Report to	Licensing committee	**Item**
	18 December 2018	7
Report of	Head of citywide services	
Subject	Sex Establishment Policy	

Purpose

That members consider whether to set a specific limit on numbers for sex establishments in the agreed localities for the draft sex establishment policy and to authorise the head of citywide services to consult on any agreed draft policy.

Recommendation

To:

1) determine whether to include a specific limit on numbers of sex establishments for the agreed localities in the draft policy;
2) determine whether to separate out the different categories of sex establishment within localities and to determine an appropriate number of sex establishments of a particular kind;
3) authorise the head of citywide services to consult on the draft policy in respect of sex establishments.

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

Consultation costs to be met from existing budget.

Ward/s: All wards

Cabinet member: Councillor Maguire – Safe city environment

Contact officers

Tony Shearman, environmental protection, licensing and markets manager 01603 212278

Background documents

None

Report

1. At the meeting of the committee on 11 December 2014, members considered the results of a public consultation on a proposed Sex Establishment Policy.

2. At this meeting members subsequently resolved to adopt the proposed policy.

3. At a subsequent meeting on 8 September 2017, where members determined licence applications for four sexual entertainment venues made under this policy, members expressed a wish to consider an updated policy which included maximum numbers of licensed premises in relevant localities.

4. At a meeting of the Licensing Committee on the 6 September 2018 members considered an updated draft policy and agreed some amendments. The agreed amended draft policy is attached at Appendix A.

5. One of the discretionary grounds for the refusal of an application for a sex establishment licence is on the basis of whether a predetermined appropriate number of licensed premises has already been reached. Further details on the wording of this aspect are included in the paragraphs below.

6. At the meeting on 6 September 2018 members considered the question of whether the draft policy should include appropriate numbers of the various types of sex establishment, but no conclusion was reached.

7. Officers were directed to conduct benchmarking research with other local authorities on the aspect of setting appropriate numbers of sex establishments. The results of this research are attached at Appendix B.

Grounds for Refusal of Applications

8. An application will be refused on the following mandatory grounds:

   i. if the applicant is under 18,
   ii. if the applicant has a disqualification following the revocation of their licence,
   iii. to a person, other than a body corporate, who is not resident in an EEA State,
   iv. to a body corporate not incorporated in an EEA state,
   v. or a previous refusal of the applicant at the same premises in the previous 12 months.

9. There are also a number of discretionary grounds. These are:

   i. if the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason,
   ii. if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right
   iii. That the number of sex establishments in the relevant locality or of sex establishments of a particular kind in the relevant locality equals or exceeds the number considered appropriate for that locality.
   iv. Is inappropriate having regard to:
      - Character of relevant locality

- Use of premises in vicinity
- Layout, character or condition of the premises in respect of which the application is made.

Relevant Locality

10. Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 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.

11. Schedule 3 to the 1982 Act does not define "relevant locality" further than to say that:

    (a) in relation to premises, it is the locality where they are situated; and
    (b) in relation to a vehicle, vessel or stall, it is any locality where it is desired to use it as a sex establishment.

12. Whilst the council has decided upon the extent of the relevant localities government guidance on SEV applications still requires consideration of the facts of an individual application regarding this point.

13. Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

14. When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority's view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding that two sex establishments 200 miles away from one another were in the same locality. Case law also indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

15. Once the authority has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

16. Local authorities may determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

17. In determining the applications heard in September 2017, members considered the question of relevant locality for the four sexual entertainment venues.

18. Three of the application premises were located in Prince-of-Wales Road, and members considered that their relevant locality was best represented by the Late Night Activity Zone, an area defined in planning policy.

19. One of the application premises was located in Dove Street (close to the Guildhall), and members considered that the relevant locality was best represented by the City Centre Leisure Area, another area defined in planning policy.

20. At the meeting on 6 September 2018 members redefined the relevant locality of the City Centre Leisure Area, to include St Augustine's Street from the junction of Pitt Street to the junction of Esdelle Street with the boundary placed through the centre of the street, such that the area now incorporates the existing licensed sex shop.

21. The current and proposed policy states that - 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)

22. Maps containing details of the planning areas mentioned above, are attached at appendix C.

23. Since the grant of the original four sexual entertainment venue licenses in September 2017, only three applied to renew the licence in September 2018. Therefore the current licensed sex establishment premises are:-

    i) Sugar and Spice, 39 Prince of Wales Road – SEV
    ii) Pure Gold, 52 Prince-of-Wales Road – SEV
    iii) Platinum Lace, 15 Dove Street – SEV
    iv) The Private Shop, 39 St Augustines Street – sex shop

Consultation

24. It is proposed that consultation on the proposed policy takes place with:

- The Chief Officer of Norfolk Constabulary

- One or more persons who appear to the council to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the city

- One or more persons who appear to the council to represent the interests of persons employed either as performers or otherwise in the business of a sex establishment in the district

- One or more persons who appear to the council to represent the interests of persons likely to be affected by or otherwise have an interest in the policy including the Planning Authority, Fire Authority, Community Safety, Environmental Protection and Child Protection.

- Interested parties such as resident associations and trade associations

- Ward councillors

Conclusions

25. 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

26. The Government has provided local authorities with a way of controlling the number and location of sex establishments in their area. It has also given the Council a wide discretion in deciding the policy relating to sex establishments.

27. Consultation on the attached draft policy should take place and any revisions be brought back for members to consider before a policy is finalised.

NORWICH
City Council

Local Government (Miscellaneous Provisions) Act 1982

Statement of Licensing Policy

for

SEX ESTABLISHMENTS

Incorporating Guidance and
Standard Conditions

Approved by Licensing Committee???
Adopted by Full Council??

Contents

1	Introduction	3
2	Policy development and consultation details	4
3	Types of Sex Establishment and definitions	4
4	Location of Licensed Premises	5
5	Application Process	6
6	Consultation procedures and Commenting on licence applications	7
7	Determination of applications	9
8	Conditions	11
9	Refusal of licences	11
10	Revocation of licence	12
11	Cancellation of licences	12
12	Right to appeal a decision	12
13	Compliance Monitoring and enforcement	13
14	Exchange of Information	13
15	Policy Evaluation and review	13
Glossary, Definitions and Bibliography		15
Appendix		
A	Notice of Application for The Grant / Renewal / Transfer of a Sex Establishment Licence	19
B	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Sex Shops and Sex Cinemas	20
C	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Mail-Order Premises	25
D	Standard Sex Establishment Licence Conditions Restrictions and Terms applicable to Sexual Entertainment Venue Premises	29

DRAFT

1. Introduction

This policy has been drafted following new legislative provisions introduced by the Policing and Crime Act 2009 (and adopted by the City Council) that allow the council to regulate lap dancing and similar venues, and provides a framework for regulation of all existing and future sex establishments in the City.

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 establishments* in the City.

In this policy

- the Local Government (Miscellaneous Provisions) Act 1982 as amended is referred to as *The Act* unless otherwise stated.
- Norwich City Council as Licensing Authority for Sex Establishments is referred to as *the Authority*.

A Glossary of definitions and terms is provided at the end of the Policy for reference.

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

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.

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

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

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

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.

The Authority 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.

DRAFT

2. Policy development and consultation details

In developing this policy the Authority has had regard to the legal requirements of the Act and the Policing and Crime Act 2009 and its duties under:

- section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the City;
- 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
- 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.

The Authority consulted on this policy ????
It was approved by the Licensing Committee on ???? and adopted by Full Council on ????

3. Types of Sex Establishment and definitions

There are 3 types of sex establishments (as defined in the Act):

- Sex Shops
- Sex Cinemas
- Sexual Entertainment Venues.

These terms are defined in Schedule 3 of the Act (and summarised in the Glossary below). It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

In deciding whether entertainment is "relevant entertainment" in respect of a Sexual Entertainment Venue the Authority will judge each case on its merits, but will generally apply to:

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

The Authority recognises that not all premises which provide Adult entertainment facilities automatically require a Sex Establishment licence.

This is due to certain provisions and exemptions within the legislation as detailed below.

Applications can be made to waive the requirement for a sex establishment licence. However, the Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence except in extreme circumstances which will be considered by the Authority's Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

The Act provides an exemption allowing premises without a Sex Establishment Licence to provide *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. However such premises will require to hold an appropriate authorisation under the Licensing Act 2003. In considering and granting such authorisations, which relate to nudity, striptease and similar, the Authority will have regard to the Authority's Statement of Licensing Policy and also the principles contained in this policy document

4. Location of Licensed Premises

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

In considering the characteristics of a locality the Authority will take account of the density and proximity of:

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

As provided for under the provisions of the Act, the 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. This number can be 'nil'.

In recognising that different parts of the City have different characteristics the Authority has imposed a limit on the number of premises that may be licensed in a given area, and will treat each application upon its own merits. The Authority considers the maximum numbers should be:

Locality	**number**
Late Night Activity Zone	tbc~~3~~
City Centre Leisure Area (outside of the LNAZ)	tbc~~1~~

City Council area outside of the City Centre Leisure Area	tbc~~1~~

The Authority expects that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

5. Application Process

Applicants should be aware that planning is a separate jurisdiction to licensing. Potential licence applicants should ensure that appropriate planning permission is in place prior to submission of an application for a licence.

Premises may require to hold a Licence under the Act as a Sex Establishment and also a separate licence under the Licensing Act 2003 (for the sale of alcohol and late night refreshment)

An application for the grant, renewal, transfer or variation of a Sex Establishment licence must be made in writing to the Authority in accordance with the requirements shown in Annex A to this policy together with the application fee,

Applications can be made in the following ways:

- By post/personal service to:
  The Licensing Team, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH
- Via Email: licensing@norwich.gov.uk
- Online:
  https://www.norwich.gov.uk/directory_record/1186/sex_shops_and_cinemas/category/108/sex_shops_and_cinemas

The application must be copied by the applicant to the Police within 7 days after the date the application was made, except when received by the council electronically.

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.

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 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.

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 Authority. In the case of Sexual Entertainment Venues such plan must outline the area where relevant entertainment will take place.

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 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.

Representatives of the Authority 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.

Applicants must also give public notice of the application by publishing an advertisement in a local newspaper which circulates in the area of the 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 premises 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 Authority, must contain certain information. The Authority's prescribed notice is contained within this policy document as Appendix A.

Please note that with regard to ~~online~~ applications tacit authorisation does not apply to new grant applications for sex establishment licences. This means applicants must wait for the Authority to determine their application before they can operate a sex establishment.

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

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 Authority before the licence expires

The holder of a licence may apply to the Authority to vary the terms, conditions or restrictions on or subject to which the licence is held.

6. Consultation procedures and Commenting on licence applications

The police are a statutory consultee for all applications.

Residents and businesses ~~in the City~~ may also make objections during the consultation process.

Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 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 are put; or to the layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made.

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

In addition to individuals, 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.

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

~~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.~~

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 has a procedure to be followed during licensing hearings. Persons who have made a valid and 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.

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 above).

Any Petitions received 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 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. The Committee will decide on the merits of the case what weight it will give to objections raised through petitions.

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.

The names and address of objectors will not be disclosed to applicants, or published in public reports, in accordance with Paragraph 10 (17) of Schedule 3 to the Act.

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. Certain items or information will therefore have to be excluded from the public domain as permitted by Local Government Act 1972.

7. Determination of applications

When considering applications, the Authority will have regard to:

- the Act
- any supporting regulations
- guidance issued by the Home Office
- this Statement of Licensing Policy
- any objections made
- the Human Rights Act 1998
- any other relevant legislation or guidance

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

When determining applications, the Authority will take account of any comments or representations made by:

- Norfolk Constabulary;
- Norwich City Council Environmental Protection Service
- The authority enforcing health & safety at the premises
- Norwich City Council Planning Services
- Norfolk Fire Service
- Norfolk Safeguarding Children Board

- Any other relevant authority

The Authority reserves the right to consult any other body that it considers appropriate.

Paragraph12 (1)(a-e) of Schedule 3 of the Act prohibits the 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.

Applications which fall into this category will be deemed invalid applications. Please note there is no right of appeal against failure to grant a licence on these grounds.

If the application is valid and no objections have been received and there are no other statutory grounds for refusal, the application will be granted by way of delegated authority.

In cases where objections have been received, or if there are concerns regarding the characteristics of the locality, or any other discretionary ground of refusal, the application will be referred to the Licensing Committee for a hearing and determination of the application.

The Authority may, if they think fit, transfer a licence to any other person upon application by that person.

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

The Authority will give clear reasons for its decisions.

The Authority will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of one year to provide certainty to those operating businesses. The licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

When issuing a Sex Establishment Licence the 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. The Authority

may grant to any applicant or renew any licence for the use of any premises as a sex establishment on such terms and conditions as may be specified.

8. Conditions

The Authority will attach *standard conditions* (as specified in Appendices B-D. to this Policy document) to all sex establishment licences.

Additional conditions may be added in the following circumstances:

- When offered by the applicant as part of the application;
- Voluntary following recommendations made by any relevant Authority, Police etc;
- By the Licensing Committee following receipt of an objection and a hearing.

Applicants who wish to be exempt from the requirements of any of the *standard conditions* should state, with full reasons why they should be so exempted, when making an application.

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

9. Refusal of licences

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

- Notifying the applicant or holder of the licence in writing of the reasons;
- Giving the applicant (or holder) of the licence the opportunity of appearing and making representations before a Licensing Committee.

As stated above, in accordance with Paragraph 12(1) of Schedule 3 to the Act the Authority **must refuse** to grant or transfer a licence in certain mandatory cases and these will be deemed invalid applications.

In accordance with Paragraph 12(2) of Schedule 3 to the Act the Authority **may refuse:**

- an application for grant or renewal of a licence on one or more of the grounds shown below;
- an application for transfer of a licence on either or both of the grounds shown at a and b below.

The grounds for refusal are:

a. That the applicant is unsuitable 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, renewal or transfer of such a licence if he made the application him/her self;
c. That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the ~~that the~~ application is

determined,~~made~~ is equal to or exceeds the number which the Authority considers is appropriate for that locality;

d. That the grant or renewal of the licence 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, vehicle, vessel or stall in respect of which the application is made.

10. Revocation of licence

The Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Act.

- on any of the mandatory grounds which are detailed in section 7 above
- or either of the grounds in respect of (a) or (b) detailed at section 9 above, namely that the licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.

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

Should the Authority revoke a Sex Establishment licence then full reasons for the revocation will 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 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.

11. Cancellation of licences

The licence-holder may surrender the licence at any time and may request the Authority in writing to cancel the licence.

In accordance with Paragraph 15 of Schedule 3 to the Act, in the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked. The representatives must comply with the conditions of the licence and should not be someone who would not normally be granted a licence in their own right

Where the Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, and that no other circumstances make it undesireable, it may extend or further extend the period in which the licence remains in force.

12. Right to appeal a decision

If an application is refused, or licence revoked, following a hearing, then the applicant or licence holder 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 or licence holder is notified of the Authority's decision. It should be noted that a fee may be payable to the magistrates to lodge such an appeal. Applicants or licence holders 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 there is no appeal against the 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

- 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 are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. ~~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. Applicants who do not agree with the decision made by the magistrates' court, can appeal to the local Crown court. The decision made by the Crown court will be final. The Authority must comply with a decision made by the Magistrates or Crown court.

13. Compliance Monitoring and enforcement

The Authority will adopt an intelligence led and risk based approach to it's ~~a~~ monitoring and inspection regime. In general this will involve carrying out inspections of premises no more than once a year unless exceptional circumstances require otherwise.

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.

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

Breach of conditions or legislative requirements may result in formal action being taken by the Authority which can include revocation of, or a decision not to renew, a licence. The Authority may also prosecute in respect of serious offences.

14. Exchange of Information

The Authority 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.

15. Policy Evaluation and review

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

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.

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 Authority.

DRAFT

GLOSSARY, DEFINITIONS and BIBLIOGRAPHY

Sex Shop

"(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:

"(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."

Sex Cinema

"(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.

Sexual Entertainment Venue

"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."

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 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 Authority 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.

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 of the Act (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.

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.

Form of Notice – Indecent Displays (Control) Act 1981 section 1(4)(e):

The Authority's Standard Conditions require that a warning notice be displayed in accordance with the above legislation. The legislation states:

(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.

Bibliography and further guidance

- Copies of Acts of Parliament and regulations can be viewed at www.legislation.gov.uk

- Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales." http://www.licensingresource.co.uk/sites/all/files/sex/sev_guidance.pdf

- Home Office guidance issued under section 182 of the Licensing Act 2003 in April 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

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

DRAFT

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 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.

DRAFT

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/despatches 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.

DRAFT

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.

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.

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 kept for a period of 31 days and 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 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 34 ‘i’, ‘ii’ and ’iii’ 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 or unless there is an internal lobby with doors preventing the inside of the premises being viewed externally. 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, 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.

43. All booths, cubicles or VIP areas used for private dances must be visible to supervision and must not have closing doors, curtains or coverings of any description.

44. All booths, cubicles and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/cubicles/VIP areas are in use. Direct supervision does not include remote supervision by CCTV.

Provision of Relevant Entertainment

45. 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.

46. 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.

DRAFT

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

48. 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.

49. 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.

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

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

52. Performers must not perform a nude table dance unless in a supervised area.

53. 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).

54. 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.

55. 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.

56. 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.

57. 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.

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 57 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

Benchmarking Research

Please find below details of other similar local authorities that have adopted the relevant legislation and published a policy that includes reference to appropriate numbers of the relevant premises.

For each authority there is included:-

1. The name of the authority
2. The approximate date of the adoption/revision of the policy
3. Details of the relevant section of the policy
4. A link to the full policy on the authorities website
5. A summary of that authorities position on the matter
6. A copy of the relevant part of the policy

Cambridge City Council (October 2016) – see section 9 -
https://www.cambridge.gov.uk/sex-establishments

Summary – No appropriate numbers set

9. Location of Licensed Premises

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

9.1.1 a residential area

9.1.2 a school, nursery or any other premises substantially used by or for children under 16 years of age;

9.1.3 a park or other recreational areas used by or for children under 16 years of age;

9.1.4 a church or other place of religious worship;

9.2 In addition, we will consider public safety issues when determining whether an area is appropriate; for example, areas that attract a high percentage of female, elderly or young users may be considered to be inappropriate. Where we receive an application, which we consider to be within close proximity to those areas or premises identified in paragraph 9.1, the application will not be automatically refused. Applications presenting genuinely exceptional circumstances may be granted.

9.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

9.4 We would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

Nottingham City Council (August 2016) see section 1. Introduction -
http://www.nottinghamcity.gov.uk/business-information-and-support/business-and-

trading-licences-and-permits/food-drink-and-entertainment-licences/sex-establishment-licence/

Summary – No appropriate numbers set

1. INTRODUCTION AND DEFINITIONS

This document sets out Nottingham City Council's Policy regarding the licensing and regulation of Sex Establishments. Applications for such premises can raise significant concerns within the community and locality where the premises are, or are intended to be, located.

The Council aims to strengthen community cohesion and civic pride in every neighbourhood whilst seeking to lower crime and fear of crime and reducing anti-social behaviour. This Policy is intended to guide the Council in balancing the sometimes conflicting needs and interests of businesses, patrons, employees, residents and communities when considering applications for Sex Establishment licences and informs applicants and objectors of the parameters under which the Council will make licence decisions.

Whilst the Council has not set a maximum number of establishments for the City, it will consider new applications and locations robustly before granting any further licences.

Each application will be considered on its merits however it should be noted that application fees are non-returnable.

In relation to Sexual Entertainment Venues, further permissions may be required under separate legislation to enable the provision of other licensable activities for which the relevant fees and charges will be levied.

In such cases, there should be no presumption assumed from the result of one application against that of a related application.

Leeds City Council (September 2013) – see survey at paras. 2.7-2.15 and paras. 7.7-7.19 - https://www.leeds.gov.uk/business/licensing/other-licences/sex-establishment-licence

Summary – Extensive public survey undertaken.
No appropriate numbers set for sex shops or cinemas.
Appropriate no. of 4 set for sexual ent. venues in the city centre
Appropriate no. of 0 set for sexual ent. venues outside the city centre
The appropriate number of 4 SEV's in the city centre was recommended by a working party of officers and cllrs and took into consideration the results of the public survey.
At the time of adopting the policy which included appropriate numbers, there were 6 licensed SEV's. When these applied to renew their licenses only 3 were granted.
The decisions not to renew 3 of the licenses were based upon locality

rather than any exceedance of the appropriate no.
It was a 3 further years before an application was made to fill the fourth city centre space.

Appropriate numbers and localities

7.7 The council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority consider is appropriate for that locality. The council has considered each and every part of the city of Leeds in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.

7.8 In deciding when and if so what policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.

7.9 The Council has taken account of its own corporate strategies and priorities as represented by its Vision for Leeds 2011 to 2030, Leeds Unitary Development Plan, Violence Against Women Strategy and Child Friendly. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse city. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural and child friendly reputation of the city.

7.10 The council has had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality of Leeds will not advance equality of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for dancers. However is also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Yorkshire or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.

7.11 The consultation with the Citizen's Panel revealed that a majority of residents in Leeds consider that SEVs are inappropriate in the vicinity to premises with particular sensitive uses. The following uses all scored highly:

- Schools and other areas of education
- Play areas/parks
- Youth facilities
- Residential areas
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums

• Retail shopping areas
• Historic buildings

7.12 The council agrees that these uses are sensitive and that SEVs are generally not appropriate near them.

7.13 The consultation with the Citizen's Panel indicated that in particular rural, residential and deprived areas were particularly unacceptable as localities for SEVs to be located in. When considering each of the council wards the council has considered if it could be considered a rural, residential or a deprived area. Even areas outside of the city that would be considered a built up area are also largely residential. The council has considered each and every ward and has determined all areas outside of the city centre to be unacceptable localities for SEVs to be located due to their proximity to rural, residential or deprived areas.

7.14 The same results indicated that 32% agreed and 50% disagreed that the city centre would not be an acceptable locality to locate a lap dancing club in. In addition 42% of respondents agreed and 36% of respondents disagreed that it would not be acceptable to locate a SEV in busy late night economy area. 39% of respondents agreed and 41% of respondents disagreed that it would not be acceptable to locate a SEV in a built up area such as a town centre.

7.15 The Citizens Panel also looked at areas within the city centre that would not be acceptable to locate a SEV. 10 of the 11 areas designated in the survey received a response that indicated that it is more unacceptable than acceptable to locate a SEV on or near to them. The only area in the city centre that was inconclusive was the Call Lane, The Calls, Assembly Street area. This area is designated as a violent crime hotspot by West Yorkshire Police and is included in the council cumulative impact policy under the Licensing Act 2003.

7.16 Therefore, it is the council's policy that there is no locality outside of the city centre in which it would be appropriate to license a sexual entertainment venue. Accordingly the appropriate number of SEVs for outside of the city centre is nil.

7.17 Taking into consideration all the matters mentioned in this section the appropriate number of SEVs in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations.

7.18 The extent of the city centre is indicated on the following map:

(*Map not reproduced)*

7.19 The council has not determined a limit on numbers or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case

by case basis but applicants can be guided by the criteria mentioned at 7.4 to 7.6.

Bristol City Council (January 2012) – See Section 8 and Appendix A re numbers restrictions and localities - https://www.bristol.gov.uk/documents/20182/35132/19.01.12+SEV+Policy+Amended+for+web+v1.2EL.pdf/b9420b51-7a33-4451-9982-1649fc5e11b1

Summary – Policy is contradictory in that section 8 states that it will not predetermine localities or appropriate numbers, and will consider each on a case by case basis, whereas Appendix A does set out specified localities and max. nos. of the various types of venue

8. Grounds for refusal

Discretionary ground (c)
The Council is mindful of its power to determine an appropriate maximum number of sex establishments, or of sexual entertainment venues, in the relevant locality at the time of application is determined. The Council will adopt the same approach to this issue when determining applications for sexual entertainment venues as it has taken with respect to applications for sex shop licences. It will not seek to predetermine the localities that are comprised within the City of Bristol or predetermine the appropriate number for each such locality, but will consider this issue on a case by case basis. That is to say, it will decide what is the relevant locality as a matter of fact in each particular application and not by drawing boundaries on a map or some other method.

Having established the relevant locality, in considering the issue in ground 'c' the Council will take into account all relevant considerations including:-
The character of the locality:
- residential
- leisure
- educational establishments

Other uses in the locality:
- faith / religious institutions
- churches
- family friendly facilities

Impact on regeneration
Impact on tourism, including considerations of the perception of the City at gateway locations
Impact on retail attraction
Risk of public nuisance
Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003;
Impact on crime and disorder

Public perception of the safety of the locality and impact on that perception, e.g. typical footfall at material times, level of street lighting, use by lone females
Existence of social problems in the locality and impact on any initiatives to tackle them, e.g. kerb crawling, prostitution.
Levels of recorded crime
Levels of anti social behaviour

Appendix A shall be maintained within this policy to record all decisions made to control the number of sex establishments under this provision.

APPENDIX A
RECORD OF DECISIONS TAKEN TO CONTROL THE NUMBER OF SEX ESTABLISHMENTS IN LOCALITIES IN BRISTOL
On 23rd November 2011 the Licensing Committee determined three localities in Bristol and specified the maximum number of Sex Shops, Sex Cinemas and Sexual Entertainment Venue within each locality.
Old Market / West Street Locality
2 Sex Shops, 0 Sex Cinemas, 1 Sexual Entertainment Venue
City Centre Locality (see map)
2 Sex Shops, 0 Sex Cinemas, 2 Sexual Entertainment Venues
Bishopston / Redland / Cotham / Ashley Locality
0 Sex Shops, 0 Sex Cinemas, 0 Sexual Entertainment Venues

Exeter City Council (August 2015) - See policy 7 on p. 19 - http://exeter.gov.uk/media/1423/sex-establishment-policy-aug-2015.pdf

Summary – Appropriate number for sexual entertainment venues set at zero for the whole of Exeter. Appropriate number of one set for each of the two localities where the existing sex shops were based.

POLICY 7: THE NUMBER OF SEX ESTABLISHMENTS
1. The Council's Policy is that there is no locality within Exeter in which it would be appropriate to licence an SEV or a sex cinema. Accordingly, the appropriate number of these categories of sex establishments for each and every locality within Exeter is nil.
2. The Council's Policy is that there are currently two localities in which it is appropriate to licence a sex shop and these are the localities surrounding the existing licensed premises in Fore Street and Sidwell Street. Accordingly, the appropriate number of sex shops for each of these localities is one.

Brighton and Hove City Council (2010)- See para. 3.2 and 4.3 for locality restrictions - https://www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/licence_applications/2010_Sex_Establishment_Policy_-_r3-fix.pdf

Summary – appropriate numbers set for the various types of sex establishment and localities within the local authority area, in order to limit the numbers to existing operating premises at the time that the policy was introduced.

3.2 A new licence will not normally be granted in the relevant locality if at the time the application is made the number of sex shops and sex cinemas in the relevant locality is equal to or exceeds the number the authority considers appropriate for the locality.

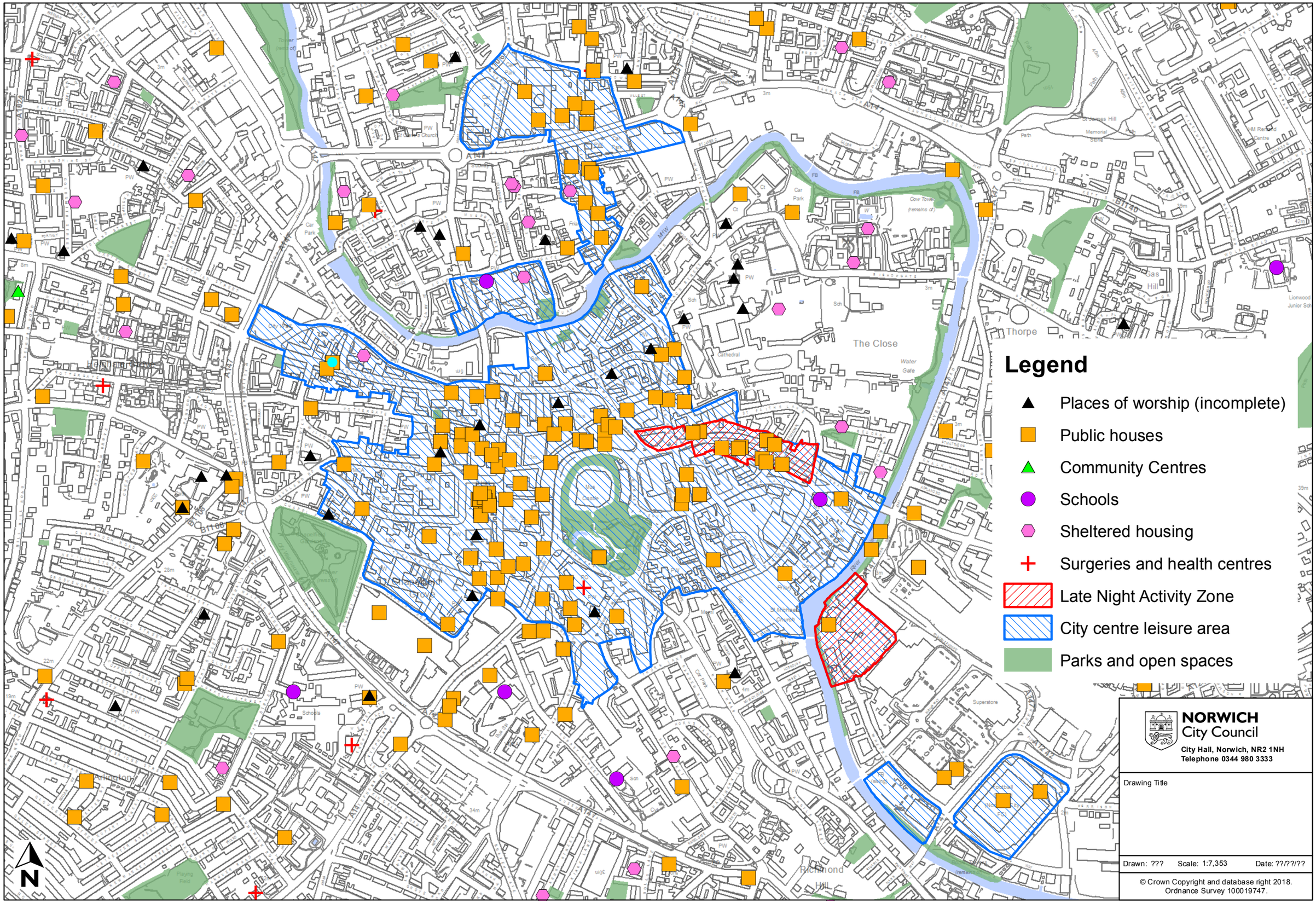
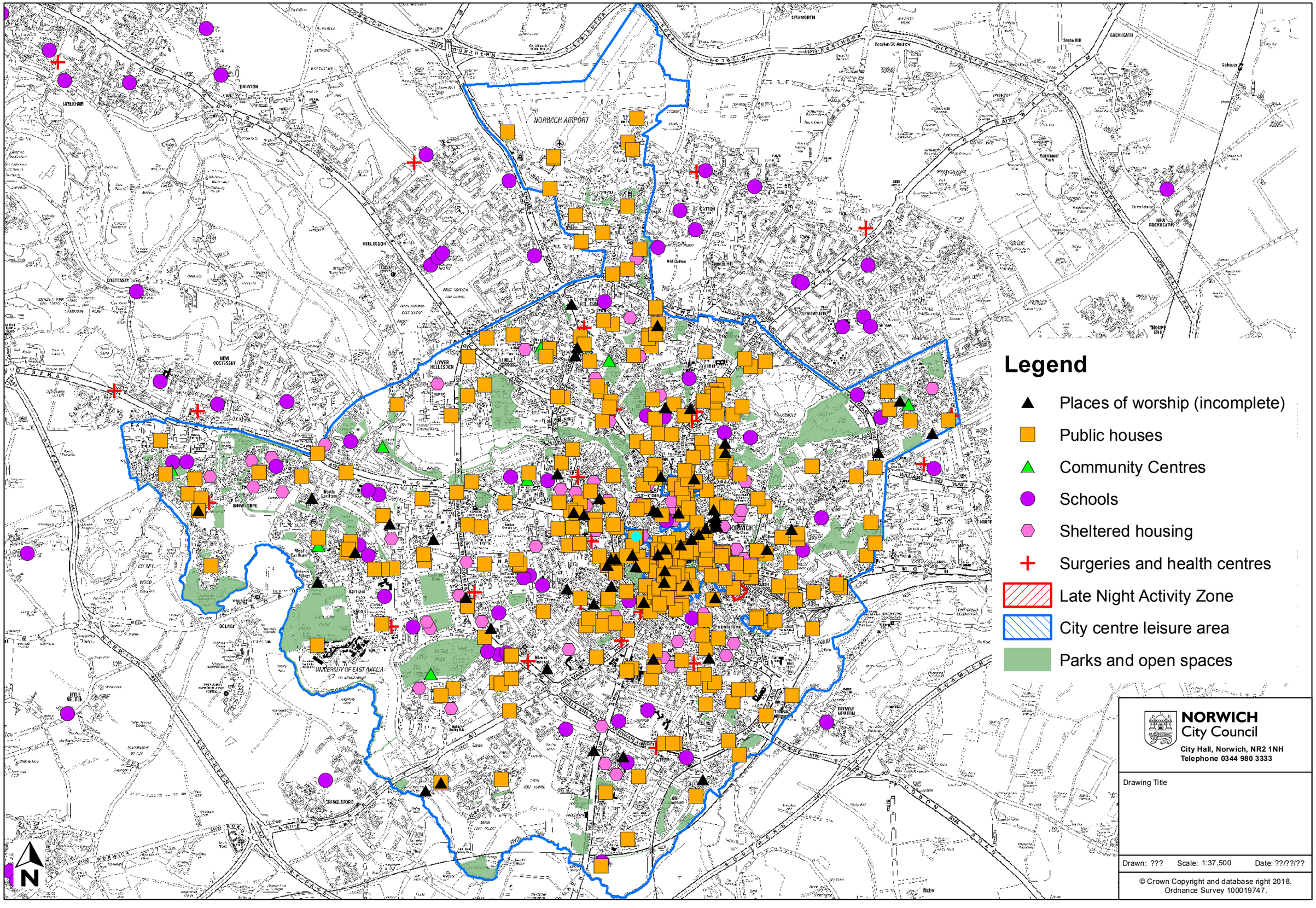
St. James Street shopping parades	2
Brighton Station shopping parades	2
Hove shopping parades	1
All other residential, shopping, commercial, industrial land	Nil

4.3 Except in exceptional circumstances, a new licence for a SEV will not be granted in the relevant locality if at the time the application is made the number of SEVs in the relevant locality is equal to or exceeds the number which the authority considers appropriate for the relevant locality, as follows:

Brighton Leisure Centre	3
Hove Commercial Centre	Nil
All other areas within the City	Nil

City Centre Map

APPENDIX C



Whole city map