

Rotherham MBC
SEX ESTABLISHMENT LICENSING POLICY
June 2019

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1. Introduction

- 1.1. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, provides for local authorities to adopt a policy and standard conditions relating to the regulation of:
 - sexual entertainment venues
 - sex shops
 - sex cinemas
- 1.2. Rotherham Borough Council (the Council) adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 22nd May 2019, with effect from 1st July 2019.
- 1.3. This policy sets out the Councils approach to the regulation of the premises detailed in paragraph 1.1 above under the provisions of the 1982 Act.
- 1.4. This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003.
- 1.5. A review of this policy will commence one year after its introduction. It will be then be reviewed on a three yearly basis.
- 1.6. Interpretations can be found at Appendix A.

2. Purpose and Scope

- 2.1. This policy is concerned with the regulation of sex establishments as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act), namely
- sexual entertainment venues;
 - sex shops; and
 - sex cinemas
- 2.2. The full legal definition of a sexual entertainment venue, sex cinema and sex shop can be found within sections 2, 2A, 3 and 4 of the Act.
- 2.3. The aim of this policy is to ensure that sex establishments operate within the authority area in a safe, fair and discreet manner, and do not negatively affect residents, visitors to the area or the character, or economic development of the Borough. The policy is written taking into account the principles laid out within Rotherham's Children and Young People's Plan (2016 to 2019), the Rotherham Safeguarding Adults Board Strategy (2016 to 2019) and the Safer Rother Partnership Plan (2018-21).
- 2.4. The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of an applicant in respect of a licence and those who object to such applications. The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and Members of the Licensing Committee when making a determination on an application.
- 2.5. The Policy also identifies the relevant localities where sex establishments would not be considered appropriate, and the number of sex establishments that the Council considers appropriate in a particular locality. The Policy also sets standard conditions to address advertising and the external appearance of premises, crime and disorder safeguards, and staff welfare issues.
- 2.6. While each application will be dealt with on its own merits, this policy gives prospective applicants an early indication as to whether their application is likely to be granted or not and creates a presumption that any application for a sex establishment outside of the town centre area and any application for a sex entertainment venue in the town centre area will normally be refused. It also provides prospective applicants with details of what is expected of them should an application be made.
- 2.7. The Council will impose conditions where necessary to promote responsible licensed activity and will use effective enforcement to address premises where there are problems, in partnership with key agencies and bodies such as:
- South Yorkshire Police
 - South Yorkshire Fire & Rescue Service
 - Safer Rotherham Partnership

2.8. The Council will keep the policy under constant review and make such revisions it considers appropriate, in the light of new or amended legislation.

3. Public Consultation

3.1. The Council undertook full public consultation about the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, and proposals for a Sex Establishments Licensing Policy between 19th December 2018 and 20th February 2019. The consultation involved (amongst others) the general public, statutory authorities, the users and managers of those sensitive locations identified, religious groups, community and voluntary groups, residents living near to premises, workers within the industry and their representatives, as well as industry representatives.

3.2. 422 responses were received in total. Two-thirds (68%) of respondents were residents of the Borough (289 respondents), with the remainder being: individuals living outside of the Borough (86 respondents), business owners (15 respondents), workers in the industry (7 respondents), Religious organisations (8 respondents), Charitable groups (7 respondents), and Women's groups (16 respondents).

3.3. The consultation asked residents about the adoption of a Sex Establishments Policy, and about the localities where it would not be appropriate for each type of such establishments to be located. The following results reference the percentage of the people that responded to the question. The highest figure is highlighted. Where there are two higher results within a percentage point, both are highlighted. Please note all percentages are rounded up.

Adoption of a Sex Establishments Policy

	All Respondents		Rotherham Residents	
	Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
The Council should adopt a specific policy to regulate and licence sex establishments	77%	17%	75%	19%

3.4. 77% of respondents agreed or strongly agreed that the Council should adopt a policy to regulate and licence Sex Establishments. 75% of residents of the Borough agreed or strongly agreed. Whilst 53% of businesses agreed that a policy should be adopted 30% disagreed or strongly disagreed. Of those working in the industry 43% agreed or strongly agreed, and 29% disagreed or strongly disagreed.

Sexual Entertainment Venues – Appropriate Localities

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a lap dancing, pole dancing or similar club in:	A residential area	75%	19%	71%	23%
	A rural area, including for example where an industrial unit may already be located	58%	28%	47%	35%
	Rotherham town centre	66%	28%	59%	34%
	Built up areas like other town and village centres in the borough	69%	24%	64%	28%
	An industrial area	55%	29%	44%	36%
It would not be acceptable to have a lap dancing club in any locality in Rotherham		62%	32%	54%	38%

- 3.5. A clear majority of respondents agreed or strongly agreed that it would not be acceptable to locate a sexual entertainment venue in any of the types of locality described. This ranged from 75% of respondents agreeing or strongly agreeing that a residential area would not be appropriate, to 55% of respondents agreeing or strongly agreeing that an industrial area would not be appropriate. There was some variation in terms of particular respondents, e.g. workers in the industry responded broadly disagreed that any of the areas would be inappropriate for a sexual entertainment venue, whereas religious organisations, charitable and women's groups strongly agreed that sexual entertainment venues should not be located in any of the identified areas.
- 3.6. A majority of respondents (62%) and of residents (54%) agreed or strongly agreed that it would not be acceptable to have a lap dancing club in any locality in Rotherham.

Sexual Entertainment Venues – Sensitive Locations

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a lap dancing, pole dancing or similar club near to:	People's homes	84%	10%	82%	12%
	Premises used by charities	74%	14%	70%	16%
	Office and other workplaces	69%	18%	61%	22%
	Places of worship	78%	14%	73%	17%
	Parks and play areas	86%	9%	84%	11%
	Family leisure facilities such as cinemas, theatres and concert halls	81%	13%	78%	15%
	Women's refuge facilities	80%	11%	77%	13%
	Youth facilities	83%	9%	81%	11%
	Places used for celebration or commemoration	75%	13%	71%	15%
	Schools and other education establishments	85%	8%	83%	10%
	Cultural leisure facilities such as libraries and museums	75%	15%	70%	18%
	Historic buildings	67%	19%	60%	23%
	Civic and other public buildings	70%	20%	63%	23%
Retail shopping areas	72%	17%	67%	19%	

3.7. The majority of respondents agreed or strongly disagreed that sexual entertainment venues should not be located near to any of the identified sensitive locations. This ranged from over 85% of respondents agreeing or strongly agreeing that sexual entertainment venues should not be located near to Parks or Play areas, or schools, to 67% agreeing or strongly agreeing that they should not be located close to historic buildings. These results are mirrored in those of residents. Whilst a lower proportion of businesses agreed or

strongly agreed, the majority agreed or strongly agreed that it would not be appropriate for sexual entertainment venues to be located near to any sensitive locations, other than near to religious establishments (where 47% agreed or strongly agreed, and 20% disagreed or strongly disagreed).

Sex Cinemas – Appropriate Localities

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a sex cinema in:	A residential area	86%	9%	83%	12%
	A rural area, including for example where an industrial unit may already be located	64%	23%	55%	30%
	Rotherham town centre	69%	22%	62%	25%
	Built up areas like other town and village centres in the borough	78%	15%	75%	17%
	An industrial area	60%	25%	50%	32%
It would not be acceptable to locate a sex cinema anywhere in Rotherham		66%	27%	57%	33%

- 3.8. The majority of respondents in all categories, aside from workers in the industry, agreed or strongly agreed that Sex Cinemas should not be located in any of the localities described. 66% of respondents agreed or strongly agreed that it would not be appropriate to locate a Sex Cinema in any locality in Rotherham.

Sex Cinemas – Sensitive Locations

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a sex cinema near to:	People's homes	84%	9%	82%	12%
	Premises used by charities	76%	13%	72%	16%
	Office and other workplaces	71%	17%	65%	20%
	Places of worship	78%	13%	73%	15%
	Parks and play areas	88%	7%	86%	9%
	Family leisure facilities such as cinemas, theatres and concert halls	81%	12%	78%	15%
	Women's refuge facilities	80%	11%	76%	13%
	Youth facilities	85%	8%	83%	11%
	Places used for celebration or commemoration	75%	12%	72%	14%
	Schools and other education establishments	86%	8%	85%	10%
	Cultural leisure facilities such as libraries and museums	75%	14%	71%	17%
	Historic buildings	69%	16%	62%	19%
	Civic and other public buildings	70%	17%	64%	20%
Retail shopping areas	74%	16%	70%	19%	

3.9. The results of the consultation around sensitive locations for sex cinemas broadly mirrored those of sexual entertainment venues.

Sex Shops – Appropriate Localities

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a sex shop in:	A residential area	83%	10%	80%	12%
	A rural area, including for example where an industrial unit may already be located	58%	26%	49%	32%
	Rotherham town centre	64%	24%	57%	29%
	Built up areas like other town and village centres in the borough	71%	18%	65%	20%
	An industrial area	51%	30%	39%	37%
It would not be acceptable to locate a sex shop anywhere in Rotherham		55%	32%	46%	39%

3.10. All respondents agreed or strongly agreed that it would not be appropriate to locate a sex shop in a residential area, or a town or village centre. However, responses in terms of industrial areas were less equivocal, with 51% of respondents agreeing or strongly agreeing, and 39% of residents agreeing or strongly agreeing.

3.11. 55% of respondents and 46% of residents agreed or strongly agreed that sex shops should not be located anywhere in Rotherham.

Sex Shops – Sensitive Locations

		All Respondents		Rotherham Residents	
		Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
It would not be acceptable to locate a sex shop near to:	People's homes	82%	10%	79%	11%
	Premises used by charities	72%	16%	67%	19%
	Office and other workplaces	66%	20%	58%	24%
	Places of worship	75%	14%	71%	16%
	Parks and play areas	85%	9%	82%	10%
	Family leisure facilities such as cinemas, theatres and concert halls	79%	12%	76%	14%
	Women's refuge facilities	77%	12%	73%	15%
	Youth facilities	83%	9%	80%	11%
	Places used for celebration or commemoration	74%	14%	70%	16%
	Schools and other education establishments	86%	8%	84%	10%
	Cultural leisure facilities such as libraries and museums	73%	15%	67%	18%
	Historic buildings	66%	18%	58%	22%
	Civic and other public buildings	67%	19%	60%	22%
Retail shopping areas	68%	19%	61%	23%	

3.12. When asked about sensitive locations, responses were remarkably similar to those for sexual entertainment venues and sex cinemas. The majority of respondents (and the subset of residents) agreed or strongly agreed that sex shops should not be located near to any of the sensitive locations identified.

Workers' Rights

	All Respondents		Rotherham Residents	
	Agree or Strongly Agree	Disagree or Strongly Disagree	Agree or Strongly Agree	Disagree or Strongly Disagree
The Council should set conditions that protect the health and welfare of workers within the sexual entertainment venue industry	84%	9%	82%	10%

3.13. There was strong support across all respondents that the Council should set conditions that protect the health and welfare of workers within sexual entertainment venues.

3.14. A full analysis of the consultation results is available on request.

4. General Principles

4.1. In determining licensing applications the Council will treat each application on an individual basis, on its own merits, taking into account this policy, the guidance issued by the Home Office and the Act.

4.2. A decision to refuse the licence application will not be made on moral grounds or that the establishment may cause offence.

Mandatory grounds for the refusal of an application

4.3. Mandatory grounds for the refusal of an application for a sex establishment are that the applicant:

- is under the age of 18;
- is for the time being disqualified from holding a sex establishment licence;
- 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;
- is a body corporate which is not incorporated in an EEA state;
- 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 for the refusal of an application

4.4. Discretionary ground for the refusal of an application for a sex establishment are that:

- the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- 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;
- the number of sex establishments, or sex establishment 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 consider is appropriate for that locality. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.
- granting of a licence would be inappropriate, having regard:
 - to the character of the relevant locality;
 - to the use to which any premises in the vicinity are put;
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Suitability of applicant

4.5. When considering the suitability of the applicant to hold a licence the Council will take into account such matters as it considers to be relevant including but not limited to whether the applicant:

- is honest;
- is qualified by experience to run the type of sex establishment in question;
- has a clear understanding of the conditions that may be attached to the licence;
- has no unspent conviction of a nature that deem him/her unsuitable, for example (but not limited to) theft, drug offences, sexual offences, violent offences, or prostitution;
- a management structure is in place which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of dancer / performers / workers;
- will act in the best interests of dancer / performers / workers, e.g. the facilities they enjoy, how they are protected and how and by who their physical and psychological welfare is monitored;
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.

4.6. The Council will require the applicant to identify the proposed manager or beneficiary of the business (along with any changes in the manager or beneficiary once the licence is issued). In considering the suitability of these persons the Council will apply the principles at 4.5 of this policy.

Appropriate numbers and localities

4.7. There is provision within the Act which enables the Council to impose a numerical control on the number of sex establishments in a particular locality. The control applies not only to the number of sex establishments overall, but also to the number of each kind of premises.

4.8. The Council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. Nil may be an “appropriate number” where the character of the area is considered to be unsuitable for the siting of a sex establishment.

4.9. The Council has taken account of its own corporate strategies and priorities as represented by Rotherham’s Council Plan, Children and Young People’s Plan, the Rotherham Safeguarding Adults Board Strategy and the Safer Rother Partnership Plan, of the legal context, and public consultation in determining its policy in this regard.

Sexual Entertainment Venues

4.10. It is the Council’s belief that Sexual Entertainment Venues are not in-keeping with a culturally rich and diverse Borough. In particular Sexual Entertainment Venues tend not to be inclusive, appeal only to a narrow sector of the community and are unlikely to enhance the cultural or child friendly reputation of the Borough.

4.11. The council has had due regard to the need to advance equality of opportunity between men and women, under its Public Sector Equality Duty. It considers that the presence of Sexual Entertainment Venues in any locality of Rotherham will not advance the equality of opportunity of women workers or residents. The council therefore believes that, on balance, in gender equality terms, its policy is both supportable and correct.

4.12. The consultation showed that a majority of all respondents and of Rotherham residents considered that Sexual Entertainment Venues would not be appropriate in:

- A residential area;
- A rural area, including for example where an industrial unit may already be located;
- Rotherham town centre;
- Built up areas like other town and village centres in the borough.

4.13. A majority of all respondents (55%) considered that Sexual Entertainment Venues would not be appropriate in an industrial area, with 46% of Rotherham residents agreeing or strongly agreeing. 36% of residents disagreed or strongly disagreed that industrial areas would not be appropriate locations for Sexual Entertainment Venues.

4.14. However, a significant majority of respondents (62%) agreed or strongly agreed that it would not be acceptable to have a lap dancing club in any locality in Rotherham. The Council's Policy is therefore that there is a presumption against licensing sexual entertainment venues in any of these types of areas.

4.15. In addition the consultation revealed that a significant majority of all respondents and Rotherham residents consider that Sexual Entertainment Venues are inappropriate in the vicinity of:

- People's homes,
- Premises used by charities,
- Offices and other workplaces,
- Places of worship,
- Parks and play areas,
- Family leisure facilities such as cinemas, theatres and concert halls,
- Women's refuge facilities,
- Youth facilities,
- Places used for celebration or commemoration,
- Schools and other education establishments,
- Cultural leisure facilities such as libraries and museums,
- Historic buildings,
- Civic and other public buildings, or
- Retail shopping areas.

4.16. The Council's Policy is therefore that there is a presumption against licensing Sexual Entertainment Venues in proximity to any of these sensitive locations.

4.17. In considering each of its Ward areas the Council has considered if there are any localities which would fall outside of the areas and locations described in 4.12, 4.13 and 4.15 above. Whilst the Council would still be required to consider applications when they arise, on the basis of this assessment, it is therefore the Council's Policy that there is no locality in the Borough where it would be appropriate for Sex Entertainment Venues to be located. Accordingly the appropriate number of Sexual Entertainment Venues in each Ward of the Borough is nil.

Sex Cinemas

4.18. The consultation showed that a majority of all respondents and Rotherham residents considered that Sex Cinemas would not be appropriate in:

- A residential area;
- A rural area, including for example where an industrial unit may already be located;
- Rotherham town centre;
- Built up areas like other town and village centres in the borough;
- An industrial area.

4.19. A majority of respondents (66%) and of Rotherham residents (57%) agreed or strongly agreed that it would not be acceptable to have a Sex Cinema in any locality in Rotherham. The Council's Policy is therefore that there is a presumption against licensing Sex Cinemas in any of these types of areas.

4.20. In addition the consultation revealed that a significant majority of respondents and Rotherham residents consider that Sex Cinemas are inappropriate in the vicinity of:

- People's homes,
- Premises used by charities,
- Offices and other workplaces,
- Places of worship,
- Parks and play areas,
- Family leisure facilities such as cinemas, theatres and concert halls,
- Women's refuge facilities,
- Youth facilities,
- Places used for celebration or commemoration,
- Schools and other education establishments,
- Cultural leisure facilities such as libraries and museums,
- Historic buildings,
- Civic and other public buildings, or
- Retail shopping areas.

4.21. The Council's Policy is therefore that there is a presumption against licensing Sex Cinemas in proximity to any of these sensitive locations.

4.22. In considering each of its Wards the Council has considered if there are any localities which would fall outside of the areas and locations described in 4.18 and 4.20 above. Whilst the Council would still be required to consider applications when they arise, on the basis of this assessment, it is therefore the Council's Policy that there is no locality in the Borough where it would be appropriate for a Sex Cinema to be located. Accordingly the appropriate number of Sex Cinemas in each Ward of the Borough is nil.

Sex Shops

4.23. The consultation showed that a majority of respondents and Rotherham residents considered that Sex Shops would not be appropriate in:

- A residential area;
- A rural area, including for example where an industrial unit may already be located;
- Rotherham town centre;
- Built up areas like other town and village centres in the borough.

4.24. Whilst a majority of all respondents (51%) considered that Sex Shops would not be appropriate in an industrial area, only 39% of Rotherham residents agreed or strongly agreed. Almost the same proportion (37%) of residents disagreed or strongly disagreed that industrial areas would not be appropriate locations for Sex Shops. There is not therefore clear support for a presumption against Sex Shops in Industrial Areas.

4.25. A majority of all respondents (55%) agreed or strongly agreed that it would not be acceptable to have a Sex Shop in any locality in Rotherham, but a minority of Rotherham residents (46%) agreed or strongly agreed that it would not be acceptable to have a Sex Shop in any locality in Rotherham. Again, there is therefore not clear support for a presumption against Sex Shops in any part of Rotherham.

4.26. Given this, the Council's Policy is therefore that there is a presumption against licensing Sex Shops in any of these types of areas, aside from Industrial Areas.

4.27. In addition the consultation revealed that a majority of residents in Rotherham consider that Sex Shops are inappropriate in the vicinity of:

- People's homes,
- Premises used by charities,
- Offices and other workplaces,
- Places of worship,
- Parks and play areas,
- Family leisure facilities such as cinemas, theatres and concert halls,
- Women's refuge facilities,
- Youth facilities,
- Places used for celebration or commemoration,
- Schools and other education establishments,
- Cultural leisure facilities such as libraries and museums,
- Historic buildings,

- Civic and other public buildings, or
- Retail shopping areas.

4.28. The Council's Policy is therefore that there is a presumption against licensing Sex Shops in proximity to any of these sensitive locations.

4.29. The council has not determined a limit on numbers in each locality in relation to Sex Shops. These applications will be dealt with on a case by case basis, on the basis of the above criteria.

Links to other Legislation

4.30. The Council will consider and have regards to the following legislation when applications are determined:

a) Crime and Disorder Act 1998

The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including ant-social and other behaviour adversely affecting the local environment;
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable can to prevent them.

b) Equality Act 2010

Under the Equality Act 2010, people are not allowed to discriminate, harass or victimise anyone because of the following 'protected characteristics':

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief
- Sex
- Sexual orientation

The Equality Act includes a Public Sector Equality Duty. This says we must show 'due regard' to:

- eliminating discrimination, harassment and victimisation advancing equality of opportunity;
- fostering good relations between people who share a protected characteristic;
- fostering good relations between people who have a protected characteristic and those who don't.

The council is aware that sex establishments tend to be predominantly marketed to men

and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.

Due regard will therefore be given to the determination of licences and the attaching of conditions to ensure the Council delivers on the Public Sector Equality Duty.

c) Human Rights Act 1998

The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- Article 6 that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Article 8 that everyone has the right to respect for his home and private life.
- Article 10 that everyone has the right to freedom of expression.
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

d) The Provision of Services Regulations 2009

The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- non-discriminatory in regard to nationality,
- necessary for reasons of public policy, public security, public health or the protection of the environment, and
- proportionate with regard to the objective pursued by the legislation.

The council will consider these three issues in relation to the refusal of licence applications.

e) Any other relevant current or future legislation.

Planning

4.31. The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

4.32. In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights.

4.33. In addition, all new developments and premises which have been subject to works that require an application covered by Building Regulations should have building control approval in the form of a Building Regulations Completion Certificate. The onuses will be on the applicant to demonstrate that any such works have been approved by a building control body.

4.34. Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Advertising

4.35. As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the Council (see Appendix B - Standard Conditions). Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact the Licensing Section for further information on how to submit changes to advertising material and external appearance.

Staff Training

4.36. The Council requires that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.

4.37. Licensed premises will be required to document training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

Prohibition on the practice of fining

4.38. The Council is aware that in some sexual entertainment venues it is the usual practice of some businesses to fine dancer / performers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly the Council is aware that in a majority of cases of fining that have been noted in premises the (predominantly male) management fine female dancer / performers; however they do not fine bar staff or door staff.

4.39. Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

Whistleblowing Policy

4.40. The Council is aware of the potential for workers within sexual entertainment venues to lack the confidence to report any breaches of licensing conditions or other issues to management or the Licensing Authority.

4.41. Therefore a standard condition has been imposed requiring a code of conduct to be in

place that clearly sets out the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a 'whistleblowing policy').

Exemptions

4.42. Under the Act there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- 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.

4.43. This exemption does not apply to sex shops or sex cinemas.

5. Application procedure

5.1. Applications must be made to the Council in the form prescribed, which is available from the Licensing Section.

5.2. The applicants / operators suitability will be checked before a licence is granted. The suitability of the applicant/operator is important to ensure that the interests of the public are protected. The Council will use the methods detailed below to ensure that the proposed licence holder and operator:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions
- has no unspent convictions of a nature that deem him/her unsuitable, for example (but not limited to) theft, drug offences, sexual offences, violent offences, or prostitution

5.3. Applicant / operator suitability checks may be achieved by the following means:

- application form
- criminal record check
- personal interview
- information and/or intelligence relating to any previous licenses held
- accreditation

5.4. On receipt of the application it will be sent to South Yorkshire Police who may conduct a check. Applicants/operators will be asked, as a minimum, to provide basic Disclosure and Barring Service checks, to support their application. This may be supplemented by attendance at an interview if deemed appropriate.

- 5.5. Applications for sexual entertainment venue or sex establishment licences will also show that there are clear policies and codes of conduct in place, to protect staff and the interests of customers, in relation to a:
- workers' welfare policy including clear guidance as to the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a 'whistleblowing policy').
 - code of conduct for workers on the premises.
 - code of conduct for customers.
 - pricing policy.
- 5.6. These criteria will be taken into account when the Council determine the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a licence, providing the applicant is able to prove to the Council that the interest of the public is protected.
- 5.7. Checks/enquiries may also be made with regard to the operator's company structure, to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 5.8. These checks/enquiries may be made via South Yorkshire Police, Companies House, personal interview or applicants may be asked to provide business records.

Fees

- 5.9. The fee must be submitted as part of the application. The fee is based on the recovery of costs incurred by the Council in determining the application.

Plans

- 5.10. The applicant must submit an appropriate number of plans / diagrams that will allow the identification of:
- the locality of the premises and the proximity of any sensitive premises,
 - the external footprint of the premises,
 - the internal layout of the premises (to include areas where licensable activity will take place, staff areas, changing rooms, welfare facilities, means of access and egress, etc.)

Notices

- 5.11. It is a legal requirement that the applicant must advertise the application in the following ways:
- publish an advertisement in a local newspaper within 7 days of the application being submitted to the Council
 - display a notice of the application on or near the premises for 21 consecutive days
 - send a copy of the notice of application to the Chief Officer of Police for South

Yorkshire within 7 days of the application being submitted to the Council

5.12. Proof that the applicant has advertised the application fully will be required. The Council recommends as a minimum that the occupiers of any nearby properties are notified of the details of any proposed applications in relation to a premises. All new applications will be publicised on the Council's website.

Objections

5.13. Anyone can object to an application for a sex establishment. Objection should be received by the Council no later than 28 days after the date that the application was received by the Council. Objections can be on any matter but should not be based on moral grounds/values. Appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.

5.14. The Council will notify the applicant in writing of the general terms of any objection it receives within the 28 days of the application. Objectors will, however, remain anonymous and efforts will be made to redact the contents of the objections so the objector's identity remains anonymous. If the objectors wish for their details to be released to the applicant they should make this clear in their objection.

Hearings - decision making process

5.15. It is the Council's practice to provide notice of committees and sub-committee hearings to all interested parties (applicants and objectors) five days before the hearing as laid down in the Local Government Act 1972. This notice will provide the date and time of the hearing, the procedure for the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call. The hearing will take place in public except where the public interest requires otherwise.

5.16. In determining licence applications under the Act the Council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.

5.17. The decision to refuse or revoke a licence can be made by the Licensing Board, sub-committee or Officers. Any decision to refuse or revoke a licence will be accompanied by clear reasons for the decision.

5.18. Where possible a decision will be given verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow further consideration of the case and in such circumstances the decision and reasons will be issued in writing to all parties.

Conditions

5.19. The Council will impose standard conditions on all licences. However, if deemed necessary, the Council may add to, change or replace the standard conditions with

conditions that are relevant to the application. The standard conditions can be found at Appendix B.

- 5.20. Through the standard conditions the Council seeks to ensure that sex establishments are well managed and supervised, restrict sexual entertainment activities and the manner in which they are permitted to be provided, protect performers and workers, protect customers and control the impact that the premises has in relation to the general public and locality.
- 5.21. Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 5.22. Where it is considered appropriate the Council may attach conditions, in addition to the standard conditions, to a licence in the individual circumstances of an application.

Right of appeal

- 5.23. Only the applicant has the right to appeal the Council's decision to the Magistrate's Court and only on limited grounds, within 21 days of written reasons of decision. There is no right to appeal for objectors or statutory authorities. Further information can be found at Section 27 of the Act.

Term of licence

- 5.24. A sex establishment licence shall remain in force for a maximum period of one year. The authority may grant a shorter licence period if it thinks fit. A licence may be brought to an early end by being surrendered or revoked.

Renewal / transfer

- 5.25. The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence.
- 5.26. Applications for the renewal of a licence must be made prior to the date of expiry. The licence is deemed to continue until the application is withdrawn by the applicant or determined by the licensing authority.
- 5.27. The previous conduct / history of an applicant / licence holder (insofar as it relates to licensable activities or the impact thereon) will be taken into consideration when assessing a renewal or transfer application.

Variation

- 5.28. A licence holder can apply to vary the terms, conditions or restrictions of a licence at any time. The 1982 Act does not set out procedural requirements in relation to variations, therefore it has been decided that the variation application process in Rotherham will be the same as the grant application process; with the exception that a plan of the premises

need not be provided (unless the variation relates to structural alterations).

Revocation

- 5.29. The Council may revoke the sex establishment licence if information is received in relation to either the mandatory grounds, detailed at paragraph 4.3, or the first two of the discretionary grounds, details at paragraph 4.4.
- 5.30. Should the Council consider revocation of the licence to be appropriate, the licensee will be given an opportunity to appear before and be heard by the Licensing Board or Sub-Committee.
- 5.31. The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 5.32. The revocation will take effect once the appeal period referred to in section 5.24 above has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

Waiver

- 5.33. Provisions within the Act allow licensing authorities to waive the need for a licence. Should the Council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in border line cases, to correct errors or for minor or temporary events.
- 5.34. The Council would only waive the need for a licence where activity is low risk and/or temporary. However, a waiver will not be considered in the cases where a licence is reasonable and appropriate or where there is public interest.
- 5.35. The application for a waiver uses the same form as an application for a new licence, this should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There is no requirement to advertise the application. There is a fee. Applicants should contact the Licensing Section before making their application.
- 5.36. The decision to waive the need for a licence will be taken at a licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 5.37. Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

Interpretations

Advertisement means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Authorised officer means an officer employed by Rotherham Metropolitan Borough Council and authorised by the Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

The Council means Rotherham Metropolitan Borough Council.

Display of nudity means:

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

Dancer / performer means dancer / performer, entertainment, performer, or other such person employed, or otherwise, to provide relevant entertainment.

Licence means any sex establishment licence that the Council can grant under the Local Government (Miscellaneous Provisions) Act 1982.

Licensee means the holder of a sex establishment licence.

Licensed area means the part of the premises marked on the plan where licensable activities are to take place.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

Relevant entertainment means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Responsible person means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

Sex shop means any premises, vehicle, vessel or stall 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 the connection with, or for the purpose of stimulating or encouraging sexual activity.

Sexual entertainment venue means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

Standard conditions will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

Unsolicited (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

Vehicle means a vehicle intended or adapted for use on roads.

Worker means any individual that works on or at the premises whether on a paid or unpaid basis. It includes management, bar staff, security personnel, dancers, performers and any other person that is involved in the operation of the premises during the period when licensable activity is taking place, including those who are self-employed.

Standard Conditions

Sexual Entertainment Venues

General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
3. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
5. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

7. Except with the written consent of the Council, the premises will only open to the public during the following hours:

Monday	21:00 – 00:00	Friday	21:00 – 01:00
Tuesday	21:00 – 00:00	Saturday	21:00 – 01:00
Wednesday	21:00 – 00:00	Sunday	21:00 – 01:00
Thursday	21:00 – 00:00		

Conduct of the premises

8. Relevant entertainment will only be performed by the dancer / performer. There must be no audience participation.
9. Dancer / performers will only perform on the stage area, or in booths / areas for VIPs as identified on the plan attached.
10. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes

kissing.

11. Sex toys must not be used and penetration of the genital area by any means must not take place.
12. Dancer / performers shall re-dress at the conclusion of the performance.
13. Customers will not be permitted to throw money at the dancer / performers.
14. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
15. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.
16. Performers must never be alone in the company of a customer except in an area open to the public within the premises.
17. The licensee is to ensure a sufficient number of staff are employed ('floor supervisors') inside the premises whilst sexual entertainment is provided to supervise the performers and customers.
18. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
19. Performers are never to be in the company of a customer except in an area open to the public within the premises (excluding the toilets).
20. Notices must be clearly displayed on each table, each bar and at the entrance to the premises stating:
 - (1) there is no physical contact between customers and performers;
 - (2) a minimum distance of 300 millimetres must be maintained between performers and customers;
21. Performers must not:
 - (1) climb on furniture provided for patrons
 - (2) simulate sex acts
 - (3) remain in a state of undress once they have completed their act.
22. Performers shall at all times wear a non-transparent G-string or similar piece of clothing on the appropriate part of the body, and at no time will it reveal any part of their genitalia or anus.
23. The licensee must ensure that during the performance of a table dance:
 - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) customers must remain seated during the entire performance of the dance;
 - (3) for the purpose of restraint only, performers may only touch a customer above the customers chest with their hands only;
 - (4) performers must not sit or straddle the customer;
 - (5) performers must not place their feet on the seats.

24. The licensee must ensure that during performances to which this licence relates:
- (1) performers may not perform any act that clearly simulates any sexual act;
 - (2) performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (3) performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - (4) performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breast;
 - (5) performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;
 - (6) performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
25. The licensee must ensure that during performances to which the licence relates:
- (1) customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment;
 - (2) customers must remain appropriately clothed at all times.

External appearance

26. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

<p style="text-align: center;">STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE</p> <p style="text-align: center;">This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
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27. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council in writing before work is undertaken.
28. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
29. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.
30. External signage will only be illuminated, and moveable signs will only be displayed, during times that the premises is open and licensable activities are taking place.

Advertising

31. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain

images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.

32. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
33. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 12.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

34. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
35. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
36. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.
37. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.
38. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the Council.

Management of the premises

39. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.
40. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the Council or the police.

41. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
42. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is charged with, or convicted of, an offence, they must, as soon as practicable after the charge or conviction, inform the Council of the charge or conviction, giving details of the nature and date of the charge or conviction, and any conditions or sentence imposed.
43. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
44. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
45. No person under the age of 18 will be admitted to the premises.
46. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
47. The licence holder will not employ any person under the age of 18 in any capacity.
48. The licensee will comply with all statutory provisions and any regulations made hereunder.
49. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancer / performers. This code must be given to all dancer / performers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.
50. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the Council, such as at bars.
51. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.
52. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.
53. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

Safety and security

54. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
55. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.
56. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with South Yorkshire Police and the Council.
57. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
58. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
59. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
60. The nominated person (“the manager”) must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
61. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
62. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
63. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.
64. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received;
 - d) any incidents of disorder;
 - e) seizures of drugs or offensive weapons;

- f) any faults in the CCTV system or searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service;
 - i) any breach of licence conditions reported by a Performer
65. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
66. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Worker welfare (see Appendix A for interpretation of the term “worker”)

67. Dancer / performers will be aged 18 years or over.
68. Before a dancer / performer is permitted to work on the premises the licensee will ensure that the dancer / performer:
- a) has not been convicted of theft, drug offences, sexual offences, violent offences, or prostitution
 - b) has the right to work in the UK

The licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer / performer.

69. All premises that provide relevant entertainment will provide dancer / performers with copies of the following documents:
- a) A copy of the conditions attached to the Sex Establishment Licence;
 - b) Details of any other conditions applied by management of the premises;
 - c) A copy of the code of practice for dancer / performers;
 - d) A copy of the code of conduct for customers;
 - e) Workers’ welfare policy including clear guidance as to the process for workers to report any concerns anonymously to the manager of the venue, and/or the Licensing Authority (a ‘whistleblowing policy’).
 - f) Price lists for drinks and sexual entertainment.

The licensee must ensure that a record is kept of the provision of these documents, and that the record is signed and dated by the dancer / performer.

70. Dancer / performers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 69 will be displayed in the dressing rooms.
71. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancer / performers. This staff member must be on the premises at all times when licensable activities are taking place.
72. All booths and VIP areas used for private dances must be visible to supervision and must

not have closing doors, or curtains.

73. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
74. Dancer / performers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
75. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
76. The practice of fining is prohibited.
77. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancer / performers must be covered up at all times with knee length robes or coats whilst using the smoking areas.
78. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.
79. If a dancer / performer is invited to have a drink with a customer, the dancer / performer will remain fully clothed during this period. Dancers / performers will not be paid commission on the sale of beverages.
80. On leaving the premises dancers / performers will be escorted to their transport by a SIA registered door supervisor.
81. Individual records shall be kept at the premises of the real names, stage names and addresses of all dancers / performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
82. The licence holder must not for any reason discriminate against current or prospective workers. This will include age, race, physical ability or affiliation with any organisation.

Vessels, vehicles and stalls

83. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
84. The requirements of condition 83 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.

85. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

86. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

87. The licensee may apply to the Council to vary any of the terms of the licence.

88. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

Standard Conditions

Sex Cinemas

General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
2. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

6. Except with the written consent of the Council, the premises will only open to the public during the hours specified in the licence.

Conduct of the premises

7. The premises will be conducted primarily for the purpose of the exhibition of films.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.

External appearance

10. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE
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This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.
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11. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council before work is undertaken.
12. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
13. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

14. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.
15. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

16. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
17. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
18. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.

Management of the premises

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.

25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the Council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the Council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
30. The holder of the licence will keep a record of all workers who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the Council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.
35. The licence holder must notify the Council immediately should there be any changes to the management or operation of the premises.

Safety and security

36. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
37. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways. The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, smoking areas and car parks.

38. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with South Yorkshire Police and the Council.
39. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
40. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
41. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
42. The nominated person (“the manager”) must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
43. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
44. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
45. Regular checks will be carried out in the auditorium(s) when screenings are taking place.
46. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
47. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
48. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Vessels, vehicles and stalls

49. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
50. The requirements of condition 48 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.

51. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

52. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.

53. The licensee may apply to the Council to vary any of the terms of the licence.

54. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

Standard Conditions

Sex Shops

General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the Council.
2. The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the Council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

6. Except with the written consent of the Council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00
Wednesday	09:00 – 20:00	Sunday	12:00 – 20:00
Thursday	09:00 – 20:00		

Conduct of the premises

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

External appearance

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

16. The external appearance of the premises must be approved by the Council in writing. Any change to the external appearance must be approved by the Council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the Council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

Advertising

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature, or be of a detriment to the amenity or character of the local vicinity, and must be approved by the Council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the Council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the Council.

Management of the premises

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the Council within 14 days of such change. Such details as the Council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the Council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the Council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the Council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The Council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
30. The holder of the licence will keep a record of all workers who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).

31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the Council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

Vessels, vehicles and stalls

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

38. The Council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the Council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.