

**To the Chair and Members of the
LICENSING COMMITTEE**

SEXUAL ENTERTAINMENT POLICY

EXECUTIVE SUMMARY

1. This report to the Licensing Committee is to consider a Policy for premises classed as Sexual Entertainment Venues under the Local Government (Miscellaneous Provision) Act 1982 (as amended by Section 27 of the Police and Crime Act 2009).

EXEMPT REPORT

2. N/A

RECOMMENDATIONS

3. To recommend the Policy for premises classed as Sexual Entertainment Venues under the Local Government (Miscellaneous Provision) Act 1982 (as amended by Section 27 of the Police and Crime Act 2009) in Appendix A to the Cabinet.

BACKGROUND

4. The increase in the number of lap dancing venues nationally since the implementation of the Licensing Act 2003 has become a concern for many local communities.

Previously, premises only needed to be licensed under the Licensing Act 2003 for music and dancing. Responsible Authorities (Police / Fire Service etc.) and Interested Parties (residents / businesses in the vicinity) could only make representation based on the four licensing objectives, namely:-

Prevention of crime and disorder
Public safety
Prevention of public nuisance
Protection of children from harm

As a result of this, Licensing Authorities could not consider the objections of local people and businesses that were based on matters outside the scope of the four objectives. For example, a representation based on whether the venue was appropriate given its character and locality of the area (next to a school or nursery) would not be able to be considered.

Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called “sexual entertainment venues” which allows licensing authorities to regulate lap dancing clubs and similar venues.

The introduction of these new legislative powers now gives a Licensing Authority greater control over these types of premises.

The Licensing Authority can impose standard conditions and also ‘premises specific’ conditions to help control the activities taking place at the premises. The legislation also gives an opportunity to the local community to make comments with regard to specific applications.

The Policy sets out details of the application process and conditions that can be attached to a licence under this legislation.

OPTIONS CONSIDERED

5. There are no other options other than to formally adopt a Policy.

REASONS FOR RECOMMENDED OPTION

6. Adopting the Policy will enable the trade and the Licensing Committee to understand what applicants need to comply with and what Members will be able to consider when deciding on whether or not to grant or reject any such application.

IMPACT ON THE COUNCIL’S KEY PRIORITIES

- 7.

Priority Theme	Mayor’s Priorities for 2011/12	Implications of this initiative
1. Creating a strong, connected and inclusive economy	<ul style="list-style-type: none"> • Drive forward the Doncaster economy • Get the balance of public and private transport right • Promote Doncaster as a tourist destination • Regenerate Doncaster's town centres 	
2. Developing stronger communities	<ul style="list-style-type: none"> • Encourage community harmony and cohesion. Treat people as individuals, not by reference to labels and artificial groupings 	

3. Increasing and improving housing	<ul style="list-style-type: none"> • Raise housing standards 	
4. Protecting and improving all our children's lives	<ul style="list-style-type: none"> • Continue to improve education and skills • Build on a strengthening Children's Service 	
5. Improving health and support for independent lives	<ul style="list-style-type: none"> • Encourage attitudes of self-reliance, self-improvement and mutual respect within Doncaster communities 	
6. Tackling crime and anti-social behaviour	<ul style="list-style-type: none"> • Reduce crime and all forms of anti-social behaviour 	This will ensure proper safeguards for the community are in place
7. Creating a cleaner and better environment	<ul style="list-style-type: none"> • Continue to protect the environment from developers, decay and architectural vandalism 	
8. Internal Transformation	<ul style="list-style-type: none"> • Ensure local people get value for money from council services 	

RISKS AND ASSUMPTIONS

8. There are no known risks associated with this report.

LEGAL IMPLICATIONS

9. Section 27 of the Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 to broaden the remit of the sex establishments that the Local Authority can regulate. Previously, sex establishments were narrowly defined as 'sex cinemas' or a 'sex shop'. However, the definition now includes 'sexual entertainment venue' i.e. any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser or the entertainer. Lap dancing and pole dancing are activities that could come within this definition. In addition to giving Local Authorities more powers in terms of regulating sexual entertainment venues, the provisions also give local people a greater say over the regulation of such venues.

The Home Office Guidance on sexual entertainment venues states that on resolving to adopt the sexual entertainment venue provisions introduced by the Policing and Crime Act 2009, local authorities should ensure that their licensing policies for sex establishments are up to date, which could mean producing a policy specific to the regulation of sexual entertainment venues.

Section 6 of the Local Government (Miscellaneous Provisions) Act 1982 states that no person shall, in any area where Schedule 3 is in force, use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under Schedule 3 by the appropriate Authority.

FINANCIAL IMPLICATIONS

10. There are no financial implications arising specifically from this report.

CONSULTATION

11. Consultation with trade bodies and the public have been undertaken only two responses have been received

This report has significant implications in terms of the following:

Procurement		Crime & Disorder	#
Human Resources		Human Rights & Equalities	
Buildings, Land and Occupiers		Environment & Sustainability	
ICT		Capital Programme	

BACKGROUND PAPERS

12. Home Office Guidance on Sexual Entertainment Venues 2010.

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Sexual Entertainment Venue Licensing Policy

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DN1 1RN
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Or email us at: licensing@doncaster.gov.uk
Or visit our website at: www.doncaster.gov.uk/licensing

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1. Foreword

The increase in the number of lap dancing venues nationally since the implementation of the Licensing Act 2003 has become a concern for many local communities.

Previously, premises only needed to be licensed under the Licensing Act 2003 for music and dancing. Responsible Authorities (Police / Fire Service etc.) and Interested Parties (residents / businesses in the vicinity) could only make representation based on the four licensing objectives, namely:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

As a result of this, licensing authorities could not consider the objections of local people and businesses that were based on matters outside the scope of the four objectives. For example, a representation based on whether the venue was appropriate given its character and locality of the area (next to a church or school) would not be able to be considered.

Section 27 of the Policing and Crime Act 2009 introduces a new category of sex establishment called “sexual entertainment venues” which allows licensing authorities to regulate lap dancing clubs and similar venues.

The introduction of these new legislative powers now gives a Licensing Authority greater control over these types of premises.

The Licensing Authority can impose standard conditions and also ‘premises specific’ conditions to help control the activities taking place at the premises. The legislation also gives an opportunity to the local community to make comments with regard to specific applications.

2. Introduction

Doncaster Council wish to support both the local community and businesses by ensuring that these types of premises are properly managed and that they integrate where possible into the local community.

With regard to community safety the Licensing Authority have the power to control the location, activities, opening time etc. of these premises and also monitor the impact on local crime and disorder, noise and other public nuisance.

This Sexual Entertainment Venue Policy Statement sets out the Council’s requirements for premises to be licensed as Sex Establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009).

3. Key Definitions

The following terms are used frequently throughout the Statement of Licensing Policy document:

- **‘The Council/Licensing Authority’** refers to Doncaster Metropolitan Borough Council
- The **“2009 Act”** refers to the Policing and Crime Act 2009
- The **“1982 Act”** refers to the Local Government (Miscellaneous Provisions) Act 1982
- The **“2003 Act”** refers to the Licensing Act 2003
- **“Section 27”** refers to section 27 of the Policing and Crime Act
- **“Schedule 3”** refers to schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
- **‘The Licensing Committee’** refers to the committee of Doncaster Council.

4. Consultation

In developing this Policy, the Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function.

The Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy.

The Licensing Authority has consulted with the following:-

- a) the Chief Officer of Police in the area;
- b) the Fire Authority;
- c) stakeholders in the sexual entertainment industry;
- d) local residents;
- e) holders of Premises Licences and Club Premises Certificates under the Licensing Act 2003, in the Borough of Doncaster.

It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Sexual Entertainment Venue Policy by way of writing to / emailing consultees, providing relevant information on its website, publishing a statement in the local press and attending meetings when requested.

The views of all our consultees will be considered and given proper weight when writing and / or reviewing this Policy.

5. The Council's Legal Obligations

There are a number of statutory provisions which apply to every action the Council takes as a public authority. These include, for example:

- a. duty to have regard to the interest of Doncaster's tax payers;
- b. its Human Rights Act obligations;
- c. its duty to have due regard to the need to promote race equality and to the need to eliminate unlawful race discrimination and the statutory obligations in relation to disability, age and gender.

The Council is committed to fulfilling all of its obligations when exercising its Licensing Functions.

The Council will consider the use of its full range of powers in order to do so. It will engage all relevant responsibilities, including planning controls, transport controls and crime and disorder policies. Accordingly, the Council will enter appropriate partnership arrangements, working closely with the police, fire authority, local businesses, community representatives and local people in meeting these objectives.

6. Meaning of Sexual Entertainment Venue

Section 27 of the Policing and Crime Act 2009 introduced a new type of sex establishment called a 'sexual entertainment venue'.

These venues require a sexual entertainment licence and the Council will regulate them as such under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

'Sexual entertainment venue' is defined as, "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer" (Paragraph 2A of Schedule 3).

Schedule 3 defines relevant entertainment as, "any live performance or live display of nudity which is of such 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 verbal or by other means)". An audience can consist of just one person, e.g. in a private booth.

Each case will be determined on its merits but "relevant entertainment" will generally apply to the following forms of entertainment:

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

This list is not exhaustive and should only be treated as indicative. Ultimately, decisions whether premises require a licence will be based upon the content of the entertainment provided and not the name it is given.

7. Location of Licensed Premises

There are specific grounds for refusing sexual entertainment venue licences set out in Paragraph 12 of Schedule 3 to the 1982 Act. These provisions allow for local authorities to refuse applications based on an assessment of the “relevant locality”.

The council acknowledges that a concentration of licensed premises (sexual entertainment venues) in a particular area can result in a potential fear of crime, anti social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

Whilst the council has not imposed a numerical limit on the number of premises that may be licensed in any area, and whilst it will treat each application upon its own merits, the council may not licence premises that it feels are in close proximity to:-

- a) a school, nursery or other premises substantially used by or for children under 16 years of age;
- b) a park or other recreational area used by or for children under 16 years of age;
- c) a church or other place of religious worship;
- d) a central gateway to the Borough or other landmark, historic building or tourist attraction.

The Council will also consider the following factors when deciding if an application is appropriate:-

- a) cumulative adverse impact of existing sex related activities in the vicinity of the proposed premises;
- b) proximity to areas with the highest levels of crime;
- c) whether the premises has met the relevant planning requirements;
- d) the design of the premises frontage (signage/images etc.).

8. Making an Application

Applicants must state the full address of the premises for which they are making the licence application.

An application for the grant, renewal, transfer or variation must be made in writing by using the Council's standard application form and in accordance with the requirements set out below.

In keeping with the Council's policy on the introduction of e-Government the Council is happy to accept applications and other notices electronically. The address at which the Council will accept applications and notices is:-

- (a) by post/personal service to the Licensing Service, The Council House, PO Box 257, College Road, Doncaster DN1 1RN
- (b) by email to licensing@doncaster.gov.uk;
- (c) on-line (when the facility becomes available)

For all enquiries please contact the Licensing team on 01302 737590

To apply for the grant of a sexual entertainment venue licence an applicant must send to the Council:-

- a) A completed application form;
- b) The fee;
- c) A plan of the premises to which the application relates (to the scale of 1:100) showing all means of ingress and egress to and from the building, layout of the premises showing areas where licensable activities are to take place;
- d) A site plan detailing the location of their premises in relation to the surrounding area and other premises (to the scale of 1:1250);
- e) Drawings showing the front elevation of the premises as existing and as proposed (to the scale of 1:50);

And must also:

- f) Display a notice at or on the premises (see 9 below);
- g) Place a public notice in a local newspaper (see 9 below)
- h) Serve a copy of the application on the Chief Officer of Police at Doncaster Police Station, College Road, Doncaster.

Applications forms are available from www.doncaster.gov.uk/licensing

9. Public Notices

A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council. The notice must be able to be conveniently read from the exterior of the premises.

Large premises must display identical notices every 50 metres along the external perimeter of the premises abutting the highway.

The full regulations regarding the size, content and font to be used on public notices can be obtained from the Licensing Service.

A notice must also be placed in a local newspaper circulating in the area where the premises are situated within 7 days of serving the application on the Council (Example the Doncaster Star or Doncaster Free Press)

A copy of the newspaper containing the advertisement must be sent to the Licensing Authority as soon as is reasonably practicable.

10. Fees

Application fees will be set annually by the Licensing Authority and will only recover the reasonable cost of the licensing service in administering and enforcing this licensing system.

The fees in respect of Sexual Entertainment Venues have been set as follows:-

New Application	£8864
Renewal	£8864
Transfer	£200
Variation	£8864

11. Advice & Guidance

The council will seek to liaise with applicants and/or mediate between applicants and others who make objections, to achieve a satisfactory outcome for all involved, where possible and resources permit.

Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing service and those from who they think objections are likely prior to submitting their application.

12. Grant of a Licence

The Council may grant to any applicant a licence for the use of a premises as a sexual entertainment venue on such terms and conditions as specified by the Council.

A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

13. Variation of a Licence

The holder of a sexual entertainment venue licence may apply at anytime to vary the terms, conditions or restrictions of that licence.

The process to apply for a variation is the same as that for applying for an initial grant except a plan of the premises would not be required if changes are not being made to the structure or layout of the premises.

Application forms are available from www.doncaster.gov.uk/licensing

14. Renewal of a Licence

The holder of a sexual entertainment venue licence may apply for renewal of the licence.

In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

Application forms are available from www.doncaster.gov.uk/licensing

15. Transfer of a licence

A person(s) may apply for the transfer of a licence at any time.

The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that the applicant does not have to submit any plans of the premises.

Application forms are available from www.doncaster.gov.uk/licensing

16. Objections

An objection to an application can be made by any person but it must be relevant to the grounds set out set out in Appendix "B" of this Policy.

Objections that are not based on these grounds cannot be considered by the Licensing Authority.

Objections should not be based on moral grounds or values.

An objection must be made in writing (including electronic mail) stating the general terms of the objection.

Objections may only be made within the period of 28 days following the date on which the application was made to the Council.

17. Determining Applications

When determining an application the Licensing Committee will have regard to;

- (a) the application;
- (b) any objections received;
- (c) the Local Government (Miscellaneous Provisions) act 1982;
- (d) this statement of Licensing Policy;
- (e) any other associated regulations; and
- (f) any comments/representations/evidence given at the Licensing Committee hearing.

This does not undermine the right of any person to apply for a licence and have the application considered on its own individual merits. Nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.

18. Conditions

The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to a licence should be necessary and proportionate and tailored to the individual premises.

The Licensing Authority is permitted under the 1982 Act to make regulations prescribing standard conditions.

The standard conditions that may be attached on an individual basis are attached at Appendix "C". This is not an exhaustive list of conditions and the Licensing Authority reserves the right to grant and/or renew a licence on such terms and conditions and subject to such restrictions as may be so specified.

19. Refusal of an Application

Except where the Council are prohibited from granting, renewing, varying or transferring a licence, the Council will not refuse a licence without first:-

- notifying the applicant or holder of the licence in writing of the reasons;
- giving the applicant or holder of the licence the opportunity of appearing and making representations before the Licensing Committee.

The mandatory grounds for refusal of an application are set out in Appendix "A".

20. Revocation of Licences

The Council may revoke a licence:-

- on any mandatory ground specified in Appendix "A" of this policy; or
- on either of the first two of the discretionary grounds (paragraph (a) and (b) specified in Appendix "B" of this policy).

The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the Licensing Committee.

21. Cancellation of Licences (Surrender)

The licence holder can cancel (surrender) the licence at any time by putting the request in writing to the Licensing Authority.

22. Hearings

Should any objections be received in relation to an application to the grant, renewal, variation or transfer of a licence, applicants will be given the opportunity to appear before the Licensing Committee.

Any hearing will take place within 20 working days of the day after the day which is the deadline for making objections.

Where the Licensing Committee determine to refuse to grant, renew or transfer the licence, they shall give a written statement of the reasons for their decision.

23. Appeals

In the event that an application for the grant, renewal or transfer of a sexual entertainment venue licence is refused, the applicant may appeal to the magistrates' court within 21 days of receiving notification of the decision.

If the application was refused on paragraph (c) or (d) of the discretionary grounds specified in Appendix "B" of this policy, there is no right of appeal.

24. Complaints

The Licensing Authority does understand the difficulty for some residents to follow up issues with particular premises due to concerns for their safety. In these circumstances please contact either the Licensing Section, elected councillors or your local Area Team, who may assist you in these matters.

The Licensing Authority and the Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. The Licensing Authority will continue to investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to the authorisations are complied with and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises in the Borough.

Therefore the Licensing Authority will investigate general complaints regarding premises. This will allow us to give an early warning to licence holders of any concerns about problems identified at their premises and the need for improvement.

25. Enforcement

The Licensing Authority will work very closely with South Yorkshire Police relating to the enforcement. The Licensing Authority will have particular regard to the Statutory Code of Practice for Regulators; and the following principles:-

- The targeting of high risk premises or activities which require greater attention;
- Consistency of approach;
- Transparency; and
- Proportionality.

The Licensing Authority also works very closely with the Planning Service. The Licensing Authority will operate a light touch inspection regime for well managed and well maintained premises.

DATA SHARING

Subject to the provisions of the Data Protection Act 1998, the Council and Police will share information about licensees, licensed premises and activities associated with them. Such information sharing is permitted under Section 185 of the Act. Further open access to data will be given to those Police Officers and Licensing Authority Officers discharging their functions under this Act.

26. Planning Permission

Applicants must ensure that they have the appropriate planning permission in place to operate their business. The Licensing Authority will check with the Planning Service before granting a licence. A licence will not be granted until all the relevant permissions are in place from the Planning Service.

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority". However, the Licensing Authority recognises the need for the two services to work in partnership.

Therefore, the Licensing Authority expects that applicants for a premises licence and/or variations under this legislation will have already obtained any necessary planning consent.

This helps to avoid unnecessary confusion within the local community. The granting, or variation of a licence will not override any requirement of the planning system or vice-versa.

Applicants should make themselves aware of the relevant planning policies. The Council's Unitary Development Plan (UDP), adopted in July 1998 and in future the Doncaster Local Development Framework which is published and available on the Council Web site, contains planning policies which control the location and activities of entertainment uses to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the Borough.

Applicants for licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

27. Review

This policy will be reviewed in 2014.

28. Useful Information and Contact Details

Licensing Service

Licensing Service
PO Box 257
The Council House
College Road
Doncaster
DN1 1RN

Tel: 01302 737590

Fax: 01302 737323

Or e-mail us at: licensing@doncaster.gov.uk

Or visit our website: www.doncaster.gov.uk/licensing

Or visit our reception service in the Council House where you can come and discuss your query with one of our Licensing Officers. The Licensing General Section is open Monday – Friday 8:30am to 5:

Customs & Excise

Confidential Helpline

0800 595000

RESPONSIBLE AUTHORITIES

South Yorkshire Police

Doncaster Liquor Licensing Department
South Yorkshire Police
College Road
Doncaster

Telephone: 0114 220 2020

South Yorkshire Fire and Rescue

South Yorkshire Fire and Rescue Authority
Doncaster District Community Safety Office
Leicester Avenue
Doncaster
DN2 6AZ

Telephone: 0114 253 2802

Development Services

Head of Planning Service
Doncaster Council
Colonnades House
Duke Street
Doncaster.

Telephone: 01302 735015

Environmental Health - (Public Health and Health & Safety)

Doncaster Council
PO Box 257
The Council House
College Road
Doncaster
DN1 1RN

Telephone: 01302 737539

E-mail: nuisance.team@doncaster.gov.uk and
health&safety@doncaster.gov.uk

Doncaster Safeguarding Children Board

Safeguarding Support Officer
Doncaster Safeguarding Children Board
Sovereign House
Heavens Walk
Doncaster
DN4 5DJ

Telephone: 01302 566791

Email: Deborah.Gore@doncasterpct.nhs.uk

Doncaster Trading Standards

Doncaster Council
PO Box 257
The Council House
College Road
Doncaster
DN1 1RN

Telephone: 01302 737539

Email: trading.standards@doncaster.gov.uk

In relation to a vessel:

The Navigation Authority

Association of Inland Navigation Authorities (AINA)

Fearns Wharf
Neptune Street
LEEDS LS9 8PB

Telephone: 0113 243 3125

Email: info@aina.org.uk

The British Waterways Board

British Waterways North East
Fearn's Wharf
Neptune Street
LEEDS LS9 8PB Telephone: 0113 281 6800

Email: enquiries.northeast@britishwaterways.co.uk

Local Ward Councillors

Details of your local ward councillor can be found at the attached link or by telephoning.

www.doncaster.gov.uk/db/chamber/default.asp?NavMemblast

Tel: 01302 736710

Appendix "A"

Mandatory Grounds for Refusing a Licence

Notwithstanding the other factors mentioned within this Policy the Council would not be able to consider granting a licence in the following circumstances:-

- (a) To a person under the age of 18;
- (b) To a person who is for the time being disqualified due to the person having had a previous licence revoked by Doncaster Council in the last twelve months;
- (c) To a person, other than a corporate body, 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;
- (d) To a body corporate that is not incorporated in an EEA State;
- (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, unless the refusal has been reversed on appeal.

Appendix B

Discretionary Grounds for Refusing a Licence

The Council may not consider granting a licence in the following circumstances:-

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

Nil may be an appropriate number for the purposes of (d) above.

Appendix "C"

Sexual Entertainment Venues

DRAFT Standard Conditions

General Conditions

1. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed on all tables, in the bar area, and at other appropriate locations within the club.
2. None of the performers nor any entertainment provided will be visible from the street and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.
3. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere on public view, any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
4. The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:
 - (i) by means of personal solicitation in the locality of the licensed premises;
 - (ii) by means of leafleting in the locality;
 - (iii) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.
5. 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.
6. Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.
7. No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.
8. No charge shall be made to the customer for any drink provided for a hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

The Premises

1. Colour CCTV will be provided and maintained throughout the premises, the positioning of such cameras will be in liaison with the Police Licensing Officer and Crime Prevention Department and in conjunction with the minimum specification of the South Yorkshire Police.
2. CCTV recorded material should be kept secure and disclosure to authorised persons only.
3. No CCTV footage is to be copied, given away or sold (except as required by Council / Police for investigation / enforcement purposes).
4. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performance take place.
5. Notices will be displayed informing customers of the presence of CCTV.
6. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers only whilst the performers are on the premises. This room shall be marked on the plans.
7. The licence holder or his nominated deputy (who is authorised in writing), or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.

Management Standards

1. Suitable and sufficient training must be provided to all management and staff, including the licensee. The training must be recorded and these records are to be made available upon request to both the authorised officers of the Council and Police.
2. The licensee shall not employ any person less than 18 years of age in the business or establishment.
3. No dancer may perform at the premises until such time as photographic proof of identity showing date of birth is provided, confirming that the dancer is over the age of 18 years.
4. A record of the performer's name, address, national insurance number, photograph and date of birth will be retained. Such details are to be checked and verified by the venue Premises Licence Holder or Designated Premises Supervisor against other forms of identity. Performers' details as outlined above, are then to be retained at the premises for at least 12 months from the date of their last performance and made available to both and authorised officers of the Council and Police Officers

5. A 'Signing-In' Register shall be kept at the premises that records the date and the time that the performer starts and finishes at the premises. This shall be made available for immediate inspection by authorised officers of the Council (who will provide identification) or a Police Officer.
6. The Premises Licence Holder and / or the Designated Premises Supervisor shall, where available, be members of a local Pub Watch or similar scheme and maintain registration, annual membership and attendance at appropriate meetings.
7. When the premises are open for licensable activity no person under the age of 18 shall be permitted to be on the premises. The licensee shall operate a Challenge 21 Policy and a notice to this effect shall be displayed on the premises in an appropriate position.
8. The premises licence holder must maintain an incident log and a refusals log of persons under the age of 18 who were not allowed on the premises and make such logs available to any authorised officer of the Council or Police Officer on request.
9. A code of conduct for dancers, approved in writing by the Council, shall be produced by the licensee together with a disciplinary procedure for breaches of the code which shall be implemented. The code of conduct for dancers shall prohibit activities that might be thought to lead to prostitution or other unlawful activities. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council.

The Protection of Performers / Prevention of Crime and Disorder

1. Prior to performers carrying out any activity on the premises, they shall be briefed verbally, or in writing, by the licence holder or his nominated deputy (authorised in writing) as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign that they have been briefed.
2. During any performance there must be no physical contact between the performer and any member of the viewing public, except for the placing of money / tokens in a garter worn by a performer or into the performer's hand at the beginning or end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. A brief handshake at the beginning or end of a performance is permitted.
3. A minimum one metre separation should be maintained between performers and customers during all performances.
4. Customers will remain seated whilst watching a performance.
5. No performance shall include any sexual act with objects.

6. No performance shall show performers touching their own sexual organs.
7. Performances of pole / table / lap dancing shall be undertaken only by the performers / entertainers and the audience shall not be permitted to participate.
8. The audience must at all times remain fully-clothed.
9. At the completion of the dance the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any public area in a state of undress.
10. Performers are not to solicit, exchange addresses or telephone numbers with customers, or liaise with customers of the premises.

Safety and Security

1. The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.
2. Sexual entertainment may only take place in 'designated areas' that are marked on the plan of the premises.
3. When performers leave the premises they are to be escorted to their cars or taxi by a member of staff.
4. The licensee is to implement a policy to ensure the safety of the performers when they leave the premises after a period of work.
5. The licensee or a nominated manager (in writing) shall be present on the premises at all times whilst the entertainment is taking place.