

### **Licensing committee**

**Date:** Thursday, 11 December 2014

**Time:** 16:30

**Venue:** Mancroft room

**City Hall, St Peters Street, Norwich, NR2 1NH**

**Committee members:**

**For further information please contact:**

**Councillors:**

Button (chair)

Ackroyd

Barker

Bogelein

Brociek-Coulton

Gayton

Gihawi

Henderson

Jones

Maxwell

Price

Stammers

Woollard

**Committee officer:** Lucy Green

t: (01603) 212416

e: [lucygreen@norwich.gov.uk](mailto:lucygreen@norwich.gov.uk)

Democratic services

City Hall

Norwich

NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

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## Agenda

### 1 Apologies

To receive apologies for absence

### 2 Public questions/petitions

To receive questions / petitions from the public (notice to be given to committee officer in advance of the meeting in accordance with appendix 1 of the council's constitution)

### 3 Declaration of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### 4 Minutes

5 - 6

**Purpose** - To approve the accuracy of the minutes of the meeting held on 12 June 2014

### 5 Sexual entertainment venue and sex establishment policy

7 - 120

**Purpose** - That members determine a policy against which to consider applications made in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (sex establishment / sexual entertainment venue licences).

### 6 Standing item - Regulatory sub committee minutes

(This item is for information only.)

**Purpose** - to receive the minutes of the Regulatory sub committee meetings held on 14 July 2014, 11 August 2014, 15 September 2014 and 17 November 2014.

<b>Regulatory sub committee minutes 14 July 2014</b>	<b>121 - 126</b>
<b>Regulatory sub committee minutes 11 August 2014</b>	<b>127 - 130</b>
<b>Regulatory sub committee minutes 15 September 2014</b>	<b>131 - 132</b>
<b>Regulatory sub committee minutes 17 November 2014</b>	<b>133 - 136</b>

Date of publication: **Wednesday, 03 December 2014**



### LICENSING COMMITTEE

4.35pm to 6:30pm

12 June 2014

Present: Councillors Button (chair) Ackroyd, Barker, Bogelein, Brociek-Coulton, Gayton, Gihawi, Henderson, Jones, Maxwell, Price, Woollard

Apologies: Councillor Stammers

#### 1. DECLARATIONS OF INTEREST

No declarations of interest were declared.

#### 2. APPOINTMENT OF VICE CHAIR

**RESOLVED** to appoint Councillor Gayton as the vice chair.

#### 3. MINUTES

**RESOLVED** to approve the accuracy of the minutes of the meeting held on 13 March 2014

#### 4. TRAINING AND DEVELOPMENT

Members received induction training on licensing protocols and processes. This consisted of watching an instructional DVD and receiving guidance and advice from NPLaw and the licensing manager.

#### 5. PET SHOP MODEL CONDITIONS

The licensing manager presented the report. He informed members that pet shops were inspected annually and over the last 12 months, had also been assessed against the criteria set out in the model conditions and were found to already meet these.

**RESOLVED** to adopt the revised model conditions and to attach these to all pet shop licences issued under the Pet Animals Act 1951.

## **6. THE LICENSING ACT 2003 (MANDATORY LICENSING CONDITIONS) ORDER 2014**

The licensing manager presented the report. He highlighted the difference between the unit price and individual drink price.

In response to a member's question, the licensing manager said that 'happy hour' promotions were not banned unless they led to irresponsible drinking. This was enforced by the police and if it led to irresponsible behaviour on a regular basis, the premises would be reprimanded and the licence reviewed.

The price of alcohol was enforced by the police, trading standards and the council's enforcement team. He said that Norwich City Council had written to the government in support of having a national minimum price for alcohol and were currently involved in running a 'Reduce the Strength' campaign aimed at younger people of legal drinking age. The Co-Op in East Anglia had removed high strength cheap alcohol from its shelves as part of this campaign.

### **RESOLVED** to:

1. Note the report; and
2. To ask the licensing manager to bring an update of businesses signed up to the 'Reduce the Strength' campaign to the next meeting of the licensing committee.

## **7. STANDING ITEM – REGULATORY SUBCOMMITTEE MINUTES**

**RESOLVED** to receive the minutes of the regulatory subcommittee meetings held on held on 17 March 2014 and 12 May 2014.

CHAIR

**Report to** Licensing committee  
11 December 2014  
**Report of** Head of citywide services  
**Subject** Sexual entertainment venue / sex establishment policy

**Item**

**5**

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### **Purpose**

That members determine a policy against which to consider applications made in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (sex establishment / sexual entertainment venue licences).

### **Recommendation**

That members adopt a sex establishment policy following consideration of the responses received in the public consultation.

### **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function.

### **Financial implications**

Implementation of policy to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Harris – Environment, development and transport

### **Contact officers**

Ian Streeter, licensing manager

01603 212439

### **Background documents**

None

## Background

1. At the meeting of the committee on 13 March 2014, members considered whether to consult on a draft policy in respect of sexual entertainment venues and sex establishments. It was resolved to authorise the head of citywide services to consult on the draft policy.

## Consultation

2. A copy of the draft policy which was the subject of the consultation is attached at appendix A. An online survey was placed on the council's website between 18 August and 26 September and a list of the consultation questions cross referenced to the draft policy is attached at appendix B.
3. Fourteen responses were received and an overview of the consultation is attached at appendix C. The more detailed responses received in respect of questions 4 and 6 are contained in the tables below.

Q4. (See section 7.6 of the draft policy)
Are there any other matters that could be included in the house rules?
Please, no lap dancing clubs and other SEVs at all - they promote a culture of violence against women, and encourage misogyny.
I don't know enough to comment but these are a VERY serious concern with regard to impact they have on our society and so any applications should undergo rigorous & lengthy scrutiny.
Safety of 'performers' Consumption of alcohol by performers Evidence of robust HR and Health and Safety Policies Design of private booths Strength of lighting
Many eg public health and safety protection of minors, women and vulnerable people both within and around such establishments
Please refer to the concerns expressed by Lesley Graham. I endorse all her concerns.
The council may inspect premises without notice.
The council has the right to inspect premises without giving any notice.
Training for All Staff, including temp and self-employed should include negotiating and recording consent, training in conflict management, breakaway techniques, recording and reporting incidents. Staff should have a separate exit, and be escorted on request



Q6. (See section 9.8 of the draft policy)

Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.

Open-Ended Response

Many

I support all the concerns raised by Lesley Graham

### **Appraisal of consultation responses**

4. Attached at appendix D to the report is a table detailing the responses received to the public consultation, an appraisal of those comments and a proposed policy response.
5. Written comments have also been received from operators of premises that currently provide sexual entertainment and from Norfolk Constabulary and these are attached at appendix E.

### **Policy or No Policy**

6. It is not mandatory to adopt a policy relating to sexual entertainment venues. There has been the ability to set a policy for sex cinemas and sex shops since the Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, but the Council has not, to date, adopted a policy.
7. Even if the Council adopts a policy, every application must be determined on its own merits so that the discretion of the council is unfettered and it is within the rights of the Council to determine a licence in spite of its policy.
8. It is also not a requirement that the council adopts a policy which has a strict locality and numbers policy, as it can refuse any licence application it deems as unsuitable having regard to:
  - Character of relevant locality
  - The use of other premises in the vicinity (i.e. schools, churches etc)
  - Layout, character, condition or location of the premises.

### **Conclusions**

9. The Government has provided local authorities with a way of controlling the number and location of lap dancing clubs in their area. It has also given the Council a wide discretion in deciding the policy relating to sex establishments.
10. Having decided to adopt the provisions of the Act, the Council can adopt a policy relating to the application and determination of applications for lap dancing clubs, sex shops and sex cinemas.

11. Consultation on the attached draft policy has taken place and members should:

- consider the responses received;
- make any revisions to the draft policy based upon the appraisal of the comments;  
and
- adopt a finalised policy.



**NORWICH**  
City Council

**SEX ESTABLISHMENT**

**DRAFT POLICY STATEMENT**

**INCORPORATING GUIDANCE AND**

**STANDARD CONDITIONS**



## **Introduction**

1.1 Citywide services licensing team are responsible for developing and implementing this policy.

1.2 This policy has been drafted as a result of new provisions that allow the council to regulate lap dancing and similar venues.

1.3 The creation of this policy has also allowed for the unification of the regulation of existing sex establishments in the City.

1.4 Norwich City Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that it can regulate sex shops, sex cinemas and sexual entertainment venues in the City. In this policy, these premises are referred to as “sex establishments” unless otherwise stated.

1.5 The Standard Conditions appended to this policy (Appendices B, C & D) do not form part of the policy document, although they may be referred to within the policy. These Standard Conditions could be subject to change during the duration of this policy, but such amendment may not result in review of this policy.

1.6 Should any change to the Standard Conditions make it necessary to update relevant parts of this policy document, the amended policy document will be consulted upon.

## **Purpose and aim of the policy**

2.1 The policy is intended to set out clear and concise guidance, procedure and principles for the benefit of the Licensing Authority, the community, applicants and other relevant organisations.

2.2 Due to the requirement that each application must be considered on its own merits, although the Licensing Committee must have regard to this policy as part of their decision making process they are not rigidly bound by it. Should the Licensing Committee choose to depart from this policy, clear and concise reasons for doing so will be provided.

2.3 The policy also contains standard conditions which will be applied to the different types of sex establishment which forms part of any licence granted.

## **Scope**

3.1 This policy relates to any premises wishing to operate as a Sex Shop, Sex Cinema or Sexual Entertainment Venue in Norwich.

3.2 Not all premises will automatically require a licence. Where there is an exemption within the legislation this has been set out in this policy document.

3.3 Notwithstanding matters contained within this policy document, consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for Sex Establishment licences.

3.4 When considering applications for a Sexual Entertainment Venue licence, in respect of premises that have previously operated without the requirement for a licence prior to the adoption of the legislation, in addition to this policy document the Licensing Authority must have regard to the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales."

## **Policy and Procedures statement**

4.1 This Policy became effective on 13 March 2014 and supersedes all previous policies and licence conditions adopted by Norwich city council.

4.2 The council does not take a moral stance through the adoption of this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to regulate such premises in accordance with the law.

## **SEX ESTABLISHMENT LICENSING**

### **5 Types of Sex Establishment**

5.1 There are 3 types of sex establishments; Sex Shops, Sex Cinemas and Sexual Entertainment Venues.

5.2 Not all of these premises automatically require a licence. This is due to certain provisions and exemptions within the legislation. The criteria for requiring a licence is laid out below.

#### **5.3 Sex Shop**

The legislation defines a Sex Shop as:

"(1) Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.”

Sex articles are defined as:

“(3) (a) anything made for use in connection with, or for the purpose of stimulating or encouraging –  
(i) sexual activity; or  
(ii) acts of force or restraint which are associated with sexual activity; and  
(b) anything to which sub-paragraph (4) below applies.

(4) This sub-paragraph applies –

(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

(b) to any recording vision or sound, which –  
(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or  
(ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.”

#### **5.4 Sex Cinema**

The legislation defines a Sex Cinema as:

“(1) Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage –

(i) sexual activity; or  
(ii) acts of force or restraint which are associated with sexual activity; or

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

(2) No premises shall be treated as a sex cinema by reason only -

(a) if they are licensed under Section 1 of the Cinemas Act 1985, of their use or purpose for which a licence under that section is required; or

(b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

#### **5.5 Sexual Entertainment Venue**

The legislation defines a Sexual Entertainment Venue as:

“2A (1) In this Schedule “sexual entertainment venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) In this paragraph “relevant entertainment” means—

(a) any live performance; or

(b) 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).

(3) The following are not sexual entertainment venues for the purposes of this Schedule—

(a) sex cinemas and sex shops;

(b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—

(i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;

(ii) no such occasion has lasted for more than 24 hours; and

(iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

(c) premises specified or described in an order made by the relevant national authority.

*(4) – (12) omitted as they refer to other matters*

(13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

(14) In this paragraph—

“audience” includes an audience of one;

“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;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

(a) the relevant entertainment; or

(b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

## **Waivers**

6.1 Applications can be made to waive the requirement for a sex establishment licence.

6.2 The Licensing Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sex Shops and Sex Cinemas, except in extreme circumstances considered by the Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

6.3 The Licensing Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence in respect of Sexual Entertainment Venues, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

## **Application Process**

7.1 Applicants should be aware that planning permission to operate a premises as a sex establishment may not be in place. Planning is a separate process to obtaining a sex establishment licence. The Licensing Authority would recommend that potential licence applicants ensure that the appropriate planning permission is in place prior to submission of an application for a licence.

7.2 Applications must be submitted to the Licensing Authority together with the application fee, applications may be submitted online. The application form can be used for grant, variation, transfer and renewal applications. The application must be copied by the applicant to the Police within 7 days after the date the application was made.

7.3 Applicants must provide their name, address and, where the applicant is an individual, their age, plus the premises address and the proposed licensed name of the premises.

7.4 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

7.5 In addition, applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises for consideration by the Licensing Authority. In the case of Sexual Entertainment Venues such plan must outline the area where relevant entertainment will take place.

7.6 Applicants for Sexual Entertainment Venues must also submit a copy of their "House Rules". Such House Rules must contain the required conduct of performers which shall include matters containing conditions of licence, i.e. no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking phone numbers (including exchange of business cards). Such House Rules will form part of the licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.

Applicants must make provision for all performers to sign documentation to confirm their knowledge of and acceptance to adhere to the House Rules. Such documentation must be retained for the duration of the performers' employment and for a further 6 months from the date they last worked at the premises, whether they are employed directly or freelance.

7.7 The Council may, as part of the application process, visit the locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the Licensing Committee.

7.8 Applicants (other than applicants for variation of licence) must also give public notice of the application by publishing an advertisement in a local newspaper which circulates in the area of the Licensing Authority to which the application has been submitted. This must be published within 7 days of making the application. If the application relates to a premise then there is an additional requirement for notice of the application to be displayed for 21 days on or near the premises where it can be conveniently read by the public. The notice, the form of which is prescribed by the Licensing Authority, must contain certain information. The Licensing Authority's prescribed notice is contained within this policy document as Appendix A.

7.9 Please note that with regard to online applications tacit authorisation does not apply to new grant applications for sex establishment licences. This means you must wait for the Licensing Authority to determine your

application before you can operate a sex establishment.

7.10 If an application is for the renewal of a sex establishment licence, the premises can continue to operate past the licence expiry date; provided that the renewal application has been submitted to the Licensing Authority before the licence expires. The Licensing Authority will notify you of the decision.

### **Commenting on licence applications**

8.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.

8.2 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The grounds relevant to the majority of objectors are as follows:

- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity of the premises, vehicle or vessel or stall in respect of which the application is made.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the Act must be rejected by the licensing team. Where objections are rejected, the objector will be given written reasons.

8.3 Objectors can include residents'/tenants' associations, community associations and trade associations. Councillors and MPs may also raise objections. Councillors may represent interested parties, providing they do not also sit on the Licensing Committee.

8.4 The Licensing Authority will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by Citywide services officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given written reasons.

8.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.

8.6 Valid objections will be considered by the Licensing Committee at the hearing to consider the application and applicants will be given an opportunity to present their application to members.

The Authority accepts that in terms of the legislation it has no power to restrict either the duration of the applicant's presentation to Committee,

or the content thereof. Persons who have made a relevant representation in respect of an application will be able to address the Committee when the application is being considered and may also ask questions of the applicant. A time limit per speaker may be set. Where a number of persons have requested to speak the Chair of the Committee may require a spokesperson to be elected.

8.7 Objections must be made in writing (email is acceptable) and should include the following:

- the name and address of the person or organisation making the objection
- the premises to which the objection relates
- the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
- the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated at 8.3 above).

Petitions must clearly state the name and address of the premises application being objected to. The full objection that people are signing to say they agree with must be at the top of the petition. The objection must be in line with the requirements of the legislation (as detailed above). The names and addresses of those signing the petition should be provided and should be legible, together with a signature.

The Licensing Authority must be confident that those signing the petition were aware what they were signing for; so in the interest of clarity for those signing best practice would be to have the objection at the top of each page, especially where several people are involved in collecting signatures.

It should be noted that submissions to the Licensing Authority may also be in support of an application. These should also contain the same information as stated above.

## **Determination of applications**

9.1 Section 12 (1)(a-e) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 prohibits the Licensing Authority from granting a licence:

- “
- (a) to a person under the age of 18; or
  - (b) to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
  - (c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in an EEA state;
  - (e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of

a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.”

**Please note there is no right of appeal against refusal on these grounds.**

9.2 If none of the above applies to the applicant and no objections have been received and there are no other statutory grounds for refusal, including that the application does not exceed any permitted numbers, the application will be granted by way of delegated authority. However if any objections have been received, or if there are concerns regarding the characteristics of the locality, the application will be referred to the Council’s Licensing Committee for a hearing of the application.

9.3 Section 12 (3)(a-d) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the Licensing Authority may refuse an application for the grant or renewal of a licence on one or more of the following grounds:

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

An application for the transfer of a licence can only be refused by virtue of the (a) & (b) above.

9.4 Each application will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making.

9.5 The Licensing Authority will give clear reasons for its decisions.

9.6 When issuing a Sex Establishment Licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued. In addition to this the Licensing

Authority has the power to make standard conditions applicable to all licences for sex establishments.

9.7 It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.

9.8 Details of the standard conditions relating to each type of licence are contained in Appendices B-D. Should these standard conditions be amended at any time in the future, they would apply to all licences already issued as if the conditions had been in place at the time they were granted. All standard conditions will be reviewed as part of the full Policy review.

### **9.9 Revocation of licence**

The Licensing Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Local Government (Miscellaneous Provisions) Act 1982. The Licensing Authority may call a hearing, without requiring a third party to request such a hearing, and give the licence holder an opportunity to appear before them. The Licensing Authority may revoke the licence on any of the mandatory grounds which are detailed at 9.1 (above) or in respect of (a) or (b) detailed at section 9.3 (above), namely that the licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.

Should the Licensing Authority revoke a Sex Establishment licence then full reasons for the revocation would be provided to the licence holder within 7 days of the decision. Revocation of a Sex Establishment licence would disqualify the licence holder from holding or obtaining another Sex Establishment licence in the Licensing Authority's area for a period of 12 months. However, this does not prevent the licence holder from holding a licence in another Licensing Authority's area.

### **9.10 Duration of licence**

The Licensing Authority will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of one year to provide certainty to those operating businesses, unless the licence is revoked during this period.

### **9.11 Right to appeal a decision**

If an application is refused, or revoked, following a hearing, then the applicant will be informed of the decision and whether there is any right of appeal. Appeals must be made to the local magistrates' court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision. It should be noted that a fee may be payable to the magistrates to lodge such an appeal. Applicants can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed. Please note that you cannot appeal against the Licensing Authority's decision if the application was refused on the grounds that:

- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
- the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.

The Magistrates' court will determine the appeal application. If you do not agree with the decision made by the magistrates' court, you can appeal to the local Crown court. The decision made by the Crown court will be final. The Licensing Authority must comply with a decision made by the Magistrates or Crown court.

## **Fees**

10.1 The appropriate fees for applications can be found on the Council's website. Application fees must be paid in full at the time of submission of the application.

*N.B. It is intended to review the current fees for sex establishments; this will include consideration of the introduction of a fee for Sexual Entertainment venues (both transitional and standard) and a reduced variation fee in relation to the change of name of premises only*

## **Definitions & Guidance Documentation**

### **11.1 Relevant Localities**

In considering the characteristics of a locality the Licensing Authority shall particularly take account of the density and proximity of:

- (1) schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children,
- (2) parks and children's play areas,
- (3) residential and sheltered accommodation,
- (4) religious and community buildings,
- (5) alcohol or entertainment licensed premises,
- (6) other retail units (and their uses).

### **11.2 Numerical Limits**

The Licensing Authority can refuse applications for new or renewed licences where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality. The Council recognises that different parts of the City have different characteristics and therefore each application should be judged on its own merits.

### 11.3 ID Checks

To ensure customers are over the age of 18 premises should operate a "Challenge 25" policy, whereby if a customer appears to be under that age an adequate ID check is carried out. This would require photographic ID to be checked and only current passports and driving licences should be accepted for this purpose. If customers are unable to provide such forms of ID to establish their age then they must be refused entry.

### 11.5 Protection of Children and Vulnerable persons from Harm

This includes protection from physical, mental or emotional harm.

### 11.6 SIA Registered Door Supervisors

Only door supervisors who hold a valid Door Supervisors licence issued by the Security Industry Authority (SIA) should be employed.

### 11.7 Tacit Authorisation

The term "tacit authorisation" relates to online submission of applications. Tacit authorisation means that if the timescale set for determining applications is exceeded any application will be deemed acceptable (granted) and Tacit Authorisation given. However this does **not** apply to Sex Establishment licences.

## **SEX SHOPS**

### 11.8 Significant Degree & Sex Articles

Licences for sex shops are required where 18R rated films are being sold, or where there is a "significant degree" of "sex articles". It should be noted that in respect of Mail Order premises the Video Recordings Act 1984 states at section 7 (b) & (c) that no video recording that may only be viewed by persons aged 18 or over is to be supplied other than in a licensed sex shop. Case law precludes the sale of 18R rated films by Mail Order premises which holds a Sex Shop licence because the supply of the film to a person aged 18 or over cannot be confirmed; such supply would fail to ensure that the age controls are properly enforced.

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

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business



- (5) turnover
- (6) other factors which appear to be materially relevant.

Sex articles are defined as:

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging-
  - (i) sexual activity; or
  - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) anything to which sub-paragraph below applies.

This sub-paragraph applies-

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

## **SEXUAL ENTERTAINMENT VENUES**

### **11.9 Relevant entertainment**

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

“Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person, e.g. in a private booth. In deciding whether entertainment is “relevant entertainment” the Licensing Authority will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require regulation under the Licensing Act 2003.

#### 11.10 Nudity

Section 27 of The Policing and Crime Act 2009 defines the “display of nudity” as:-

- (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.

*For further information in relation to regulation of Sexual Entertainment Venues please refer to the Home Office Guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales”.*

#### 11.11 Suitable number of trained staff

Conditions require that the Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises (“floor supervisors”) to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of customers, performers and persons working in the premises.

A suitable and sufficient number should be determined by carrying out a risk assessment of all activities, design of the premises (including accessibility to all areas), and number of performers. This should be linked to the capacity of the premises.

#### 11.12 Adequate non-public changing rooms for performers

Conditions require that the Licensee shall provide adequate non-public changing rooms for performers. This means that there should be separate changing rooms for all genders and that different genders should not share changing rooms at the same time. Non-public means that the Licensee should ensure that the public do not have access to these changing facilities at any time and appropriate measures should be employed to ensure this.

### **GUIDANCE DOCUMENTATION**

#### **11.13 Form of Notice – Indecent Displays (Control) Act 1981**

The Council’s Standard Conditions require that a warning notice be displayed in accordance with the above legislation. The legislation states at 1(4)(e):

- (a) The warning notice must contain the following words, and no others-

**“WARNING**

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

- (b) The word "WARNING" must appear as a heading.
- (c) No pictures or other matter shall appear on the notice.
- (d) The notice must be so situated that no one could reasonably gain access to the shop or part of the shop in question without being aware of the notice and it must be easily legible by any person gaining such access.

### **Public Notice (of application)**

11.14 The notice can be downloaded from the Council's website. A copy is attached to this policy at Appendix A.

### **Policy details**

12.1 In developing this policy the Council has had regard to the legal requirements of the 1982 and 2009 Acts and our duties under:

- (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the City;
- (b) the Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- (c) the Provision of Services Regulations 2009 to ensure requirements are:
  - (i) non-discriminatory
  - (ii) justified by an overriding reason relating to the public interest
  - (iii) proportionate to that public interest objective
  - (iv) clear and unambiguous
  - (v) objective
  - (vi) made public in advance, and
  - (vii) transparent and accessible.

### **Consultation and engagement**

13.1 The Council consulted on this policy between 18 August and 29 September 2014. It was approved by the Licensing Committee on (????) and adopted by the Council on (????). *(insert approval and adoption dates)*

13.2 Details of applications and objections which are referred to the Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. It should, however, be noted that certain items or information may have to be excluded from the public domain as permitted by Local Government Act 1972.

13.3 The names and address of objectors will not be disclosed to applicants, or published in public reports, in accordance with Section 8 (17) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

### **Performance and risk management**

14.1 The policy will be regularly reviewed and monitored to ensure that it reflects current legislation, is effective, up to date and achieving a responsible regulatory framework for Norwich.

14.2 This will be achieved by monitoring the outcome of hearings, appeals through the Magistrates courts, developments in legislation, by having regard to stated cases, local needs and economic impacts.

### **.Breaches and non-compliance**

16.2 The Council recognises that sex establishments are not generally a source of crime or disorder. The Licensing Service will therefore adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.

16.3 It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations, and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.

16.4 The Licensing Service's approach to enforcement is set out in enforcement policies which are available on request.

16.5 Breach of conditions or legislative requirements may result in formal action being taken by the Licensing Authority. Should such breaches be dealt with by way of Fixed Penalty Notice or prosecution through the Magistrates' court, then licence holders may be liable to a financial penalty.

### **Exchange of Information**

16.6 The Council may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

### **Information**

17.1 The following can be viewed at [www.legislation.gov.uk](http://www.legislation.gov.uk)

- The Local Government (Miscellaneous Provisions) Act 1982
- The Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Provision of Services Regulations 2009
- Legislative and Regulatory Reform Act 2006
- Human Rights Act 1998
- Equality Act 2010

### **Evaluation and review**

18.1 This Policy will be reviewed on a 5-yearly basis. Any proposed amendments to the Policy will be fully consulted upon, prior to re-adoption by the Council.

## APPENDIX A

### NOTICE OF APPLICATION FOR THE GRANT / RENEWAL / TRANSFER\* OF A SEX ESTABLISHMENT LICENCE

I/we

.....  
.....  
hereby give notice that I/we have applied to Norwich City Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended for a licence to use the premises referred to below as a Sex Shop / Sex Cinema / Sexual Entertainment Venue\* as detailed below.

Proposed Licensed

Name.....

Address of

premises.....

.....

.....

.....

.....

.....

Proposed hours of opening/operation

.....

.....

.....

.....

.....

Any person wishing to make representations about the application should make them in writing to the [PLEASE INSERT ADDRESS OF THE OFFICE OF THE COUNCIL THAT IS DEALING WITH THE APPLICATION] within 28 days of the date of the application which was [INSERT DATE].

**Signed**.....**Date**.....

Notes:

1. Enter full details of the application on this form, including the name of the premises being requested as "the licensed name" and proposed opening hours, or hours of operation in the case of Mail Order Premises.
2. Affix a copy of the completed Notice on the premises to which the application relates, in a prominent position that may be easily read by the public on the day of making application.  
You must ensure that this Notice remains in position for 21 days.
3. The content of this Notice, as completed, must be published in a local newspaper within 7 days of making the application.

\* Delete as applicable

## **APPENDIX B**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEX SHOPS AND SEX CINEMAS**

#### **Introduction**

1. In these Conditions “The Council” shall mean Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH..
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to “Sex Shop and Sex Cinema” premises.

#### **Management of the Premises**

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.
5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be

immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.

10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the premises.

11. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating their name and that they are an employee.

12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

13. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.

14. No person under the age of 18 shall be admitted to the Premises.

15. The Licensee shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25 in order to ensure that they are not under the age of 18.

16. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.

17. The Licensee shall ensure that a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

18. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

Opening of the Premises



19. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:

Monday – Saturday 9:30 am – 6:00 pm

20. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day or Good Friday.

#### Operation of the Premises

21. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

22. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema or a sexual entertainment venue.

23. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

#### External Appearance

24. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.

25. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

26. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.

27. No items should be stored on the premises so that they can be viewed from any external window or door.

28. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
- (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
- (iii) A notice stating the opening hours of the establishment.
- (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" but no other indication as to the nature of the business carried on at the licensed premises.

29. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

30. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, or otherwise approved by the Council in writing;

(b) No external loudspeakers may be installed.

#### State, Condition and Layout of the Premises

31. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

32. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

33. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

34. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

35. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

36. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

37. No previewing of films, video recordings or other similar material shall be allowed to be shown in the premises. *(N.B. This condition only relates to Sex Shops.)*

38. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

#### Goods Available in Sex Establishments

39. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

40. All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this is effect is to be prominently displayed inside the Sex Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

41. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

42. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order.  
Information for Customers

43. The Licensee shall make available in the Sex Establishment free counselling and advice literature on matters related to sexual health and issues as may be published by the Family Planning Association, the NHS and or other similar organisations. Such literature should be displayed in a prominent position, preferably adjacent to all points of sale in the Sex Establishment.

#### Licensed Name

44. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.

(b) An application in respect of a change of licence name shall be made

to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

**APPENDIX C**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS**  
**RESTRICTIONS AND TERMS APPLICABLE TO MAIL-ORDER**  
**PREMISES**

**INTRODUCTION**

1. In these Conditions "The Council" shall mean the Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH.

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are only applicable to a "Mail-Order Sex Shop" premises.

**Management of the Premises**

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public.

5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change. Such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.

7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.

10. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.

11. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the Premises.

12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

13 The Licensee shall take all reasonable precautions for the safety of employees.

14. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

#### Operation of the Premises

15. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

16. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a Mail order sex shop premises.

17. The sex establishment shall be used exclusively for 'mail-order' purposes only, selling sex articles and other articles that do not fall within the definition of sex articles in Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.

18. All advertisements, catalogues, sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state "MAIL ORDER ONLY". All deliveries/despaches of parcels shall be in plain wrapping not identifying what is inside.

#### External Appearance

19. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building, or from other units within the building or from the common parts of the building.

20. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

21. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by.

22. No items should be stored on the premises so that they can be viewed from any external window or door.

#### State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

24. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

25. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

26. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

#### Goods Available in Sex Establishments

27. No film, DVD, or video recording (or computer game, or other formats

capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

28. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order premises (even one which holds a Sex Shop licence).

#### Licensed Name

29. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form. Paragraph 16 of these conditions applies.

(b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

### **APPENDIX D**

#### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEXUAL ENTERTAINMENT VENUE PREMISES**

#### INTRODUCTION

1. In these Conditions "The Council" shall mean the Norwich City Council and all enquiries concerning this licence shall be directed to the Licensing Team, Citywide Services, Norwich City Council, City Hall, St Peters Street Norwich NR2 1NH.

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are only applicable to a "Sexual Entertainment Venue" premises.

#### Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal

responsibility for and be present on the Premises at all times when the Premises are open to the public.

5. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.

7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.

8. The Licensee shall retain control over all areas of the Premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.

9. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed, other than toilet facilities where provided for customers.

10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the Premises.

11. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

12. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.

13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.

14. No person under the age of 18 shall be admitted to the Premises.



15. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.

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

17. The Licensee must submit a set of "House Rules" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such House Rules.

8. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.

19. CCTV recordings will be made available for viewing by authorised officers of the licensing authority or the police. Copies of such recordings must be provided upon request.

20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation.

21. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

22. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

23. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on the grounds of public safety, public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.

24. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.

25. The Licensee shall provide adequate non-public changing rooms for performers.

#### Opening of the Premises

26. Relevant entertainment may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the Sex Establishment Licence permits otherwise.

#### Operation of the Premises

27. Approval from the Council is required for changes from:

- a sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue
- sex cinema to either a sex shop or sexual entertainment venue
- a sexual entertainment venue to either a sex cinema or a sex shop.

This will require consideration of an appropriate application.

28. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or a sex cinema.

#### External Appearance

29. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the Premises. The notice must also include a statement that proof of age may be requested.

30. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

31. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.

32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.

33. External advertising of relevant entertainment shall not include any of the following:

- a) any depiction of full nudity
- b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)
- c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.

34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

- (i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
- (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
- (iii) A notice stating the opening hours of the establishment.

35. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

36. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises unless approved by the Council in writing;

(b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

37. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he/she shall maintain the Premises in good repair and condition.

38. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

39. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises. Such inner entrance door or screen shall be fitted with a device to provide for their

automatic closure and such devices shall be maintained in good working order.

40. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.

41. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

42. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

43. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

#### Provision of Relevant Entertainment

44. Live music or the playing of recorded music, which is integral to the provision of relevant entertainment, will be subject to the same conditions contained in any authorisation under the Licensing Act 2003 in respect of live or recorded music. The only exception to this is where a specific condition on the licence requires otherwise.

45. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.

46. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.

47. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as being where relevant entertainment may be provided.

48. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.

49. Performers may not accept any telephone number, email address, address or contact information from any customer.

50. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.

51. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.

52. Performers are never to be in the company of a customer except in an area open to the public within the Premises (this excludes the toilets as performers must not use the public toilets whilst open to the public).

53. The Licensee must ensure that during the performance of a table or lap 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 customer's chest (excluding the head) with their hands only;
- (4) Performers must not sit on or straddle the customer;
- (5) Performers must not place their feet on the seats.

54. The Licensee must ensure that during performances of relevant entertainment:

- (1) Performers may not perform any act that clearly simulates any sexual act;
- (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
- (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
- (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
- (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 must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

55. The Licensee must ensure that during performances of relevant entertainment:

- (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.

56. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-

- The payment of an entry fee by customers to authorised members of staff.
- The payment of a fee for relevant entertainment.

- The purchasing of drinks by customers from authorised members of staff.
- The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
- SIA door staff in the execution of their duties.

57. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.

58. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.

59. Notices outlining condition 55 will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.

60. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

#### Licensed Name

61. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.

(b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

## Draft policy on sexual entertainment venues

The council would like your views on the [draft policy](#) (opens in a new window) before formally adopting it.

After these views have been gathered and considered, the council will adopt a final policy in respect of sex establishment premises applications.

The consultation runs from Monday 18 August to Friday 26 September.

Click **NEXT** to start the consultation

### Waivers

1. See section 6.2 of the draft policy

Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sex shops and sex cinemas?

Yes

No

2. See section 6.3 of the draft policy

Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sexual entertainment venues?

Yes

No

### Application process

3. See sections 7.4 and 7.5 of the draft policy

Should applicants be required to submit information about the interior and exterior layout of the premises?

Yes

No

4. See section 7.6 of the draft policy

Are there any other matters that could be included in the house rules?

Yes

No

If you answered yes, please provide details

### **Commenting on licence applications**

5. See section 8.6 of the draft policy

Does the council have satisfactory proposals for how its licencing committee will consider applications and representations?

Yes

No

### **Determination of applications**

6. See section 9.8 of the draft policy

Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.

### **Definitions and guidance documentation**

7. See section 11.1 of the draft policy

Are there any other types of premises that the council should take into account with regard to the draft policy?

Yes



No





## Draft policy on sexual entertainment venues





1. See section 6.2 of the draft policy Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sex shops and sex cinemas?

		Response Percent	Response Count
Yes		93.3%	14
No		6.7%	1
answered question			15
skipped question			0

2. See section 6.3 of the draft policy Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sexual entertainment venues?

		Response Percent	Response Count
Yes		93.3%	14
No		6.7%	1
answered question			15
skipped question			0

3. See sections 7.4 and 7.5 of the draft policy Should applicants be required to submit information about the interior and exterior layout of the premises?

		Response Percent	Response Count
Yes		100.0%	13
No		0.0%	0
answered question			13
skipped question			2

**4. See section 7.6 of the draft policy Are there any other matters that could be included in the house rules?**

		Response Percent	Response Count
Yes	<div><div></div></div>	90.9%	10
No	<div><div></div></div>	9.1%	1
If you answered yes, please provide details			10
answered question			11
skipped question			4



**5. See section 8.6 of the draft policy Does the council have satisfactory proposals for how its licencing committee will consider applications and representations?**

		Response Percent	Response Count
Yes	<div><div></div></div>	12.5%	1
No	<div><div></div></div>	87.5%	7
answered question			8
skipped question			7

**6. See section 9.8 of the draft policy Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.**

	Response Count
	3
answered question	3
skipped question	12

**7. See section 11.1 of the draft policy Are there any other types of premises that the council should take into account with regard to the draft policy?**

		Response Percent	Response Count
Yes		60.0%	6
No		40.0%	4
answered question			10
skipped question			5



Respondent	Comments	Appraisal	Response
Jessica Goldfinch	<p><b>Meaningful consultation</b> - This whole process has taken four years and two years since formally adopting the SEV legislation. Therefore, it seems both undemocratic and unfair to only consult on this very complex issue for only 40 days, without a rationale for doing so. People need time to publicise, inform a wide variety of groups, (especially those with disabilities, disadvantaged groups, schools), formulate cogent responses or seek help to do so. This takes time and all without the same resources which the council has at its disposal.</p> <p>"Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach." The Compact (Cabinet Office 2010) para 2.4)</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf</a></p> <p>I hope this consultation can be extended, so as to allow time for wider engagement.</p>	<p>The views of the council's communications team were sought and the consultation was made available on the city council's website and notified to all ward councillors to enable interested parties to be notified.</p> <p>The document referenced in the link also states:</p> <p><i>The amount of time required will depend on the nature and impact of the proposal.....and might typically vary between two and 12 weeks. The timing and length of a consultation should be decided on a case-by-case basis; there is no set formula for establishing the right length.</i></p> <p>Extending the consultation will delay the implementation of the policy and subsequently the licensing of SEV's.</p>	<p>Determine a policy based upon the responses received to the consultation</p>
	<p><b>Overall response</b> - Whilst a start, I think you can agree that more work is needed, hence the title 'draft'. It seems that the policy does not take in all the options open to it, as provided for in the new legislation. The policy does not go far enough in getting to grips with the sex industry and how it impacts on society and how it will, most likely, impact on Norwich.</p> <p>Many councils took in a whole range of far reaching</p>	<p>The policy has been drafted following legislative changes that allow the council to regulate lap dancing premises and similar venues. The policy also allowed for the unification of the regulation of existing sex establishments in Norwich.</p> <p>As well as providing guidance and advice on the relevant legislation, appended to the draft policy are proposed standard conditions in respect of</p>	<p>Where appropriate, amend draft policy based on consultation responses.</p>

	<p>proactive approaches to their consultations e.g. police, community groups, colour coded maps of demographics and facilities of the area; paying heed to a councils own current strategies to create a more joined up policy e.g. Cumulative impact assessments, other police authority experiences, Norwich council's commitments to Equality &amp; Diversity, Gender Equality Duty, Royal Institute of Town Planning, etc.etc.</p>	<p>each type of sex establishment.</p> <p>The comments of the police have been sought in respect of this draft policy.</p> <p>As stated by the respondent, the policy is in draft format and can be subject to the consultation responses.</p>	<p>Existing policy to remain unaltered</p>
	<p><b>Specifics</b> - There is so much to question, I feel it only suitable to highlight just a handful of items, so as not to overload and confuse my response.</p> <ul style="list-style-type: none"> <li>• Mobile advertising (AppD/ 10, 21&amp;22, 29+) – it is possible under the legislation disallow all inappropriate advertising on fascias, billboards, fliers and taxis etc. Creating a welcoming, non-harassing environment, specifically under Gender Equality strategies, should be our aim. Sexualisation and sexual imagery of the women and paedophilic imagery, ("Sugar &amp; Spice"), are inappropriate and harassing in the public space, as is currently the case in Prince of Wales road. A proactive <u>Gender Impact Assessment</u> would help here.</li> </ul>	<p>The advertising referred to by the respondent was considered under the relevant controls in respect of hackney carriage licensing, with an initial advert being rejected. The extent of advertising control under sex entertainment venue legislation has been the subject of the following legal advice.</p> <p><i>A condition, for example prohibiting advertising on hackney carriages by SEV's is something that would need to be approached cautiously. There are controls already on the content of these adverts and nothing that is felt to be dubious is allowed, indeed you say the first proposed advert was refused indicating that the current system has merit.</i></p> <p><i>The council would be in the position of refusing to approve an advertisement on a hackney carriage in respect of a lawful business and regardless of whether the content would for example be considered inappropriate by the Advertising Standards Agency.</i></p>	

	<ul style="list-style-type: none"> <li>• The exemptions of one monthly performances – this will be a loophole in the regulations, which is completely at odds with the spirit of the SEV legislation. I could be sitting in any bar in Norwich and a stripper can just turn up. Whilst we &amp; MPs continue to close this loophole, it seems reasonable to request that Norwich City council proactively keep an eye on unregulated sex entertainment shows. The capacity for exploitation and unregulated activity is obvious and places responsible SEVs at a financial disadvantage.</li> <li>• Cap or nil policy(9.3/c) – we neither state what our cap number is nor if we want a nil policy.</li> </ul>	<p>The ability to operate as an SEV on 11 occasions within a 12 month period without the need for a licence is contained in legislation and cannot be amended by the proposed policy.</p> <p>Paragraph 3.32 of the home office guidance on SEV's reads:</p> <p><i>Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the "relevant locality". A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or</i></p>	Existing policy to remain unaltered
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		<p><i>condition of the premises. Nil may be the appropriate number.</i></p> <p>When applications are received the council will consider the characteristics of the locality in accordance with paragraph 11.1 of the draft policy. Paragraph 11.2 of the policy deals with numerical limits.</p> <p>The statement in paragraph 16.2 is in relation to those premises that currently provide sexual entertainment in Norwich. The draft policy relates to the regulation of SEV's in Norwich. Policy and licensing requirements may differ in other parts of the country to address matters that are relevant to those areas.</p> <p>In accordance with the council's enforcement policy, in addition to yearly inspections further visits may take place if complaints relating to breach of conditions are received.</p>
	<ul style="list-style-type: none"> <li>• Inspections(16.2) – our draft policy states that that SEVs are not generally a source of crime &amp; disorder. Countrywide research does not bear this out, see Bristol &amp; London. SEVs are well documented as being sources for exploitation, human trafficking &amp; prostitution, (see second attachment), sexual assault &amp; harassment in the vicinity increases above the 'norm' with the proliferation of SEVs. Inspections should be regular, vigorous and undercover. There should be confidential opportunities for performers to whistleblow and or exit the industry safely.</li> <li>• House rules – are only as good as they are enforced. Anyone who has been in a SEV will know that the rules are often ignored. Only robust monitoring will combat this.</li> </ul>	



	<ul style="list-style-type: none"> <li>• Proximity (8.7) – proximity matters, but it should not exclude inclusion. We all use the city, as do tourists, children &amp; families.</li> <li>• Appendix 53, 54 &amp; 56 – are in contradiction to one another. Restraint is allowed above the chest, which will mean the performer breaking the leaning over the customer rule, no doubt having to straddle them to do so, when 56 demands not physical contact at all. 54(i) is so contradictory as to be absurd, the very nature of lapdancing is to be sexually aroused by the simulation of sex, gyrating, grinding, touching/ simulatory masturbation, fondling breasts etc.</li> <li>• Other councils – have created more robust policies. <i>If Norwich city council disagrees with these councils analysis &amp; implementation of the SEV legislation, please state clearly why you disagree, with reference to specific law. - <a href="http://www.object.org.uk/council-league-table">http://www.object.org.uk/council-league-table</a></i></li> <li>• Please now see refer to the second attachment, a formal response.</li> </ul>	<p>There is no restriction on who can object to an application, but different weight can be given to representations, with proximity being a factor in this.</p> <p>Conditions 53, 54 and 56 clearly set out what the licensee should ensure happens during a performance of relevant entertainment.</p> <p>The draft policy relates to the regulation of SEV's in Norwich. Policy and licensing requirements may differ in other parts of the country to address matters that are relevant to those areas.</p>	
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	<p><b>Nil policy - NIL POLICY</b>  <b>We strongly recommend introducing a 'nil' or specifically numbered 'cap' policy for Sexual Entertainment Venues, as permitted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act (LGMPA) 1982 and amended by Section 27 of the Policing and Crime Act (PCA) 2009.</b></p> <p>The introduction of a nil/cap policy on the granting of SEV licenses is perfectly permissible under the LGMPA (1982), as amended by the PCA (2009). Indeed, the statute specifically contemplates this option. As <b>Philip Kolvin QC, chair of the Institute of Licensing</b> states:  <i>"...the provision gives the authority a high degree of control, even amounting to an embargo, on sex licences or particular types of sex establishment, within particular localities. The width of the discretion is consolidated by the absence of any appeal against a refusal on this ground."</i><sup>1</sup></p> <p>The introduction of a nil policy is currently being proposed by the London Boroughs of Hackney and Haringey. In the view of Hackney council SEVs:  <i>"...contradict and undermine its stated aims and exacerbate the challenges it faces in bring about positive, genuinely sustainable characterful and thriving neighbourhoods which support the need and principle of upskilling its population and closing the education gap across its communities."</i><sup>2</sup></p>	<p>Paragraph 3.32 of the home office guidance on SEV's reads:</p> <p><i>Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the "relevant locality". A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.</i></p> <p>When applications are received the council will consider the characteristics of the locality in accordance with paragraph 11.1 of the draft policy. Paragraph 11.2 of the policy deals with numerical limits and reads:</p> <p><b>11.2 Numerical Limits</b></p> <p><i>The Licensing Authority can refuse applications for new or renewed licences where the number of</i></p>	<p>Existing policy to remain unaltered</p>
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<sup>1</sup> Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.60

<sup>2</sup> Hackney Draft Sex Establishment Licensing Policy, 2010

	<p>In Harringey, Councillor Nilgun Canver states:  <i>"This new legislation allows us to stop lap dancing and pole dancing clubs from setting up in sensitive areas where they will cause concern. We consider this would apply to every ward and want this to be central to our policy. We are asking for comments from residents, to see if they support this stance<sup>3</sup>."</i></p> <p>We aware that some lap dancing club operators have threatened to appeal against the rejection of a Sexual Entertainment Venue (SEV) licence on the grounds that it violates their human rights under the Human Rights Act 1998 and that the two rights they threaten to invoke are the <i>right to freedom of expression</i> and the <i>protection of property</i>. However, it is extremely unlikely that such an appeal would be successful considering that it is within the law for councils to set nil policies.</p> <p>Furthermore, the two rights specified above are qualified, they are not absolute. <b>Philip Kolvin QC, Chairman of the Institute of Licensing</b>, states<sup>4</sup> <i>"Where a rational decision has been taken by the licensing authority in accordance with the principle of the statute, it is most unlikely that the decision will be held to have been a disproportionate interference with human rights."</i></p> <p>Indeed, before the Policing and Crime Bill became law – enabling local authorities to licence lap dancing clubs as Sexual Entertainment Venues under the LGMPA - the <b>Minister of the Crown</b> in charge of the Bill made a <b>written statement</b> that</p>	<p>sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality. The Council recognises that different parts of the City have different characteristics and therefore each application should be judged on its own merits.</p>
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	<p><b>the new law, including the provision to set nil policies, was compatible with the Human Rights Act 1998.</b></p> <p><b>Thus the power of local authorities to set a nil policy for Sexual Entertainment Venue licenses has been validated in human rights terms.</b></p> <p>The reasons for introducing a nil policy are outlined below as factors the Council should take into account in developing policy concerning the number and location of SEVs.</p> <p>1 Kolvin, P. (2010) <i>Sex Licensing</i>, The Institute of Licensing, p.60</p> <p>2 Hackney Draft Sex Establishment Licensing Policy, 2010</p> <p>3 <a href="http://www.haringey.gov.uk/index/news_and_events/latest_news/lap_dancing_ban.htm">http://www.haringey.gov.uk/index/news_and_events/latest_news/lap_dancing_ban.htm</a></p> <p>4 Kolvin, P. (2010) <i>Sex Licensing</i>, The Institute of Licensing, p82</p>			
	<p><b>Gender equality - We strongly recommend that you explicitly include 'the promotion of gender equality' as a specific objective for Sex Establishment licensing in your licensing policy.</b></p> <p>The Gender Equality Duty 2007 legally requires local authorities to promote equality between women and men in all that they do. The Gender Equality Duty is particularly relevant in relation to the licensing of sex establishments because of the gendered nature of sex establishments like lap dancing clubs, and because of the negative impact that lap dancing clubs have on efforts to promote equality between women and men. The negative</p>	<p>The power to regulate sex establishments is contained in the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.</p> <p>Schedule 3 to the 1982 Act sets out the regulatory framework under which SEV's can be licensed and the grounds for refusal.</p> <p>The council is acting in its capacity as a licensing authority when considering the draft sex</p>	Existing policy to remain unaltered	

	<p>implications of lap dancing clubs on women are outlined below:</p> <p><b>Lap dancing clubs normalise the sexual objectification of women in contradiction to efforts to promote equality between women and men.</b></p> <p>The links between objectification, discrimination and violence against women are recognised at the international level by the legally binding United Nations Convention to Eliminate Discrimination Against Women (CEDAW), which has repeatedly called on states – including the British Government – to take action against the objectification of women<sup>5</sup>. Similarly the UK-based End Violence Against Women coalition has called on the UK Government to tackle the sexualisation of women and girls because it provides a 'conducive context' for violence against women<sup>6</sup>.</p> <p><b>Lap dancing clubs are a part of the sex industry and as such are linked with wider systems of prostitution</b></p> <p>Research shows that the structural conditions of lap dancing clubs, where women compete with one another for private dances, lead to some dancers offering sexual services to survive financially<sup>7</sup>, a climate in which, according to an ex-lap dancer: 'No touching, not exposing your genitals, not allowing</p>	<p>establishment policy and must take account of the enabling legislation and that Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure industries.</p>
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<sup>5</sup> 1979 Convention on All Forms of Discrimination Against Women (CEDAW) Article 5

<sup>6</sup> Realising Rights, Fulfilling Obligations: An Integrated Strategy to End Violence Against Women (EVAW) 2008

<sup>7</sup> Bindel, J. (2004) *Profitable Exploits: Lap Dancing in the UK*, London Metropolitan University, Child and Women Abuse Studies Unit (CWASU)

	<p>men to touch you is the exception rather than the rule'<sup>8</sup></p> <p>Even if a club enforces a no touching rule and there is no sexual contact between dancer and customer, research further shows that strip clubs increase demand for nearby prostitution services<sup>9</sup>. This places lap dancing on a continuum of commercial sexual activity, irrespective of whether this sexual exchange occurs within the club itself.</p> <p><b>Lap dancing clubs have a negative impact on women's safety in the local vicinity</b></p> <p>Research undertaken in the London Borough of Camden found a fifty percent increase in sexual assaults in the borough after the rapid expansion of lap dancing clubs<sup>10</sup>. Personal testimony from women who have written to OBJECT reinforces the idea of a link between the proliferation of lap dancing clubs and increased levels of sexual harassment for women in the vicinity:</p> <p>'On separate occasions, I have had men say to me "How much for a dance love? I'll give you £20 to get yours out," ... they seem to always think that because they can pay to degrade and abuse women inside the club that I am no different'<sup>11</sup></p>	
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<sup>8</sup> 'Elena' quoted in 'I was an Object, not a Person, The Guardian 19.03.08

<sup>9</sup> Coy, M, Horvath, M & Kelly, L (2007) *It's just like going to the supermarket: Men talk about buying sex in East London* London: Child and Woman Abuse Studies Unit

<sup>10</sup> Eden, I. (2003) Lilith Report on Lap Dancing and Striptease in the Borough of Camden, London: The Lilith Project, Eaves Housing for Women

<sup>11</sup> See [www.object.org.uk](http://www.object.org.uk) for testimonies

		<p>The UK Royal Institute of Town Planning has further drawn attention to concerns regarding the impact of lap dancing clubs on women in the local areas: 'Evidence shows that in certain locations, lap dancing and exotic dancing clubs make women feel threatened or uncomfortable'<sup>12</sup>.</p> <p><b>Lap dancing clubs have a negative impact on women's safety in wider society</b></p> <p>Lap dancing clubs normalise the representation of women as being always sexually available and this is worrying in light of widespread public opinion that women are in some way responsible for sexual assaults perpetrated against them. The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence. For example, as <b>Chair of Rape Crisis</b> Nicole Westmarland reported that lap dancing clubs <i>'both support and are a consequence of sexual violence in society'</i>. This view is reiterated by the Director of the <b>White Ribbon Campaign</b>, an organisation which works with men to end violence against women: <i>'Any expansion of lap dancing clubs feeds an increase in the lack of respect for women'</i><sup>13</sup>.</p>	
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<sup>12</sup> Royal Town Planning Institute (2007), *Gender and Spatial Planning, Good Practice Note 7*, 10 December 2007

<sup>13</sup> Both quotes are from an OBJECT leaflet 2008



	<p>Furthermore, in response to research it commissioned into the impact of lap dancing clubs on the city, <b>Glasgow City Council</b><sup>14</sup> stated: <i>"Images of women and 'entertainment' which demean and degrade women portraying them as sexual objects plays a part in 'normalising' sexual violence and contributes to male abuse of women being acceptable, tolerated, condoned and excused. Such entertainment runs counter to explicit commitments by a range of private, public and voluntary agencies to promoting women's equality."</i></p> <p><b>We call on the council to adopt a nil/cap policy in relation to SEVs for the reasons given above. However, if you do not adopt a nil policy and SEVs are to be granted and/or renewed, we strongly recommend that a comprehensive set of standard conditions are applied to such licenses in order to help protect women in this community.</b></p> <p>Philip Kolvin QC, Chairman of the Institute of Licensing, has produced a set of suggested conditions for application to SEV licenses<sup>15</sup>. We would like to draw particular attention to the importance of introducing and robustly enforcing the following conditions:</p> <ol style="list-style-type: none"> <li>1. No contact between performers and</li> </ol>	<p>Existing policy to remain unaltered</p> <p>The draft policy contains the following conditions which address, where possible, the matters raised :</p> <p><i>45. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the</i></p>
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<sup>14</sup> Glasgow City Council report on the need for review of licensing legislation in the light of concerns re table dancing <http://www.glasgow.gov.uk/NR/rdonlyres/0D19236F-808A-4467-96F7-6A9508C1F312/0/tehtablic2.pdf>

<sup>15</sup> Kolvin, P. (2010) *Sex Licensing*, The Institute of Licensing, p.74



	<p>audience and a minimum of 1 meter separation between performers and audience</p> <ol style="list-style-type: none"> <li>2. Performers confined to stage area</li> <li>3. Prevention of fining performers</li> <li>4. Zero tolerance policy on customers who break rules of conduct. Contravention warrants a lifetime ban from the premises</li> <li>5. Prohibition of private booths</li> <li>6. CCTV coverage of all public areas</li> <li>7. Controls on exterior advertising and signage</li> <li>8. Prohibition of advertising in public spaces, including on billboards, telephone booth boards, and leafletting</li> </ol> <p>It is within the council's remit to ensure that Sex establishments are not to be functionally visible to passers-by on retail thoroughfares or pedestrian routes. Premises should be at basement level or with a main entrance away from such routes.</p> <p><b><u>We support the Bristol Fawcett Society recommendations, which are also permissible under the legislation:</u></b></p> <ul style="list-style-type: none"> <li>• A register to be kept of all staff working each night</li> </ul>	<p><b>Council.</b></p> <p>46. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.</p> <p>47. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as being where relevant entertainment may be provided.</p> <p>48. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.</p> <p>49. Performers may not accept any telephone number, email address, address or contact information from any customer.</p> <p>50. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.</p> <p>51. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.</p> <p>52. Performers are never to be in the company of a customer except in an</p>	
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	<p>and valid proof to be held on the premises of the age of each of the performers</p> <ul style="list-style-type: none"> <li>• No fee to be charged by any club to a performer for working in the club</li> <li>• Police to be kept informed of any assaults that take place on staff, whether or not the victim wishes to press charges</li> <li>• 'No smoking areas' to be allowed at the front of clubs to minimise the potential for harassment of women living, working and passing through the area. All smoking areas must be in private areas away from public spaces.</li> <li>• No advertising allowed in media that is not exclusively aimed at adults – this would exclude local 'family' newspapers for example.</li> </ul> <p>These vital conditions would go some way to protecting women working in lap dancing clubs and women in the wider community.</p>	<p>area open to the public within the Premises (this excludes the toilets as performers must not use the public toilets whilst open to the public).</p> <p>53. The Licensee must ensure that during the performance of a table or lap dance:</p> <p>(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;</p> <p>(2) customers must remain seated during the entire performance of the dance;</p> <p>(3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest (excluding the head) with their hands only;</p> <p>(4) Performers must not sit on or straddle the customer;</p> <p>(5) Performers must not place their feet on the seats.</p> <p>54. The Licensee must ensure that during performances of relevant entertainment:</p> <p>(1) Performers may not perform any act that clearly simulates any sexual act;</p> <p>(2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally</p>
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	<p>touch their genitals, anus or breasts;</p> <p>(3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;</p> <p>(4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;</p> <p>(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;</p> <p>(6) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.</p> <p>55. The Licensee must ensure that during performances of relevant entertainment:</p> <p>(1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.</p> <p>(2) Customers must remain appropriately clothed at all times.</p> <p>56. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-</p>	
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	<ul style="list-style-type: none"> <li>• <i>The payment of an entry fee by customers to authorised members of staff.</i></li> <li>• <i>The payment of a fee for relevant entertainment.</i></li> <li>• <i>The purchasing of drinks by customers from authorised members of staff.</i></li> <li>• <i>The placing of bank notes by the customer in a garter worn by females or an armband worn by males.</i></li> <li>• <i>SIA door staff in the execution of their duties.</i></li> </ul> <p><i>57. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.</i></p> <p><i>58. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.</i></p> <p><i>59. Notices outlining condition 55 will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.</i></p> <p><i>60. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If</i></p>	
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	<p>after receiving a warning a customer continues behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).</p> <p>30. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.</p> <p>31. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.</p> <p>32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.</p> <p>33. External advertising of relevant entertainment shall not include any of the following:</p> <ul style="list-style-type: none"> <li>a) any depiction of full nudity</li> <li>b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)</li> <li>c) any depiction of overtly sexual or violent</li> </ul>	
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	<p>images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.</p> <p>34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:</p> <p>(i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.</p> <p>(ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.</p> <p>(iii) A notice stating the opening hours of the establishment.</p> <p>35. The lettering used in respect of such permitted items:-</p> <p>In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.</p> <p>36. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises unless approved by the Council in writing;</p>	
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	<p>(b) No external loudspeakers may be installed.</p> <p>18. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.</p> <p>19. CCTV recordings will be made available for viewing by authorised officers of the licensing authority or the police. Copies of such recordings must be provided upon request.</p> <p>20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation.</p> <p>21. The Licensee shall ensure that neither they nor any person promoting or providing</p>	
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	<p><b><u>Norwich Objects – recommends a Gender Impact Assessment.</u></b>  This allows for women, men, children, visitors, to say safely and confidentially, how the environment impacts on their safety, wellbeing and ability to move about without feeling harassed. People simply do not go to the police every time they suffer an incident and a council which takes its obligations seriously, could and should be proactive.</p>	<p>entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.</p> <p>22. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.</p> <p>Individuals can make representations concerning premises when applications for licences are made.</p>	<p>Existing policy to remain unaltered</p>
	<p><b><u>We further request that you monitor the impact of the ‘frequency exemption’ which was included within the SEV licensing regime.</u></b>  As you will be aware, this exemption means that establishments hosting lap dancing less than 12 times in a year do not require an SEV licence or even a temporary event notice. We are extremely concerned about this exemption because you will have no powers to prevent these performances from</p>	<p>It is likely that this type of exempted activity will take place on premises licensed under the Licensing Act 2003. If complaints are received then these can be investigated with a view to ensure compliance with existing licence conditions.</p>	<p>Existing policy to remain unaltered</p>



	<p>occurring or place any conditions or controls on them. Yet venues hosting lap dancing less than once a month are less likely to have facilities and procedures in place to protect the safety of performers – such as a separate changing room, CCTV and security. The safety of the performers is thus put at risk by this exemption.</p> <p>We therefore ask you to attempt to monitor performances that are staged under the frequency exemption and to convey your experiences of this back to the Government.</p> <p>This is crucial because the power to amend or repeal the frequency exemption was included in the Policing and Crime Act 2009 in recognition of the fact that the frequency exemption could prove problematic for local authorities.</p> <p><b>We recommend that the policy requires members of licensing subcommittees who wish to sit in hearings of relevance to gender (i.e. SEVs; sex establishments and so on) to have completed up to date basic training in gender equality and equality legislation.</b></p> <p><b>We recommend that, in the absence of legal direction to the contrary, the Licensing Committee maintain a register of interested parties in reference to SEVs, sex establishments and so on, who will be informed by the Licensing Committee when applications are received of potential relevance for gender equality. This will ensure that the Council will be seen to fulfil its obligations to operate in a</b></p>	<p>Licensing committee members receive annual training in respect of carrying out the council's licensing function duties.</p> <p>Interested parties can sign up to an email alert system on the council's website which will notify them when applications are received.</p>	<p>Existing policy to remain unaltered</p>
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**transparent and accountable manner. (This will not be an onerous obligation as relevant applications are estimated to be up to three or four a year, currently).**

While it is true that both men and women have been active in making representations about the negative impact on society of SEVs, it is also true that the majority of those who reflect and take action on the harm of SEVs are women. This could be because the lived experience of sexual objectification, sexual discrimination, sexual harassment and sexual violence in many women's lives plays a part in the extent to which these issues are given serious consideration and weighed against other interests or values in the context of SEV licensing.

Therefore we request and recommend that:

- **The working party of officers and councillors is at least equally gender balanced**
- **The policy should make reference to good practice in SEV applications being heard by sub-committees that are at least equally gender balanced.**

Laraine Courtney	<p>'Norwich - A Fine City' it says on the road signs and on various tourist information leaflets and other publicity.</p> <p>As you walk up Prince of Wales Road, it doesn't look very fine. The things that happen in many cities are morally indefensible.</p> <p>How can it be a good idea to encourage/allow establishments whose purpose is to sexually arouse customers, using young women (usually) under the most degrading, coercive and potentially dangerous working conditions?</p> <p>As others have pointed out, there is strong coercion for the 'entertainers' to compete with each other and to have contact with customers (ostensibly not allowed). Is it any wonder that customers who don't find sexual satisfaction in these places (maybe they can't afford to pay out even more) may look for it when they leave? There is apparently evidence of increased sexual harassment and rape in areas which have these venues.</p> <p>There are some cities whose councils have the moral integrity to say no to these establishments. I wish Norwich would do the same.</p>	<p>Paragraph 4.2 of the proposed policy states:</p> <p>4.2 The council does not take a moral stance through the adoption of this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to regulate such premises in accordance with the law.</p> <p>See conditions 53 – 56 set out above which prohibit contact between performers and customers.</p> <p>The council is not aware that the evidence referred to by the respondent relates to premises currently providing sexual entertainment in Norwich.</p> <p>See paragraph 4.2 above.</p>	Existing policy to remain unaltered	

Dr Geraldine Terry	<p>The on-line public consultation on Norwich City Council's draft policy on sex establishments is almost over. I am writing to you directly rather than taking part in that consultation because it allows comments on only a handful of specific paragraphs, in effect preventing members of the public from commenting on the wider issues that the draft policy raises. Although the draft policy is a step in the right direction, I have serious concerns about its adequacy with regard to sexual entertainment venues (SEVs) such as lap-dancing clubs, for these reasons:</p> <p><u>SEVs and the global sex industry</u></p> <p>SEVs are part of the global commercial sex industry, regardless of the status of individual licence-holders and their efforts to control their clubs. In general, SEVs are associated with prostitution networks, trafficking in women and organised crime. In this context, the current draft policy needs strengthening. For instance, the proposed 'light touch' inspection regime and 'simple' annual inspection (Para. 16.2) is insufficient. A more robust approach to inspection needs to be adopted in order to protect vulnerable young women working in SEVs.</p>	<p>In accordance with the council's enforcement policy, in addition to yearly inspections further visits may take place if complaints relating to breach of conditions are received.</p>	Existing policy to remain unaltered
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	<p><u>Gender equality and violence against women and girls</u></p> <p>Research from Bristol indicates that, in recent years, the incidence of sexual assaults and sexual harassment on women and girls has increased markedly in the vicinity of SEVs. More generally, SEVs encourage the sexual objectification of women and are inconsistent with a society where women are respected. SEVs fly in the face of the council's declared commitment to a just, healthy society characterised by gender equality.</p> <p><u>Feeding child abuse fantasies</u></p> <p>There is a particular problem with some Norwich lap-dancing clubs in that they pander to sexual fantasies about under-age girls. The name of one club, 'Sugar and Spice', is a direct reference to a children's nursery rhyme ('what are little girls made of?') and its website features a woman posing as an under-age girl. The club 'Lace' has posted a video of a 'School Girls' Parade' with strippers dressed as under-age girls on YouTube[1]. Given the many child abuse scandals that have rocked the country over the last few months, the dangers of sexualising young girls is now well-understood. Yet Norwich City Council has given 'Sugar and Spice' permission to advertise on the side of a city taxi.</p>	<p>The draft policy relates to the regulation of SEV's in Norwich. Policy and licensing requirements may differ in other parts of the country to address matters that are relevant to those areas.</p>	<p>Existing policy to remain unaltered</p>
		<p>The respondents concern with the name referred to can be considered under condition 34 (i) of the proposed SEV conditions, which reads:</p> <p><i>34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:</i></p> <p><i>(i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.</i></p>	<p>Existing policy to remain unaltered</p>

	<p><u>Creating a welcome atmosphere in historic Norwich</u></p> <p>The NCC should be creating a vision of Norwich as an attractive, welcoming and family-friendly destination for shoppers and for people using leisure facilities such as bars and restaurants, including women and girls. Lap-dancing clubs damage this vision, and in my view they are particularly inappropriate in the city's historic lanes, which are home to many small businesses. As the Home Office Sexual Entertainment Venues Guidance for England and Wales (attached) make clear, the draft policy is an opportunity for NCC to consider how many SEVs are appropriate for the historic city centre and to cap the numbers of licences accordingly. Several other local authorities, such as Bristol, have capped the numbers of licences while others have banned SEVs altogether; please see the 'council league table' attached to this email. The Licensing Committee should consider taking such action.</p>	<p>Paragraph 3.32 of the home office guidance on SEV's reads:</p> <p><i>Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the "relevant locality". A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.</i></p> <p>When applications are received the council will consider the characteristics of the locality in accordance with paragraph 11.1 of the draft policy. Paragraph 11.2 of the policy deals with numerical limits and reads:</p> <p><b>11.2 Numerical Limits</b></p> <p><i>The Licensing Authority can refuse applications for new or renewed licences where the number of sex establishments in the relevant locality at the</i></p>	<p>Existing policy to remain unaltered</p>
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	<p><u>Mobile advertising</u></p> <p>The draft policy contains no reference to mobile advertising and so advertisements on taxi cabs could proliferate, further damaging the atmosphere in the city centre. Some local authorities have banned SEVs from advertising anywhere, including on vehicles; the Licensing Committee should consider doing the same.</p>	<p>time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality. The Council recognises that different parts of the City have different characteristics and therefore each application should be judged on its own merits.</p> <p>The advertising referred to by the respondent was considered under the relevant controls in respect of hackney carriage licensing, with an initial advert being rejected. The extent of advertising control under sex entertainment venue legislation has been the subject of the following legal advice.</p> <p><i>A condition, for example prohibiting advertising on hackney carriages by SEV's is something that would need to be approached cautiously. There are controls already on the content of these adverts and nothing that is felt to be dubious is allowed, indeed you say the first proposed advert was refused indicating that the current system has merit.</i></p> <p><i>The council would be in the position of refusing to approve an advertisement on a hackney carriage in respect of a lawful business and regardless of whether the content would for example be considered inappropriate by the Advertising Standards Agency.</i></p>	<p>Existing policy to remain unaltered</p>
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	<p><u>Public consultation not fit for purpose</u></p> <p>According to the Home Office, public consultation on SEVs should be "fair and meaningful" (Paragraph 2.20). The on-line public consultation is neither, because it does not allow members of the public to comment on the policy as a whole or to debate on issues such as those outlined above.</p> <p>Please consider setting up a working party to revise the draft policy and then launching a more accessible and broader public consultation.</p>	<p>The public consultation referred to in the home office guidance is in relation to licensing authorities adopting the provisions of section 27 of the Policing and Crime Act 2009 (enabling SEV's to be licensed), but not in relation to sex establishment policies.</p> <p>The views of the council's communications team were sought and the consultation was made available on the city council's website and notified to all ward councillors to enable interested parties to be notified.</p> <p>The consultation questions are attached as appendix B to the report. Two of the questions asked respondents for their views on two key areas of licensing – the house rules (Q4) and proposed licence conditions (Q6).</p> <p>A large part of the policy sets out the statutory framework and legislative requirements, which cannot be amended through a consultation process.</p> <p>Extending the consultation will delay the implementation of the policy and subsequently the licensing of SEV's</p>	Existing policy to remain unaltered



<p>Councillor Lesley Grahame</p>	<p>I believe the proposed policy undermines the intention of the council in agreeing to regulate, and that it is too unbalanced to be fit for purpose.</p> <p>I recommend discarding it, and looking instead at the progressive SEV policy adopted by other authorities, such as: Leeds, Hackney, Oxford, Glasgow, Brighton</p> <p>The policy proposed for Norwich fully protects the interests of SEV owners wishing to operate without limits, supervision or regulation. It pays no regard to public protection, equality in the community or the character of the city, and only scant minimal consideration to the workforce.</p> <p>The consultation process has been deeply flawed, with a response form inviting comment on only a few of the clauses, and very limited space for open comment -this fails the spirit of the law, which is give communities more say, and its validity is questionable .</p> <p>If the policy cannot be discarded, then every part requires scrutiny before it is enacted, please see below.</p> <p>Proposed Additions</p> <p>1) THE SEV regulations should incorporate the Licensing objectives of the City. This should not be burdensome, as operators should already be complying with these, with respect to their alcohol</p>	<p>1) The licensing objectives referred to are a statutory obligation under different legislation, i.e. the Licensing Act 2003. There is no similar requirement under sex establishment legislation.</p>	<p>1) Existing policy to remain unaltered.</p>
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	<p>license.</p> <p>2) Cumulative Impact should be considered for the city, as planned for drinking establishments.</p> <p>3) Comments should be welcomed from anyone in the city, as all citizens should feel proud, safe, welcome in their city. Name and address should be supplied to authenticate commentator, but these should only be disclosed if commentator consents.</p>	<p>2) Cumulative impact is referred to in guidance issued by government under section 182 of the Licensing Act 2003. The guidance issued in by the Home Office in respect of SEV's does not refer to this term. However, paragraph 9.3 of the proposed policy at paragraph (c) states that the legislation governing SEV's provides for an application for the grant or renewal of a licence to be refused on the following grounds:</p> <p>(c) that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.</p> <p>3) Paragraph 3.24 of the home office guidance in respect of SEV's states:</p> <p>Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.</p> <p>Paragraph 13.3 of the proposed policy reads:</p>	<p>2) Existing policy to remain unaltered.</p> <p>3) Existing policy to remain unaltered.</p>
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	<p>13.3 The names and address of objectors will not be disclosed to applicants, or published in public reports, in accordance with Section 8 (17) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>The draft policy addresses the matter raised.</p> <p>4) Advertising should be severely restricted to places that will not be seen by children.</p>	<p>4) Existing policy to remain unaltered.</p> <p>4) Paragraphs 32 and 33 of appendix C to the proposed policy read:</p> <p>32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.</p> <p>33. External advertising of relevant entertainment shall not include any of the following:</p> <ul style="list-style-type: none"> <li>a) any depiction of full nudity</li> <li>b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)</li> <li>c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.</li> </ul>
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	<p>5) Inspection should be unannounced, at least annual, and more if requested by staff, customers or residents.</p> <p>6) Application to vary licensing conditions should go through same procedure as applications for a new license, and that both should always be decided by the licensing committee</p>	<p>The draft policy addresses the matter raised.</p> <p>5) Paragraphs 16.2 and 16.3 of the proposed policy read:</p> <p>16.2 The Council recognises that sex establishments are not generally a source of crime or disorder. The Licensing Service will therefore adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.</p> <p>16.3 It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations, and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.</p> <p>The draft policy addresses the matter raised.</p> <p>6) Statutory requirements only apply in respect of grant, renewal or transfer applications. Condition 42 of the proposed standard SEV licence conditions (appendix D to the proposed policy) reads:</p> <p>42. Alterations or additions, either internal or</p>	<p>5) Existing policy to remain unaltered</p> <p>6) Amend condition 42 to read: 42. Alterations or additions, either internal</p>
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	<p>external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.</p> <p>Variations to licence conditions could be included within this condition with reference to applications being considered by members.</p>	<p>or external, or any proposed amendments to licence conditions shall not be made to the premises without prior written consent from the Council. An application will be required in order for consent to be considered, which will be considered by the council's Licensing Committee.</p>
<p>7) There should be no more than 3 lap-dancing clubs in the Norwich City Council area, to be owned by 3 different operators. I propose that we reduce the number (currently 4) through natural wastage, decline further applications, and work with other agencies to fund and carry out effective regulation.</p>	<p>7) Paragraphs 9.4 and 9.5 of the policy read:</p> <p>9.4 Each application will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making.</p> <p>9.5 The Licensing Authority will give clear reasons for its decisions.</p>	<p>7) Existing policy to remain unaltered</p>

	<p>Applications can only be refused on statutory grounds, if relevant representations are received or if there are concerns regarding the characteristics of the locality. In these circumstances the application will be referred to committee for determination (paragraph 9.2 of proposed policy). Whether an operator owns more than one SEV premise is not a relevant matter for a licensing authority when determining an application.</p> <p>The draft policy addresses the matters raised.</p> <p>8) See 7) above and paragraph 9.3 (d) of the proposed policy:</p> <p>9.3 Section 12 (3)(a-d) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the Licensing Authority may refuse an application for the grant or renewal of a licence on one or more of the following grounds:</p> <p>d) that the grant or renewal of the licence would be inappropriate, having regard –</p> <p>(i) to the character of the relevant locality; or</p> <p>(ii) to the use to which any premises in the vicinity are put; or</p> <p>(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p>	8) Existing policy to remain unaltered
<p>8) Breach of license conditions could result in an unlimited fine, and/or revoking of license to operate.</p> <p>Zero is desired by many but unless there is consensus on this, prohibition may not be the most effective strategy. This should be open to review, should new evidence emerge of harm, or of consensus</p> <p>A cap of one club would remove competition, and make employees more vulnerable to a monopoly employer.</p> <p>Two may be acceptable, 3 is a reasonable compromise between 0 and unlimited. There are currently 4, so it would seem sensible to cap at 4 now, and reduce to 3 when any one the existing clubs closes for any reason.</p>	<p>Applications can only be refused on statutory grounds, if relevant representations are received or if there are concerns regarding the characteristics of the locality. In these circumstances the application will be referred to committee for determination (paragraph 9.2 of proposed policy). Whether an operator owns more than one SEV premise is not a relevant matter for a licensing authority when determining an application.</p> <p>The draft policy addresses the matters raised.</p> <p>8) See 7) above and paragraph 9.3 (d) of the proposed policy:</p> <p>9.3 Section 12 (3)(a-d) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that the Licensing Authority may refuse an application for the grant or renewal of a licence on one or more of the following grounds:</p> <p>d) that the grant or renewal of the licence would be inappropriate, having regard –</p> <p>(i) to the character of the relevant locality; or</p> <p>(ii) to the use to which any premises in the vicinity are put; or</p> <p>(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p>	8) Existing policy to remain unaltered

	<p>No 2 of these should not be allowed to be owned by the same individual or company, for the reasons given above.</p> <p>Failure to agree a cap on the numbers leaves the field open to unlimited expansion of the industry, with its associated risks to our the council's equality policy, tourist industry and the sense of self-esteem and safety among citizens.</p> <p><b>Comments on detail of policy as currently proposed:</b></p> <p>Para 2.1 The policy is intended to benefit the applicant, which it does, and the Licensing Authority, the community and other relevant organisations, which it fails to do</p> <p>Para 4.1 This Policy, if adopted cannot supersede all previous policies and license conditions, because it only applies to an area of work which has not been subject to policy or license conditions before.</p> <p>Para 4.2 Replace 'does not take a moral stance' with:</p> <p>The moral stance taken is that any act carried out with informed consent is to be accepted, and no coercion will be tolerated. Prevention is better than prosecution, which is notoriously difficult for people affected by abuse of any kind</p>	<p>2.1 In the main, the proposed policy sets out the statutory framework and home office guidance against which applications can be determined.</p> <p>4.1 There are current standard licence conditions in respect of sex shops which have previously been adopted and which would be superseded by the conditions contained in the proposed policy.</p> <p>4.2 The role of the licensing authority is to regulate sex establishments in accordance with the law. The guidance issued by the home office states that objections to premises should not be based on moral grounds or values.</p>	<p>2.1 Existing policy to remain unaltered</p> <p>4.1 Remove the wording "previous policies".</p> <p>4.2 Existing policy to remain unaltered</p>
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	<p>The City's aims of a being a safe clean city, that values equality could be considered a moral stance and are to be welcomed.</p> <p>Para 5.3 Moving pictures may or may not qualify a premise as a sex shop, it is not justified to say that NO premises shall be classified as a sex shop, on the basis of 'moving pictures' only.</p> <p>This would negate the need for a Sex Cinema, as defined in 5.4, to apply for a license.</p> <p>Para 5.5 Excludes sex shops and sex cinemas from regulation – this should be reconsidered, along with a cap on the numbers.</p> <p>Para 6.3 Allows any establishment to operate as an SEV on 11 occasions per year, providing a loophole for 'gig' operators using different premises. That is not acceptable as it undermines the intention to regulate.</p> <p>Para 7.6 House rules without enforcement are meaningless, therefore a rigorous inspection regime is necessary</p> <p>Para 7.8 Applicant applying for variation of license are specifically excluded from the requirement to</p>	<p>5.3 The wording referred to is contained in legislation and cannot be amended.</p> <p>5.5 This paragraph sets out the legal definition of an SEV. The proposed policy covers all types of sex establishments, which include sex shops and sex cinemas, all of which require regulation and, providing there is an evidential basis, can be restricted in number.</p> <p>6.3 The ability to operate as an SEV on 11 occasions within a 12 month period without the need for a licence is contained in legislation and cannot be amended by the proposed policy.</p> <p>7.6 The house rules will form part of the licence conditions and will, therefore, be enforceable.</p> <p>7.8 The statutory advertising requirements only apply in respect of grant, renewal and transfer</p>	<p>5.3 Existing policy to remain unaltered</p> <p>5.5 Existing policy to remain unaltered</p> <p>6.3 Existing policy to remain unaltered</p> <p>7.6 Existing policy to remain unaltered</p> <p>7.8 Delete wording:</p>
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	<p>give public notice, yet the variation may be more significant than the original application, and provides an easy loophole to avoid regulation -intentionally or otherwise.</p> <p>Para 8.3 Individuals other than councillors and MPs and immediate neighbours are not included among those can object.</p> <p>Para 8.4 Officers will decide if an objection is valid, this should be the role of an accountable licencing committee</p> <p>Para 8.6 The applicant may speak without restriction on content or duration to the committee, other people who wish to make representation may only so with permission of the chair of licensing. This is blatantly unfair, undemocratic and unbalanced.</p> <p>Para 8.7 Given the sensitive nature of the effects of SEVs, every encouragement should be given for</p>	<p>applications.</p> <p>8.3 There is no restriction on who can object to an application.</p> <p>8.4 Under the terms of the council's policy statement under the Licensing Act 2003, officers make decisions on whether objections are frivolous or vexatious. This follows 'best practice' and where necessary legal advice will be sought.</p> <p>8.6 The wording referred to states that "A time limit per speaker may be set". This is included to assist in managing meetings where large numbers of objections have been received. Members who have sat on Licensing sub-committee hearings will be aware that hearing regulations allow for time limits to be imposed on those people who have made representations, but in reality individuals are given every opportunity to make their views known.</p> <p>8.7 See response to paragraph 3 of this representation above. Paragraph 13.3 of the</p>	<p>'(other than applicants for variation of licence) '.</p> <p>8.3 Add to beginning of paragraph the wording : ' In addition to individuals'</p> <p>8.4 Existing policy to remain unaltered</p> <p>8.6 Existing policy to remain unaltered</p> <p>8.7 Existing policy to</p>
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<p>citizens to comment. The requirement disclose one's address is a significant barrier to this, bordering on intimidation. Instead, people should be assured that their name will be kept private if they so request.</p> <p>See Para 13.3, which states that names and addresses of those objecting (to this policy) will not be disclosed. There is good reason for this, all the more so with respect to specific applications, where the objector may be a neighbour to the applicant.</p> <p>The effects of SEVs on the wider community are debatable, by restricting comment the council would be foreclosing legitimate debate.</p> <p>Para 9.2 Refers to permitted numbers, para 11.2 removes the cap.</p> <p>Para 9.3 Fails to make reference to the licensing objectives, of public safety, reduction of crime, prevention of harm to children and avoiding public nuisance. These are all relevant to whether or not a community wishes to have an SEV in its neighbourhood.</p> <p>Para 9.7 The sanction for Breach of license conditions is a fine up to £20 000. The amount is debatable, and should depend on the income of the owner, and should cover the costs of enforcing the license and investigating breaches.</p>	<p>proposed policy refers to those people objecting to applications.</p> <p>9.2 This paragraph sets out the circumstances when an application can be granted under delegated authority, i.e. no statutory grounds for refusal (including exceeding any permitted numbers) and no objections received.</p> <p>9.3 This paragraph sets out the statutory grounds on which an application may be refused. The licensing objectives referred to apply to a different statutory framework i.e. the Licensing Act 2003.</p> <p>9.7 The level of fine is set in statute and cannot be amended by policy.</p> <p>Legislation provides for revocation of a licence, one of the grounds being:</p>	<p>remain unaltered</p> <p>9.2 Existing policy to remain unaltered</p> <p>9.3 Existing policy to remain unaltered</p> <p>9.7 Existing policy to remain unaltered</p>
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	<p>More importantly there needs to be a possibility of restricting or revoking the license.</p> <p>Para 9.9 Second para allow a licensee banned by one Local Authority to set up in another – this is not appropriate, particularly given the spate of recent abuse cases coming to light.</p> <p>Para 9.11 Allows the applicant right of appeal but not the community.</p> <p>Para 11.2 Removes the right of the council to set a limit to the number of SEVs. This goes against its stated policy of creating Cumulative Impact Zones for alcohol, in consideration of the effects on neighbourhoods. Most alcohol outlets are not SEVs,</p>	<p>“that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason”.</p> <p><b>9.9</b> It is a matter for each individual licensing authority to determine an application. The twelve month period referred to in the second paragraph of 9.9 of the proposed policy refers to one of the statutory grounds for refusal -</p> <p>“A licence under this Schedule shall not be granted.....</p> <p>to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.”</p> <p><b>9.11</b> The rights of appeal are contained in statute and apply to a licence holder or an applicant for a licence.</p> <p><b>11.2</b> A licensing authority can refuse an application for a new or renewed licence on the basis that approving the application would exceed, or be equal to, the number of sex establishments considered appropriate for the</p>	<p><b>9.9</b> Existing policy to remain unaltered</p> <p><b>9.11</b> Existing policy to remain unaltered</p> <p><b>11.2</b> Insert wording ‘This number can be ‘nil’</p>
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	<p>however their cumulative impact is complicated by adding unsatisfied sexual to the mix of street drunkenness.</p> <p>Para 11.5 Notes the need to protect children and vulnerable adults from harm, but fails to outline any measure for doing so.</p> <p>As a resident wrote:</p> <p>There is a particular problem with some Norwich lap-dancing clubs in that they pander to sexual fantasies about under-age girls. The name of one club, 'Sugar and Spice', is a direct reference to a children's nursery rhyme ('what are little girls made of?') and its website features a woman posing as an under-age girl. The club 'Lace' has posted a video of a 'School Girls' Parade' with strippers dressed as under-age girls on YouTube[1]. Given the many child abuse scandals that have rocked the country over the last few months, the dangers of sexualising young girls is now well-understood. Yet Norwich City Council has given 'Sugar and Spice' permission to advertise on the side of a city taxi</p> <p>These may feed child-abuse fantasies, and put children at risk who come into contact with customers. The council should take a precautionary approach to protecting children.</p> <p>Para 11.11 Add:</p> <p>All staff, including self-employed performers should receive personal safety training which includes</p>	<p>relevant locality. This number can be 'nil'.</p> <p>11.5 This paragraph gives context to the 'harm' children and vulnerable adults should be protected from. Licence conditions can address these matters.</p> <p>11.11 Any condition attached to an SEV licence must be reasonable and proportionate.</p> <p>Conditions 12 and 13 of the proposed standard</p>	<p>11.5 Existing policy to remain unaltered</p> <p>11.11 Existing policy to remain unaltered</p>
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	<p>negotiating and recording consent, conflict management, breakaway techniques, recording and reporting incidents</p> <p>Para 11.12 Add: Performers must be able to leave by a separate exit, with support from door staff if they request it.</p>	<p>SEV licence conditions (appendix D to the proposed policy) read:</p> <p>12. The Licensee shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.</p> <p>13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.</p> <p>If there was specific evidence of issues that would require the inclusion of the proposed wording on individual licences then this could be applied, but it is felt that the conditions above address possible matters of concern.</p> <p>11.12 Condition 46 of the proposed standard SEV licence conditions (appendix D to the proposed policy) reads:</p> <p>46. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.</p>	<p>11.12 Existing policy to remain unaltered</p>
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	<p>Para 11.13 Add warnings inside premises that it is illegal to pay for sex with a trafficked person. While no accusation should be levelled at any operator without good cause, links between the industry and trafficking are well documented -</p> <p>Para 14.1 and 14.2 Need to state who will monitor, how often, and how the public can take part or trigger a license review.</p> <p>Para 16.2 A light touch inspection regime should be able to be earned if an establishment develops a good track record. Clearly they cannot have this from the outset, until they have a track record.</p>	<p><b>11.13</b> Information regarding trafficking can be displayed at the premises but the contents and location would need to be agreed on an individual basis. This could be addressed when licence applications are submitted and specific conditions could be attached to any licence granted.</p> <p>Condition 6 of the proposed standard SEV licence conditions (appendix D to the proposed policy) reads:</p> <p>6. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the Premises so as to be available for inspection by the police, the fire authority, and authorised officers of the Council.</p> <p><b>14.1 &amp; 14.2</b> The policy will be monitored and reviewed by the licensing team taking account of any legislative changes, stated cases or changing local needs.</p> <p>Unlike the Licensing Act 2003, the legislation governing the control of sex establishments does not provide for a public review of SEV's.</p> <p><b>16.2</b> Existing premises operating as SEV's hold a premises licence issued under the Licensing Act 2003 and are subject to enforcement inspections by the licensing authority and the police. It has</p>	<p><b>11.13</b> Existing policy to remain unaltered</p> <p><b>14.1 &amp; 14.2</b> After 'monitored' ad the wording 'by the council's licensing team'.</p> <p><b>16.2</b> Existing policy to remain unaltered</p>
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	<p>Whatever frequency is decided, add: Council reserves the right to inspect as it sees fit, eg in response to complaints from staff or clients</p> <p>Para 16.5 A fine is not adequate to prevent further breaches of conditions. There needs to be provision to restrict/revoke license.</p>	<p>been recognised from these inspections that SEV's are not generally a source of crime and disorder. Complaints against individual premises will be investigated and necessary action taken in accordance with the council's enforcement policy.</p> <p><b>16.5</b> The proposed policy wording states:  16.5 Breach of conditions or legislative requirements may result in formal action being taken by the Licensing Authority. Should such breaches be dealt with by way of Fixed Penalty Notice or prosecution through the Magistrates' court, then licence holders may be liable to a financial penalty.</p> <p>Formal action can include revocation of a licence.</p>	<p><b>16.5</b> After 'Licensing Authority' add wording 'which can include revocation of a licence'.</p>
Councillor Denise Carlo	I would like to give my support to the response to the SEVs consultation submitted by Cllr Lesley Graham please.	See responses to Councillor Grahame's submission above.	See responses to Councillor Grahame's submission above.
Ann Ray	<p>I am very concerned about this draft policy and the lack of opportunity given in the consultation questionnaire for people to express their concerns about so many of the issues involved.</p> <p>I was delighted when Norwich was named as the best city in which to bring up a child, as I have two</p>	<p>The consultation questions are attached as appendix B to the report. Two of the questions asked respondents for their views on two key areas of licensing – the house rules (Q4) and proposed licence conditions (Q6).</p> <p>A large part of the policy sets out the statutory</p>	<p>Comments not specifically linked to proposed policy.</p>



	<p>grandchildren at Junior School in Nelson ward and have greatly appreciated the City Council organising so many events for children and their families.</p> <p>However, I fear for their future and the future of all the young people living in and coming to Norwich to study, if Sexual Entertainment Venues are allowed in our fine city.</p> <p>We have so many places of healthy entertainment for all ages, we don't need SEVs!</p> <p>I hope and pray the City Council will do all it can to reduce the number of SEVs - to none if at all possible - and certainly not allow them to increase.</p>	<p>framework and legislative requirements, which cannot be amended through a consultation process.</p> <p>Existing premises that fall within the statutory definition of an SEV will be required to apply for a licence, but there are no 'grandfather' rights associated with these applications.</p> <p>Licensing authorities can consider that the permitted number of SEV's in a certain location can be 'Nil'.</p>	
Tom Foxe	<p>This consultation is seriously flawed. It has not been widely advertised, and is very limited in its scope. This may defeat the object of recent legislative changes, intended to give local people more say in the licensing of SEVs. Where there has been proper consultation, most people said they want fewer SEVs.</p> <p>Sexual violence data strongly suggest a direct link between SEVs and increased violence against women. Norwich City Council should not permit activities likely to harm women.</p> <p>I am not a prude, and favour individual sexual freedom. But SEVs do not offer sexual freedom, but</p>	<p>The consultation was available on the city council's website and notified to all ward councillors to enable interested parties to be notified.</p> <p>Existing premises that fall within the statutory definition of an SEV will be required to apply for a licence, but there are no 'grandfather' rights associated with these applications. These applications will be advertised and local residents can make representations in respect of individual premises.</p>	Existing policy to remain unaltered



	<p>instead treat women as mere commodities. Progressive Labour councils in Leeds and Bristol have reduced the no. of SEVs, and Swansea council and others have decided a policy of zero SEVs.</p> <p>I am particularly disappointed that NCC has failed to inform the public of the new powers available, so that people will not know what they can reasonably demand. It is clear from the draft policy document that NCC envisages a continuation of sex clubs in the city, when the whole point of new legislation is to allow the public to influence such decisions.</p> <p>The licensing of any SEVs contradicts NCC policy on Equality. I'm sure also that NCC would wish Norwich to be seen as a city of culture rather than sleaze. One such SEV is in Dove St, in the heart of Norwich's shopping area, near to churches, schools, the public library and churches including Norwich Anglican Cathedral, and this venue is particularly inappropriate and offensive to many Norwich people.</p> <p>I and many others wish NCC to use the maximum powers available to them, and to decide that the appropriate number of SEVs in Norwich city centre shall be zero.</p>	<p>Dependant on the outcome of the council's Licensing committee's decisions, this may reduce the number of premises currently providing sexual entertainment or prevent any further premises operating in a particular area.</p>	<p>Existing policy to remain unaltered</p>
<p>Claire Riseborough</p>	<p>I am writing to you as a direct response to your online public consultation on Norwich City Council's draft policy on sexual entertainment establishments. I do not believe the consultation is adequate in allowing me to comment fully on the wider</p>	<p>The consultation was available on the city council's website and notified to all ward councillors to enable interested parties to be notified. The consultation questions are attached as appendix B to the report. Two of the questions asked respondents for their views on two key</p>	<p>Existing policy to remain unaltered</p>

	<p>implications of Sexual entertainment venues eg lap dancing bars, therefore I am writing to you with my experiences and objections for your consideration. –</p> <p>I think it is appalling that these venues are allowed to advertise using sexually posed imagery of women on Taxi's and on premises signage. I recently walked down Prince of Wales Road with my child when we were going to the dentist, on our way we saw photos of women in very little clothing in sexual poses on photographs on the exterior wall of a lap dancing venue. This is unacceptable. I am doing my best as a parent to bring up my child without being over-sexualised, and even walking down the street I am not able to protect my child. I do not wish my child to be exposed to this advertising. And I ask, what is this advertising teaching children about a women's worth?</p> <p>Also after spending an evening with my friend in Norwich recently. I went to hail a black cab alone, when I was confronted with a taxi advertising 'Sugar and Spice' lap dance bar, I refused to get in, when I explained that I didnt agree with the advertising, the taxi driver treated me with hostility. The taxi driver in the cab behind also asked me why I didnt get in the</p>	<p>areas of licensing – the house rules (Q4) and proposed licence conditions (Q6).</p> <p>The concerns raised by the respondent would be addressed by condition 33 of the proposed standard SEV licence conditions (appendix D to the proposed policy) which reads:</p> <p>33. External advertising of relevant entertainment shall not include any of the following:</p> <ul style="list-style-type: none"> <li>a) any depiction of full nudity</li> <li>b) any depiction of partial nudity (including the display of breasts, buttocks or genitalia)</li> <li>c) any depiction of overtly sexual or violent images or any other images which may give rise to concerns in respect of public decency or protection of children or vulnerable persons from harm.</li> </ul> <p>The advertising referred to by the respondent was considered under the relevant controls in respect of hackney carriage licensing, with an initial advert being rejected. The extent of advertising control under sex entertainment venue legislation has been the subject of the following legal advice.</p> <p><i>A condition, for example prohibiting advertising on hackney carriages by SEV's is something that</i></p>	<p>Existing policy to remain unaltered</p> <p>Existing policy to remain unaltered</p>
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	<p>first cab and said he wasn't allowed to let me get in as I had to go into the one at the front. I was left waiting until the first cab departed with a passenger before the second cab would take me. This taxi driver was extremely rude and harrasing to me because I expressed I didnt want to use the taxi that advertised a sex entertainment venue. I felt unsafe about the taxi driver dropping me off at my home address, so I asked him to drop me off at pub some way from my home.</p> <p>The draft policy needs to be strengthened in terms of how such venues relates to prostitution, and the trafficking of women and girls.I am dismayed at paragraph 16.2 which states that a "light touch" and simple annual inspection is all that is required. More stringent inspections are required to protect those entering into this industry. Many of whom are vulnerable to exploitation.</p> <p>We should be striving as a city to promote gender equality and give a strong loud and clear message that women are respected and are not merely objects for sexual gratification. Overt advertising is</p>	<p>would need to be approached cautiously. There are controls already on the content of these adverts and nothing that is felt to be dubious is allowed, indeed you say the first proposed advert was refused indicating that the current system has merit.</p> <p>The council would be in the position of refusing to approve an advertisement on a hackney carriage in respect of a lawful business and regardless of whether the content would for example be considered inappropriate by the Advertising Standards Agency.</p> <p>The matters raised by the respondent in relation to prostitution and trafficking are primarily a matter for the police to address. However, the following conditions of the proposed standard SEV licence conditions (appendix D to the proposed policy) are believed relevant in respect of these issues:</p> <p>16. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.</p> <p>24. The Licensee shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to</p>	<p>Existing policy to remain unaltered</p>
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	<p>not acceptable. The placement of sex entertainment venues in cities are also related to the increase in sexual harassment and sexual violence on women and girls.</p>	<p>compliance with this Licence.</p> <p>49. Performers may not accept any telephone number, email address, address or contact information from any customer.</p> <p>50. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.</p> <p>54. The Licensee must ensure that during performances of relevant entertainment:</p> <p>(1) Performers may not perform any act that clearly simulates any sexual act;</p> <p>(2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;</p> <p>(3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;</p> <p>(4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;</p> <p>(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;</p>
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Tim & Liz Folger	<p>I agree with all your (Councillor Grahame) comments in your e-mail and think we should have a zero tolerance on SEV's in Norwich and definitely not on Prince of Wales Road as that will make a bad situation even worse.</p> <p>Having looked through this policy I agree it is very confusing and difficult to understand exactly what we would be voting Yes or No to.</p> <p>We have looked at that form and half the questions I think are pointless, if we filled that form in I wouldn't know what we were voting for.</p> <p>I refer to my previous e-mail and think we should have zero tolerance on SEV's in Norwich and filling a form in wouldn't change that. You can forward this e-mail on as requested.</p>	(6) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.	<p>See responses to Councillor Grahame's submission above.</p> <p>See responses to Councillor Grahame's submission above.</p>	
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PLATINUM LACE  
BAR & GENTLEMEN'S CLUB  
15 Dove Street, Norwich NR2 1DE



Ian Streeter  
Licensing  
Norwich City Council  
City Hall  
St Peters Street  
Norwich  
NR2 1NH



Your Ref: 14/00817/PHD3

17<sup>th</sup> November 2014

Dear Sir,

**Re: Policing and Crime Act 2009 – Sexual Entertainment Venues**

Thank you for your letter dated the 17<sup>th</sup> October 2014 regarding the Council's consultation questionnaire on the implementation of the proposed sex establishment policy.

In relation to your questions numbered 1, 2, 5, 6 and 7 I have no comment to offer.

In relation to questions 3 and 4, and in general terms to this proposed policy, I strongly believe that the rights of existing legitimate Lap Dancing operators, who have previously been granted "express permission" for such entertainment and are currently operating as such, should have their premises "ring fenced" under the proposed policy, providing of course, they have a proven track record of being well run.

If there are no proposed changes to the internal or external layout to those existing lap dancing premises, who have previously gained the express consent of the Council to hold this type of relevant entertainment, then the existing Council approved plans attached to the premises licence should be automatically approved under the new licensing regime.

The proposed submission of a set of house rules will only duplicate some of the additional standard conditions outlined in the policy. In effect there will be no need for any further house rules as these types of rules will be legally binding under the proposed standard operating conditions.

I completely accept that with new operators or those existing operators who have not obtained the "express permission" of the Council to hold this style of relevant entertainment should be subject to the full weight of the proposed policy.

I would also suggest that those professional and well run operators who have been open and transparent from the outset should be recognised as such within the Council's own policy. After all we create revenue and employment for a significant amount of local people, including performers, staff, suppliers and local contractors alike.

I appreciate the opportunity to make these comments and hope they may be taken into account.

Yours sincerely,

Les Pierce  
Director  
Platinum Lace Group







14 NOV 2014

POST ROOM

Public Protection (Licensing)  
City Hall  
St Peters Street  
Norwich NR2 1NH

17 October 2014

Your reference

Our reference 09/003574 PREMISES

D. A. Promotions Limited  
Devils  
7A Timberhill  
Norwich  
Norfolk  
NR1 3JZ

Dear Sirs

**Re: Policing and Crime Act 2009 – sexual entertainment venues**

In 2012 the city council adopted new powers to regulate sexual entertainment venues (e.g. lap-dancing and pole dancing clubs) in Norwich. Accordingly, venues that provide this type of entertainment will have to apply for a specific licence to do so.

To assist with the application procedure, the council is considering adopting a policy in respect of 'sex establishments', which would include sexual entertainment venues, sex shops and sex cinemas. A copy of the draft policy is enclosed with this letter.

The purpose of writing to you is to seek your views on the draft before the council formally adopt a policy. After these views have been gathered and considered, together with the results of a public consultation, the council will adopt a final policy in respect of sex establishment premises applications.

I would be grateful to receive your views on the consultation questions below by 28 November 2014.

Waivers

1. See section 6.2 of the draft policy

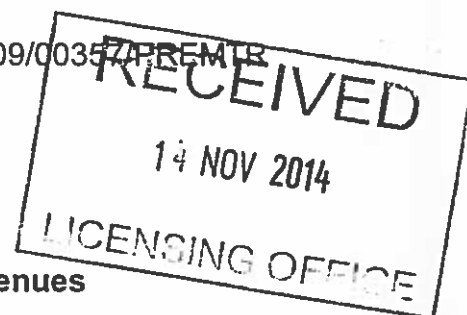
Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sex shops and sex cinemas? Yes / No

2. See section 6.3 of the draft policy

Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sexual entertainment venues? Yes / No

Application process

3. See sections 7.4 and 7.5 of the draft policy



Should applicants be required to submit information about the interior and exterior layout of the premises? Yes / No

4. See section 7.6 of the draft policy

Are there any other matters that could be included in the house rules? Yes / No

If you answered yes, please provide details

Commenting on licence applications

5. See section 8.6 of the draft policy

Does the council have satisfactory proposals for how its licencing committee will consider applications and representations? Yes / No

Determination of applications

6. See section 9.8 of the draft policy

Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.

Definitions and guidance documentation

7. See section 11.1 of the draft policy

Are there any other types of premises that the council should take into account with regard to the draft policy?

. No.

Yours faithfully

Ian Streeter  
Licensing Manager  
t: 01603 212439  
e: ianstreeter@norwich.gov.uk



# SUGAR

## American Style Table Dancing



Ian Streeter  
Licencing Manager  
Public Protection (Licencing)  
City Hall  
St Peters Street  
Norwich  
NR2 1NH

25<sup>th</sup> November 2014

Your Reference: 12/01710/PREM

Dear Ian,

**RE: Policing and Crime Act 2009 – Sexual Entertainment Venues**

Thank you for your letter dated 17<sup>th</sup> October 2014 with regards to our views regarding the possible introduction of a Sexual Entertainment Licence within the Norwich district.

Please find below answers to your summary questions along with additional points myself and my business partner (Daz Crawford) would like to present for consideration with regards to the above.

1. **YES** we agree it is the councils right not to permit waivers from the requirements to hold a sex establishment licence for sex shops and sex cinemas.
2. **Yes** we agree it is the councils right not to permit waivers from the requirements to hold a sex establishment licence for sexual entertainment venues.
3. **Yes** we agree that applicants should be required to submit information about the interior and exterior layout of the premise
4. **Yes** there are other matters that should be included in the house rules and equally there are matters that should be amended/removed from the house rules (see notes below)
5. **Yes** The council have satisfactory proposals for how its licencing committee will consider applications and representations.
6. **Yes** there are additional conditions that could be included in the proposed standard conditions in appendices B, C and D and there are also conditions that should be amended and/or removed.
7. **Yes** the council should also consider old peoples residential areas as an exclusion zone for such venues.

#### Further Information

When Sugar & Spice was initially set up we decided to bring something different to the table. The sex industry has typically had a negative reputation. We wanted to 'lighten' it up focusing on excellent customer service along with great entertainers bringing more 'fun' to the experience. We believe we have achieved and maintained this by training all our staff extremely well, introducing them to a very strict code of conduct along with regular reviews, keeping our standards extremely high.

We understand and greatly encourage the implementation of this license but at the same time, we would like to bring to your attention some of the points the license brings, which would be detrimental to the running of our business and most likely other business within this field.

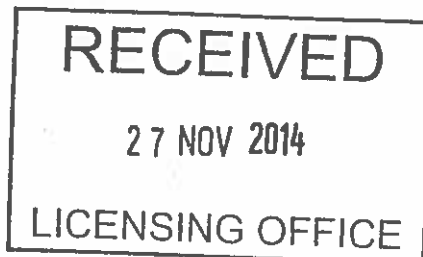
Whilst trying to unify all clubs with a generic license, not all clubs are the same, with the same rules, layouts, constraints, operating procedures, and services; each club has and can vary greatly.

#### For example:

Application process 7.6: this is also repeated in Appendix D point 49 and 50

7.6 Applicants for Sexual Entertainment Venues must also submit a copy of their "House Rules". Such House Rules must contain the required conduct of performers which shall include matters containing conditions of license, i.e. no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking phone numbers (including exchange of business cards). Such House Rules will form part of the license (if granted) and may be subject to amendment by the Licensing Authority prior to approval.

The House rules agreed must take a common sense and practical approach. For example: We do not allow performers to accept telephone/contact details from clients. However in order not to offend a persistent customer, numbers may be given by customers in the



# SUGAR

## American Style Table Dancing



form of business cards etc. At the end of each evening all performers hand any type of contacts they were given during that evening. Equally performers are not allowed to carry mobile phones with them whilst working, and clutch bags/ handbags are not permitted into the changing areas until they have been checked.

As with SIA security we would suggest performers be regulated. They have read & signed as understood our code of conduct, one of the rules is to not meet customers outside the venue. If we find this has happened we would exclude the dancer from working in our venue. However we would also have breached the condition and could be held responsible, whereas the performer's actions were out of our control. Is this fair?

#### Appendix D

31. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.

The layout of Sugar & Spice dictates that the only smoking area for staff is at the front of the club. It falls flat of our planning to allow smoking for staff in the rear car park. However we operate a policy that dancers are covered up if in outside of the Premises. (example: dressing gown style clothes)

#### Appendix D

43. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee be present in any such booth or cubicle at any time). Appropriate fastenings are permitted on toilet doors.

This point is rather confusing as the dancers take the customer/s to the private booth/room for a dance thus making it more than one person. Regularly two customers and two dancers (at the request of the customers) will share a private booth/room. Again all our booths are covered with recording CCTV and have access to a panic button linked to reception.

#### Appendix D

51. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.

Sugar & Spice has extensive coverage of CCTV including in the private rooms/booths suggesting this rule would incur more staff being employed or bring an end to the 'private dance' as the dancer would require constant supervision, as the rule suggests. We feel our Security team, CCTV, panic buttons, and management team are adequate protection for performers and customers without the need to bring in a specific distance.

Could this be explained why the dancer needs to be within 5 meters of a supervised area?

#### Appendix D

52. Performers are never to be in the company of a customer except in an area open to the public within the Premises (this excludes the toilets as performers must not use the public toilets whilst open to the public).

Within Sugar & Spice there are various areas dancers can perform i.e. the stage, private booths/rooms VIP tables the VIP lounge. Some of these places are specifically designated for a private dance, by means, one dancer and one customer. Suggesting this rule will stop the dancer from working and being able to perform. We are also confused as to why our performers cannot use the public female toilets in the club? All these areas are covered by CCTV.

#### Appendix D

53. The Licensee must ensure during the performance of a table or lap 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 customer's chest (excluding the head) with their hands only;
- (4) Performers must not sit on or straddle the customer;
- (5) Performers must not place their feet on the seats.

Besides having sofas in private rooms, Sugar & Spice has flat 'bedlike' sofa's thus making these constraints impossible to adhere to.

Could it be explained why a performer cannot 'straddle' a customer or put their feet on the sofas?

Customers at all times must remain fully clothed with hands beside their body or behind their head, as part of our rules. As this is a part of many of our Performer's routines. There is no danger to the customer or dancer whilst she is carrying out her performance and would

# SUGAR

## American Style Table Dancing



curtail her dance routine. We brought the rule into our establishment of not putting their feet on the sofas/beds unless they removed their shoes as leaving their shoes on was damaging the furniture but feel this blanket 'rule' for every club is excessive.

### Appendix

54. The Licensee must ensure that during performances of relevant entertainment:

- (1) Performers may not perform any act that clearly simulates any sexual act;
- (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
- (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
- (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
- (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 must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

A table dance performer's job is to dance sexily and provocatively in a manner that is professional and is also bringing enjoyment to their customers. Some dance moves could be interpreted as simply 'dancing sexily' someone may interpret the moves as not really sexy and some extremely sexy. Curtailing someone on how they dance is extremely limiting especially as this is what the job is all about. This rule needs to be adjusted

### Appendix D

56. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-

- The payment of an entry fee by customers to authorised members of staff.
- The payment of a fee for relevant entertainment.
- The purchasing of drinks by customers from authorised members of staff.
- The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
- SIA door staff in the execution of their duties'

Whilst typically most table dance venues are a place where customers would not frequent on a regular basis Sugar & Spice has managed to gain many regulars and locals frequenting the venue many times a week almost like their local pub. This causes relationships to be made. Point 56 seems somewhat 'regimental', as 'no physical contact' is suggested in the proposed license, this seems excessive as many of the regular customers will shake a hand, hug a performer, kiss on the cheek, as their form of greeting when they enter the club. How could we implement this?

### Appendix D

57. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.

Our private rooms could not allow this as they are too small. There is no danger or concerns if a performer dances close to the customer/s as this is a crucial part of their dance performance. No harm or safety issues need to be addressed if dancing within 3 feet of a customer. Performers would not be able to keep customers entertained and interested, especially as the performer would typically engage in conversation as part of her performance. With this rule being implemented it will make it impossible for a conversation to even take place. Sugar & Spice also provide a service known as a 'sit down' where a customer pays to sit down on a sofa/bed and engage in conversation with the performer and occasionally dancing. This suggested rule would be a disaster as it is a known fact what this led to in other clubs around the country. This led to dancers stimulating themselves in front of the customer to try to keep them interested and entertained. We therefore would ask for this rule to be removed. Again, customers are fully clothed.

### 11.9 Relevant entertainment

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

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

It is common practice for more than one customer to receive a "private dance" and there is no reason to limit this to one person.

# SUGAR

## American Style Table Dancing



11.11 Suitable number of trained staff Conditions require that the Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of customers, performers and persons working in the premises. A suitable and sufficient number should be determined by carrying out a risk assessment of all activities, design of the premises (including accessibility to all areas), and number of performers. This should be linked to the capacity of the premises.

It is policy to operate a common sense policy on no touching. This applies to the clients. Performers are allowed to touch clients in a non-sexual way and customers must remain fully clothed at all times. Customers during a private dance are not permitted to touch the performer.

All bar staff, waitresses and security are read the performers code of conduct so they have a full understanding of what is allowed and not allowed and they are instructed to report to the management if they notice any deviations.

#### Appendix D

4. The Licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for and be present on the Premises at all times when the Premises are open to the public

It would be impracticable to have one designated person and therefore in our case a minimum of 3 would be required.

#### Appendix D

10. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the locality of the Premises.

We have staff giving out flyers attracting customers in via discounted admission flyers. This would give other nightclubs an unfair advantage, considering the services we are supplying are purely entertainment, the outlaw of advertising and the word soliciting is a little extreme and painting an in correct picture.

#### Appendix D

11. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating their name and that they are an employee.

Not a reasonable suggestion as it's unadvisable to give out staff names with today's technology such as facebook etc. Staff should not be put in this position. All staff wear an identifiable uniform

#### Appendix D

12. The Licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

Staff and performers should sign in however not sensible to have personal details like addresses available to others. Personal details are available from the office files.

#### Appendix D

13. The Licensee must ensure that a suitable and sufficient number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure that conditions of licence are complied with, in particular the no touching conditions, and to ensure the safety of performers.

A common sense approach to the "No Touching rule" must apply.

#### Appendix D

18. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Norfolk Constabulary. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.



# SUGAR

## American Style Table Dancing



CCTV should be kept for 31 days and if viewed by the authorities a female member of authority should be present upon any viewings.

#### Appendix D

19. CCTV recordings will be made available for viewing by authorised officers of the licensing authority or the police. Copies of such recordings must be provided upon request.

CCTV should only be kept for a period of 31 days

#### Appendix D

20. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a dedicated member of staff or security personnel at all times that the premises are in operation

This is not practicable. CCTV is recorded whilst the venue is operational and can be re-viewed or monitored live at random times. Panic buttons are fitted for performers.

#### Appendix D

19. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours: Monday – Saturday 9:30 am – 6:00 pm

20. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Sundays, Christmas Day or Good Friday.

Our existing licenced hours should apply.

#### Appendix D

32. The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that relevant entertainment takes place on the Premises.

Advertising for the business should be allowed providing it is not of a graphic or lewd nature.

34. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:

(i) The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.

(ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.

(iii) A notice stating the opening hours of the establishment.

35. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 24 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

Common sense, the size of the Venue name should be proportional to the size of the advertising space

#### Appendix D

36. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises unless approved by the Council in writing;

Common Sense approach. Agreed no lewd or explicit material should be visible

#### Appendix D

38. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to ensure their automatic closure and such devices shall be maintained in good working order.

External doors should be allowed open providing a lobby system is in place to prevent a view inside the club from outside. External doors are also manned by SIA security at all times within a roped off area.

# SUGAR

American Style Table Dancing



We believe we should meet and discuss many issues and concerns at your earliest convenience.

Yours Sincerely,

Simon Goodings  
Daz Crawford

(Directors Dazmonda.LTD)



By email only:  
brownej@norfolk.pnn.police.uk

Public Protection (Licensing)  
City Hall  
St Peters Street  
Norwich NR2 1NH

Inspector E Brown  
Community Operations  
(Licensing & Nightsafe)  
Norfolk Constabulary  
Vantage House (Floor 4)  
Fishers Lane  
Norwich

02 December 2014

Your reference

Our reference

Dear Sir

**Re: Policing and Crime Act 2009 – sexual entertainment venues**

In 2012 the city council adopted new powers to regulate sexual entertainment venues (e.g. lap-dancing and pole dancing clubs) in Norwich. Accordingly, venues that provide this type of entertainment will have to apply for a specific licence to do so.

To assist with the application procedure, the council is considering adopting a policy in respect of 'sex establishments', which would include sexual entertainment venues, sex shops and sex cinemas. A copy of the draft policy is enclosed with this letter.

The purpose of writing to you is to seek your views on the draft before the council formally adopt a policy. After these views have been gathered and considered, together with the results of a public consultation, the council will adopt a final policy in respect of sex establishment premises applications.

I would be grateful to receive your views on the consultation questions below by 28 November 2014.

**Waivers**

**1. See section 6.2 of the draft policy**

Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sex shops and sex cinemas? **Yes / No**

**2. See section 6.3 of the draft policy**

Is the council right not to permit waivers from the requirements to hold a sex establishment licence for sexual entertainment venues? **Yes / No**

**Application process**

**3. See sections 7.4 and 7.5 of the draft policy**

Should applicants be required to submit information about the interior and exterior layout of the premises? Yes / No

4. See section 7.6 of the draft policy

Are there any other matters that could be included in the house rules? Yes / No

If you answered yes, please provide details

Commenting on licence applications

5. See section 8.6 of the draft policy

Does the council have satisfactory proposals for how its licencing committee will consider applications and representations? Yes/ No

Determination of applications

6. See section 9.8 of the draft policy

Are there any additional conditions that could be included in the proposed standard conditions contained in appendices B, C and D? If so please provide details below.

Definitions and guidance documentation

7. See section 11.1 of the draft policy

Are there any other types of premises that the council should take into account with regard to the draft policy?

Yours faithfully

Ian Streeter  
Licensing Manager  
t: 01603 212439  
e: ianstreeter@norwich.gov.uk

I have had a look through this draft policy and find it to be in line with other similar SLP's from other Licensing Authorities within Norfolk where this policy has been adopted.

I note that within the mandatory Conditions that would be imposed for Sexual Establishments (Condition 17) and Sexual Entertainment Venues (Condition 8) which refer to the provision of CCTV, there is a requirement within the Condition which states that the CCTV must be installed to the satisfaction of the Norfolk Constabulary. This condition imposes a requirement by the Council Licensing Authority for the Police to provide a consultation and service which the Police would have to comply with. The Police cannot be held responsible for any possible breach of any Licensing Condition as they would not be the holders of any such licence issued.

1. It demands an action by the Police for which there is currently no agreement between the Licensing Authority and the Police.

*The Police do not wish to be placed in this position without requiring any fee either from the Licensing Authority or the applicant in order to comply with the condition?*

2. It presumes that the Police are qualified to make such a determination.

*Who would be tasked to make such a recommendation? A crime prevention officer or a licensing officer?*

*What fee (if any) would be charged for this consultation or service if one was thought necessary?*

3. It sets no authorised standard for consideration by the Police.

*Can the Licensing Authority provide an industry standard for an applicant to comply with and be responsible for its compliance? The Police do have guidelines for CCTV via Secured by Design which can be accessed by Licensing Authorities online.*









## REGULATORY SUB COMMITTEE

2.45pm to 5:05pm

14 July 2014

Present: Councillors Button (chair), Brociek-Coulton, Jones, Stammers and Woollard

### 1. Declarations of interest

Councillors Brociek-Coulton and Woollard declared an other interest in item 3 as they were members of the Norwich Access Group and did not take part in the discussion for this item.

### 2. Highways act 1980: application for licence to place tables and chairs on the highway – the Champion PH 101 Chapelfield Road

Dale Huntingdon (area manager for Batemans and Sons brewery); Jackie Danks (landlady of the Champion public house) and Mrs Hansell (objector) attended the meeting for this item.

The licensing manager presented the report.

Dale Huntingdon apologised that the license had not been renewed and said that a process had been put in place to ensure this did not happen again. The brewery had paid for the area to be cleared and tarmaced when a previous licence was granted in 2008. A petition in support of the application had been signed by 140 people. The members were shown a copy of the petition.

Jackie Danks said that since losing the pavement licence, it had been difficult to manage the area for smokers and had found that there was more litter in the area as it was not limited to a certain area.

Mrs Hansell said that the noise of chairs and barriers being moved inside was very disruptive as this sometimes took place as late as 12:30am.

The licensing manager confirmed that under the terms of the licence sought, all tables, chairs and barriers would need to be cleared away by 11pm. Jackie Danks said that this may be problematic as the barriers were very time consuming to put away.

**RESOLVED**, unanimously, to grant the licence for tables and chairs on the highway for one year, with the following additional conditions:

- a) Condition 10 of the table and chairs licence be amended by deleting the first part of the standard clause to read as follows:

“No other furniture should carry strident advertising that goes beyond the purpose of discreetly identifying that the pavement café is associated with a particular business.”

- b) That the area subject to this license will be monitored by at least one camera as part of the premises CCTV system; and

- c) Condition 9 of the standard conditions be amended to read as follows:

“The areas is to be cleared of patrons by 10:45pm and the tables and chairs, the subject of this licence, shall be removed from the licensed area each day by 11pm.”

(Dale Huntingdon and Jackie Danks left the meeting at this point.)

**3. Highways act 1980: application for licence to place tables and chairs on the highway – The Maddermarket Kitchen 20 St John Maddermarket Norwich**

(Having declared an interest, councillors Brociek-Coulton and Woollard did not take part in the determination of this item).

Stuart Duffield (Owner) and Jonathan Crinion (manager) attended the meeting for this item.

The licensing manager presented the report.

Stuart Duffield said that his aim was to make the area more appealing to the public and to make his business stronger. Jonathan Crinion said that the premises did not currently serve any alcohol and the extra tables would increase their business as currently they only had capacity for thirty five covers. Stuart Duffield said that he may wish to apply for a licence to serve alcohol in the future.

In reply to a member's question as to why the number of tables on the plan at page 29 of the agenda was more than the number in the application, the licensing manager said that the committee would only approve the number specified in the application. The applicants agreed to reduce the request to ten tables and twenty two chairs.

**RESOLVED** unanimously, to grant the licence for tables and chairs on the highway for one year: with the following additional condition:

- 1) To delegate to the licencing manager, in consultation with councillor Stammers, the creation of a revised layout plan showing ten tables to be attached to the licence; and
- 2) That alcohol may only be served with a table meal.

#### 4. EXCLUSION OF PUBLIC

**RESOLVED** to exclude the public from the meeting during consideration of items 3 to 12 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

**\*5. Application for grant of a 3 month private hire drivers licence: case number 14/00964/PHD3**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report. He explained that as there had recently been a change in the Rehabilitation of Offenders Act, the reference that the applicant had failed to disclose the convictions should be ignored.

The applicant explained the circumstances surrounding his convictions on 21 June 2007, 2 November 2012 and 23 January 2013 and his caution on 27 October 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

**\*6. Application for grant of a 3 month private hire drivers licence: case number 14/00707/PHD3**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report. He explained that as there had recently been a change in the Rehabilitation of Offenders Act, the reference that the applicant had failed to disclose the convictions should be ignored.

The applicant explained the circumstances surrounding his caution on 11 May 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

**\*7. Application for grant of a 3 month private hire drivers licence: case number 14/00200/PHD3**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction on 3 November 2005.

(Councillor Stammers, the applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to refuse the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The legal advisor informed the applicant that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at the Magistrates' Court within twenty-one days of the date of this meeting. The applicant then left the meeting.)

**\*8. Application for grant of a 3 month private hire drivers licence: case number 14/00200/PHD3**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 1 May 2012 and 17 December 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant then left the meeting.)

CHAIR





## **REGULATORY SUB COMMITTEE**

**2.30pm to 4.00pm**

**11 August 2014**

Present: Councillors Button (chair), Ackroyd, Gayton, Maxwell and Price

### **1. APOLOGIES**

There were no apologies.

### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **3. EXCLUSION OF PUBLIC**

**RESOLVED** to exclude the public from the meeting during consideration of items 4 to 9 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

### **\*4. APPLICATION FOR GRANT OF A 12 MONTH PRIVATE HIRE DRIVER'S LICENCE CASE NO 14/00820/PHDRIV (PARAS 1 & 3)**

(The applicant attended the meeting for this item and was accompanied by his father. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his caution for possession of a class A drug which he had received on 15 December 2012. Following solicitor's advice, he accepted a caution for possession in order to bring the matter to a swift close.

The applicant confirmed that the incident was not related to driving and that he had a driving job lined up if his application was successful.

(The applicant, his father and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant, his father, mother and the licensing manager were admitted to the meeting and informed of the decision minuted above. The applicant, his father and mother then left the meeting.)

**\*5. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE  
CASE NO 14/00590/PHDRIV (PARAS 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his conviction for exceeding the statutory speed limit on a public road which he had received on 30 March 2012 and 2 August 2013.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that he would need to drive more carefully, paying proper attention to the speed limits. The applicant then left the meeting)

**\*6. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE DRIVER'S  
LICENCE CASE NO 14/00815/HACKD (PARAS 1 & 3)**

(The applicant attended the meeting for this item. He explained that he had not received the letter informing him of the meeting but was happy not to be legally represented. The licensing manager produced a copy of the applicant's DVLA licence for inspection by the committee. The applicant also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)



The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions for exceeding the statutory speed limit on a public road which he had received on 21 June 2010 and 13 February 2013.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that he would need to drive more carefully in future. The applicant then left the meeting)

**\*7. APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE  
CASE NO 14/01251/PHDRIV (PARAS 1 & 3))**

(The applicant attended the meeting for this item. He explained that he had not received the letter informing him of the meeting but was happy not to be legally represented. The licensing manager produced a copy of the applicant's DVLA licence for inspection by the committee. The applicant also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions for exceeding the statutory speed limit on a public road which he had received on 28 July 2013 and 2 November 2013.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the hackney carriage driver's licence for a period of three months in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application. Should the applicant successfully complete three months without further convictions, the licence is to be extended by a further 9 months (making 12 months in total).

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that he would need to drive more carefully in future. He was also required to present his licence to the council within 14 days to ensure the copy presented was accurate. The applicant then left the meeting)

**\*8. APPLICATION FOR RENEWAL OF A HACKNEY CARRIAGE DRIVER'S LICENCE CASE NO 14/01253/HACKD (PARAS 1 & 3)**

**RESOLVED** - given the applicant's non-attendance due to lack of receipt of letter regarding the meeting - to defer consideration of this application to the next meeting on September 15 2014.

**\*9. SUSPENSION/REVOCATION OF NORWICH CITY COUNCIL HACKNEY CARRIAGE DRIVER'S LICENCE NO 14/00432/HACKD (PARAS 1 & 3)**

**RESOLVED** - given the applicant's non-attendance due to lack of receipt of letter regarding the meeting - to defer consideration of this application to the next meeting on September 15 2014.

CHAIR



## **REGULATORY SUB COMMITTEE**

**14:30 to 15:15**

**15 September 2014**

Present: Councillors Button (chair), Barker, Henderson and Price

Apologies: Councillor Gihawi

### **1. Declarations of interest**

There were no declarations of interest.

### **2. Exclusion of public**

**RESOLVED** to exclude the public from the meeting during consideration of items 4 to 9 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

#### **\*4. Application for renewal of hackney carriage driver's licence case no 14-01253HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 16 November 2013, 28 January 2012 and 23 November 2012. He said that if he felt fatigued he would stop driving and respected the concerns of the committee. The applicant said that he could not remember why he contacted the licensing department with details of his convictions outside of the 7 days, failing to comply with conditions attached to his licence. The applicant said that the convictions had led to increased insurance premiums and this meant that he was mindful of his speed.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to renew the hackney carriage driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to read his green book and to adhere to the speed limits. The applicant left the meeting.)

**\*5. Suspension / revocation of Norwich City Council hackney carriage driver's licence case no 14-00432HACKD (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 21 and 24 March 2013. He said that he had started to use a speed inhibitor on his vehicle but had it set incorrectly, resulting in him going over the 70mph speed limit. He consulted the manufacturer and was instead using the overdrive function on his vehicle to ensure he was not speeding. He confirmed that he did not have to attend court for either of these convictions and had paid a fine.

He said that he had not informed the licensing department of his speeding convictions as he had thought that only criminal convictions had to be declared.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to take no further action.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair advised that the applicant obtain a new green book and read it carefully. The applicant then left the meeting)

CHAIR



## **REGULATORY SUB COMMITTEE**

**14:35 to 16:35**

**17 November 2014**

Present: Councillors Button (chair), Ackroyd, Bogelein (substitute for Price)  
Gayton and Woollard

Apologies: Councillor Price

### **1. Declarations of interest**

There were no declarations of interest.

### **2. Exclusion of public**

**RESOLVED** to exclude the public from the meeting during consideration of items 3 to 5 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

### **\*3. Application for grant of 3 month private hire drivers licence application reference 14/01744/PHD3 (paras 1 & 3)**

(The applicant attended the meeting for this item along with his mother. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant's mother explained the circumstances surrounding his convictions on 20 January 2012 and 20 September 2012. She also explained the circumstances surrounding his two spent convictions on 16 July 2009. The applicant's mother read out a letter that the applicant had sent to Norfolk Constabulary in response to two formal warnings given to the applicant in 2013.

The applicant's mother said that her son had been naïve and his only intent had been to meet new people. The applicant said that he had always had aspirations of

becoming a taxi driver and had already shadowed drivers and had learnt protocols for dealing with difficult customers.

(The applicant, his mother and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, with four voting in favour (Councillors Button, Ackroyd, Bogelein and Gayton) and one voting against (Councillor Woollard), to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant, his mother and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant to read his green book and to be mindful of whether he should begin by working day shifts. The applicant and his mother left the meeting.)

**\*4. Application for grant of a 3 month private hire drivers licence application reference 14/1405/PHD3 (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his motoring convictions on 2 May 2011 and 21 October 2011.

The applicant explained the background to a letter to the licensing manager, received from Norfolk Constabulary and answered member's questions on this.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to refuse the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The legal advisor informed the applicant that the committee were concerned that Norfolk Constabulary had felt it necessary to disclose further information to the licensing manager. On balance, without further details and with regards to public safety, they could not grant a licence. The legal advisor reminded the applicant that he had the right to reapply and suggested that he may wish to bring more information to the committee such as a court transcript. The legal advisor informed the applicant that he would receive written notification of the committee's decision and that he had the right to appeal against the decision at

the Magistrates' Court within twenty-one days of the date of this meeting. The applicant then left the meeting)

**\*5. Application for grant of 3 month private hire drivers licence application reference 142555PHD3 (paras 1 & 3)**

(The applicant attended the meeting for this item. He confirmed that he had been informed of his right to be legally represented at the meeting but had chosen not to be. He produced his DVLA licence for inspection by the committee. He also confirmed that since the application form was completed, he had received no further convictions or cautions and that he had no matters pending.)

The licensing manager presented the report.

The applicant explained the circumstances surrounding his convictions on 23 October 2010 and 4 January 2012.

(The applicant and the licensing manager left the meeting at this point).

Following discussion it was:-

**RESOLVED**, unanimously, to grant the private hire driver's licence in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of this application.

(The applicant and the licensing manager were admitted to the meeting and informed of the decision minuted above. The chair reminded the applicant that the committee had the power to rescind a licence if it was felt necessary. The applicant left the meeting.)

CHAIR

