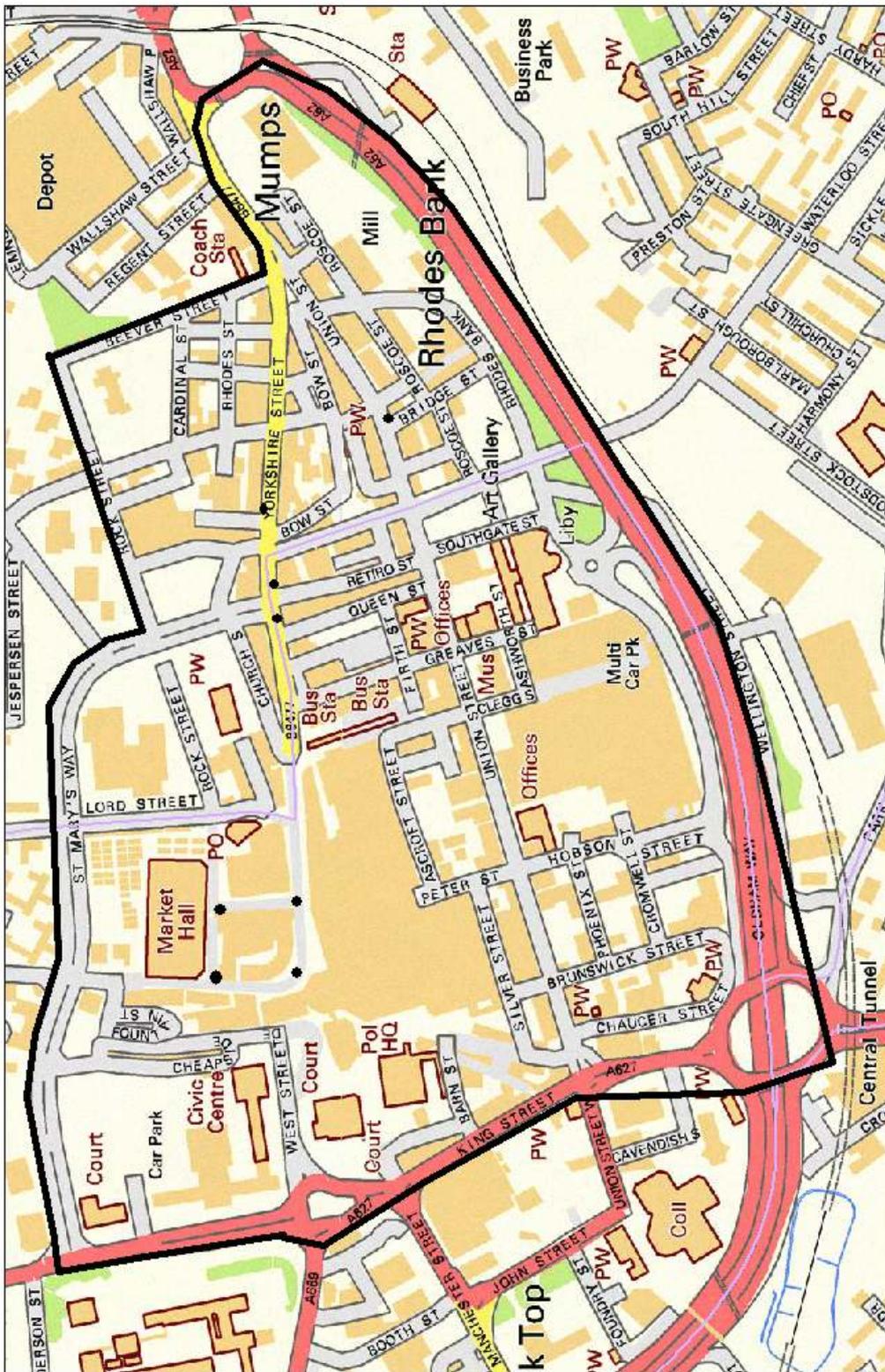
A written record should be kept of all door supervisors employed and this record should have, at the minimum, the following amount of information. Name, SIA badge number, time shift started, time shift finished, signature, date.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter or leave the premises except for the purpose of delivery.

Under Age

A member of staff shall remain in the vicinity of the entrance to the cinema to prevent under 18's gaining entry.

14. Map of Town Centre



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