

# **Sex Establishment Venue Licensing Policy 2023**

**Schedule 3 Local Government  
(Miscellaneous Provisions Act 1982), as  
amended by Section 27 Policing and Crime  
Act 2009**

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# 1 Introduction

- 1.1 This Policy sets out the Authority's requirements for premises to be licensed as Sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") as amended by Section 27 of the Policing and Crime Act 2009.
- 1.2 Adoption of Schedule 3 enables Stafford Borough Council, 'the Authority', to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area (which may be nil).
- 1.3 The Authority adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops in 1995 and the new provisions for sex establishments under the amendments of the Policing and Crime Act 2009, in 2011.
- 1.4 The aforementioned amendments provide local authorities and communities greater power in determining whether sex establishments are permitted in their locality and increase the controls available to be imposed on them. The policy reflects the view of the Authority that local citizens and businesses should be able to determine whether sex establishments should be permitted in any particular area, whilst allowing flexibility to consider the potentially conflicting needs of commercial interests, patrons, employees, residents and communities.
- 1.5 The Council does not take a moral stance through the adoption of this policy. It should be recognised that Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure sector of our economy. It is the Council's statutory duty, as a licensing authority, to regulate such premises in accordance with the law.
- 1.6 A six-week public consultation about the draft Policy took place between 14 June - 26 July 2023, to seek the views of Stafford Borough's Citizens, elected SBC Members, bodies determined by the Authority to be 'responsible authorities' (Licensing Authority, Staffordshire Police, Fire Authority, Public Health, Environmental Health, Trading Standards, Planning), relevant night-time economy bodies and current sex establishment licence holders. This final version of the Policy has been updated taking account of the written consultation responses received.
- 1.7 This policy statement sets out the Authority's guidance, application procedure, terms and conditions relating to the regulation of sex establishments and will guide current licence holders, potential licence

holders, the public and the Authority when considering applications for sex establishments.

- 1.8** This policy statement applies to every type of sex establishment (as defined in the Act) unless an exemption applies.
- 1.9** Whilst each application will be considered on its individual merits, this policy statement is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining any such application. This policy statement also sets out the expectations of the Authority on the applicant when receiving an application.
- 1.10** Applications for grant or variation and opposed applications to renew and/or transfer, will be determined by the Authority's Licensing Committee or a sub-Committee appointed for the purpose. Unopposed applications to renew and/or transfer will be determined by the relevant Head of Service in accordance with the Authority's constitution and scheme of delegation.
- 1.11** The Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009, makes provision for the control of sex establishments through the Council's Licensing function. The provisions allow the Authority to take into account a broader range of considerations than the Licensing Act 2003 permits before making decisions about licences. It also gives local people a greater say over the regulation of lap dancing clubs and similar venues in their area.
- 1.12** This Policy sets out the Authority's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where the decision-making powers of the Authority are engaged, each application will be considered on its own merits.
- 1.13** In formulating this Policy, consideration has been given to the relevant legislation and guidance issued by the Home Office.

## **2** **Definitions**

### **2.1** **The Act**

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

## **2.2 The Policy Statement**

This refers to this Policy.

## **2.3 Sex Shop**

A sex shop is 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
- (b) other things intended for use in connection with or for stimulating or encouraging:-
  - (i) sexual activity;
  - (ii) acts of force or restraint which are associated with sexual activity.

## **2.4 Sex Articles**

A sex article is anything for use in connection with or for stimulating or encouraging:

- (a) sexual activity;
- (b) acts of force or restraint which are associated with sexual activity;
- (c) anything: -
  - (i) 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
  - (ii) to any recording of vision or sound, which:
- (d) 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
- (e) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

## **2.5 Sexual Entertainment Venues**

Further to amendments provided by section 27 Policing and Crime Act 2009, a Sexual Entertainment Venue is defined as “any premises at which

relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer unless an exemption applies". The exemptions are defined fully in the legislation.

This includes any vessel, vehicle, or stall but not a private dwelling to which the public are not permitted.

## **2.6 Relevant Entertainment**

Relevant entertainment is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person (e.g., where the entertainment takes place in private booths).

Relevant entertainment includes, but is not limited to:

- lap dancing,
- pole dancing,
- table dancing,
- strip shows,
- Peep shows,
- live sex shows
- topless bars

**2.7** Although this list is not exhaustive, it is the relevant entertainment itself and not the name that defines the activity. For example, a fitness class, based upon the actions of pole dancing would not normally be considered a relevant entertainment requiring a sex establishment licence.

**2.8** A display of nudity would not automatically be provided solely or principally for the purpose of sexually stimulating any member of the audience. If a display of nudity forms part of a drama or dance performance in a theatre, then it would be unlikely to be classified as relevant entertainment. Such displays would be considered on a case-by-case basis.

## **2.9 Sex Cinema**

A sex cinema is defined as premises used to a significant degree for the exhibition of moving pictures concerned with relevant images:

- (a) Relevant images are defined as images which deal with or relate to or are intended:
- i. to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity.
  - ii. are concerned primarily with the portrayal of, or primarily deal with or relate to genital organ or urinary or excretory functions.
- (b) Whether premises provide a significant degree of relevant images is determined quite simple in that any premises showing British Board of Film Classification R18 film (a legally restricted classification primarily for the explicit works of consenting sex or strong fetish material involving adults) images to a public audience will require a sex cinema licence.

## **2.7 The Organiser**

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

In most cases this will refer to the manager of the premises concerned but on occasion it may also refer to someone who organises the relevant entertainment on behalf of those who are responsible for the management of the premises.

## **2.8 Display of Nudity**

This means:

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

## **2.9 Relevant Locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment.

## **2.10 Character of the Relevant Locality**

The character of the Relevant Locality, where the premises is situated will be instrumental in determining whether the grant of a licence will be appropriate. This is a proper matter for the Authority to consider based on local knowledge, factors, and circumstances.

## **2.11 Permitted Hours**

These are the hours of activity and operation that have been authorised under a sex establishment licence. These may vary from premises to premises and will be considered on individual circumstances.

## **2.12 Authority**

Means Stafford Borough Council.

## **3 Policy Considerations and Relevant Locality**

**3.1** The locality and the area that this covers, is a matter for the Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence. The decision will be based upon the principle of reasonableness but may not be a clearly defined area or have precise boundaries.

**3.2** In accordance with Section 17 of the Crime and Disorder Act 1998, the Authority is under a duty to exercise its functions with due regard to the likely effects on crime and disorder. It aims to do all it can to prevent crime and disorder in its area. The possible impact of crime and disorder (including anti-social behaviour and other behaviour adversely affecting the local environment) are clearly relevant factors in the consideration of all applications. In giving due regard to these possible implications, Members will consider all the information available to them and any representations made by Staffordshire Police, the applicant, and any objectors.

## **4 Waivers**

**4.1** The Authority will not normally grant a waiver for a sex establishment licence but will consider applications on their individual merits. Applicants will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived.

**4.2** Waiver applications will be considered by the Licensing and Appeals Committee, or delegated sub-committee thereof, and reasons shall be given of the decision taken.

## **5 The Application process**

**5.1** An application for the grant, variation, renewal or transfer of a sex establishment licence must be made in writing on the relevant application form to the Authority in accordance with the requirements set out below.



**5.2** The address at which the Authority will accept applications and notices is:

- (a) By post/personal service to: Licensing Section, Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ.
- (b) By email to [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk).

**5.3** For all enquiries you can contact the Licensing team on 01785 619745.

## **6 Application for the Grant of a Licence**

**6.1** The Authority may grant to any applicant a licence for the use of premises as a sex establishment on such terms and conditions as specified by the Authority.

**6.2** A licence will only be granted for a maximum of one year at a time.

**6.3** The Authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

**6.4** To apply for the grant of a sex establishment licence an applicant must submit:

- (a) A completed application form;
- (b) The Rules and Code of Conduct relating to both customers and performers;
- (c) The relevant fee (please note that there is a fee payable upon application and a further fee payable should the licence be granted);
- (d) A site plan (scale 1:1250 or 1:500) showing the whole curtilage of the premises (edged in black) (see Section 7 below);
- (e) A layout plan (scale 1:50 or 1:100) of the premises to which the application relates (see Section 7 below);
- (f) Plans or drawings (scale 1:50 or 1:100) showing the public-facing elevations of the Premises as existing and as proposed (see Section 7 below);
- (g) Display a notice on or near the premises (see section 8 below);
- (h) Advertise the application in a local newspaper no later than 7 days after the date of the application; and

- (i) Send a copy of the application and plan to the Chief Officer of Police for the area within 7 days of making the application to the Authority.

**6.5** Application forms, sample advertisements and site notices are available on request from the Licensing Section at [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)

**Note:** Applications may take 8-12 weeks to determine.

## **7 Plans**

**7.1** Any Application for a Licence to operate a Sex Establishment Venue must be accompanied by the following plans, unless agreed in writing beforehand:

- 1 A site plan, drawn at a scale of 1:1250 or 1:500 showing:
  - (a) The whole curtilage of the Premises (edged in black) in the context of its setting; and
  - (b) The proposed sex establishment in relation to other premises within 100 metres of any part of the Premises' curtilage.
- 2 A layout plan of each floor of the Premises, drawn at a scale of 1:50 or 1:100, including a legend through which the matters mentioned below are sufficiently illustrated using symbols on the plan, showing:
  - (a) The area(s) to be licensed must be clearly identified by outlining these areas in red.
  - (b) All external and internal walls of the building and, if different, the perimeter of the Premises;
  - (c) The location of points of access to and exits from the premises, any parts used in common with any other building and indicating how the premises lie in relation to the street;
  - (d) If different from paragraph (2)(b), the location of escape routes from the Premises;
  - (e) In a case where the premises is used for more than one existing activity, the area within the Premises used for each activity.

- (f) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - (g) In a case where the Premises includes a stage or raised area, the location and height of each stage or area, relative to the finished floor level of each floor of the building or Premises;
  - (h) In a case where the premises includes any steps, stairs, elevators, or lifts, the location of the steps, stairs, elevators, or lifts;
  - (i) The dressing room(s) of performers;
  - (j) The designated area(s) where performances take place;
  - (k) Any private screened area where performances may take place;
  - (l) In a case where the premises includes any room or rooms containing public conveniences, the location of such room or rooms;
  - (m) Any areas designated for staff use only including offices, storage, and toilets;
  - (n) The location and type of any fire safety and any other safety equipment; and
  - (o) The location of any kitchen or food preparation areas on the premises.
- 3 Elevation plans or drawings (scale 1:50 or 1:100) of the Premises, showing all public-facing elevations of the Premises as existing and as proposed. Such plans shall be amplified by larger scale plans or drawings, as necessary, to show any proposals for window displays or marketing / promotional information relating to the proposed use of the Premises.

## **8 Public Notices**

- 8.1** A notice, must be displayed at or on the premises to which the Application relates for a period of no less than 28 consecutive days beginning with the date of the application, where it can be easily and conveniently read from the exterior of the premises by any passing member of the public.

- 8.2** Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 8.3** The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 8.4** The notice must state:
- (a) the details of the application and activities that it is proposed will be carried on or from the premises;
  - (b) the full name of the applicant;
  - (c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;
  - (d) the date, being 28 days after that on which the application is given to the Authority, by which objections may be made to the Authority and making clear that any such objections should be made in writing;
  - (e) that it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.
- 8.5** A similar notice must be published in a local newspaper circulating in the area within 7 days of giving the application to the authority **(proofs of this must be supplied to the authority as part of the bundle of Application documents)**.
- 8.6** A copy of the notice must also be served on the Chief Officer of Police at Police Licensing Unit, Ground Floor, Block 9, Staffordshire Police Headquarters, Weston Road, Stafford, ST18 0YY.

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

## **9 Variation of a Licence**

- 9.1** The holder of a sex establishment licence may apply at any time for any variation of the terms, conditions, or restrictions on or subject to which the licence is held.

- 9.2** The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the Premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.
- 9.3** Dependant on the scope of the variation, public advertisement may, or may not, be required. Applicants should check the advertisement requirement by contacting [ehlicensing@staffordbc.gov.uk](mailto:ehlicensing@staffordbc.gov.uk)

## **10 Renewal of a Licence**

- 10.1** The holder of a sex establishment licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 10.2** A licence will only be granted for a maximum of one year at a time.
- 10.3** The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.
- 10.4** The authority will not accept applications for the renewal of a sex establishment licence more than 3 months in advance of the renewal date.
- 10.5** The authority will determine renewal applications on their individual merits taking into account the facts of the application and any objections received. Opposed applications will be referred to the Authority's licensing committee for determination. Applicants should note that the Courts have confirmed that Authorities are entitled to look afresh at renewal applications and, accordingly, it is open to the Authority to refuse to renew a licence even where there has been no change in the character of the relevant locality, or in the use to which any Premises in the locality are put.

## **11 Transfer of Licence**

- 11.1** A person may apply for the transfer of a licence at any time.
- 11.2** The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required provided that there have been no changes to the layout or external appearance of the Premises since the granting of the Licence.

## **12 Determination**

### **12.1 Mandatory Grounds for Refusal**

Under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, an application must not be granted:

- (a) to any person under the age of 18 years.
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the appropriate authority within the last 12 months.
- (c) to any person, other than a body corporate, who is not resident in the United Kingdom or a European Economic Area (EEA) State; or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a corporate body which is not incorporated in the United Kingdom or an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made unless the refusal has been reversed on appeal.

### **12.2 Discretionary Grounds for Refusal**

**12.2.1** The Authority may also refuse a licence where:

- (a) The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- (b) If the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of another person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application him/herself;
- (c) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority considers to be appropriate for that locality (nil may be an appropriate number for these purposes);
- (d) The grant or renewal of the licence would be inappropriate, having regard:

- to the character and/or nature of the relevant locality; and/or
- to the use to which any premises in the vicinity are put; and/or
- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

**12.2.2** Applications for the transfer of an issued sex establishment licence may only be refused on grounds (a) and (b) above.

**12.2.3** Any decision to refuse a licence must be relevant to one or more of the above grounds.

**12.3** In circumstances such as those given in 12.2.1 (b) above, where the application for a licence to be granted, renewed or transferred and the business to which it relates would be managed or carried on for the benefit of a person other than the applicant and that person would have been refused a licence if they had applied themselves, the Local Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. Each application will be considered on its own merits and the Authority shall normally consider:

- comments/observations of the Police and the Authority's personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- the suitability and fitness of an applicant/operator to hold a licence.
- the determination of the business benefit is a matter for the Local Authority to decide at the time the application is made.

**12.4** In 12.2.1 (d) above, the character and/or nature of the relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter for the Authority to decide at the time the application is made. Each application will be considered on its own merits, and it should be noted that some localities may be considered as suitable for sex shops but not for sexual entertainment venues and vice versa or, furthermore, none at all.

**12.5** In determining the character and/or nature of the relevant locality and the appropriate number of sex establishments in that relevant locality, the Authority will take into account, but not limit its determination to:

- (a) the use to which any premises in the vicinity are put;

- (b) the number of existing sex establishments both in total and in respect of each type (i.e., sex shops, sexual entertainment venues and sex cinemas);
- (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment or associated with an adult or sexual nature;
- (d) the proximity of residents to the premises. In particular, any sheltered housing or accommodation for vulnerable persons;
- (e) the proximity of educational establishments to the premises;
- (f) the proximity of places of worship to the premises, or any other religious establishment;
- (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- (h) the proximity to shopping centres;
- (i) the proximity to community facilities/halls and public facilities such as swimming pools, leisure centres, public parks, youth centres/clubs;
- (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
- (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated.
- (l) a Conservation Area within the meaning of the Town and Country Planning Acts and any associated legislation;
- (m) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
- (n) any evidence of complaints about noise and/or disturbance caused by activities undertaken at the Premises;
- (o) any current planning permission (including any relevant conditions) or Lawful Development Certificate relating to the authorised use of the premises;
- (p) any relevant local or national planning policy considerations; and/or



- (q) any current permissions relating to other nearby premises in respect of licensable activities and operating hours etc.

**12.6** When determining an application for the grant of a sex establishment licence, the Authority shall have regard to the policy statement, the relevant guidance issued by the Home Office and provisions set out above, but subject to the overriding principle that each application will be determined on its own merits.

The Authority will take into account:

- previous demonstrable knowledge and experience of the applicant and their managerial competence;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other administrative area of the British Isles;
- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant;
- that the operator is proposing a management structure which will deliver compliance with operating conditions, and policies detailing the training of staff and welfare of performers as well as means to protect the public; and
- any other relevant reason.

**12.7** Applications in respect of premises must state the full address of the premises.

**12.8** Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

**12.9** The Authority would normally expect that applications for licences for permanent commercial premises would be supported by evidence of the lawful use of the Premises by either having the appropriate Planning Permission or Lawful Development Certificate for the property concerned.

## **13 Granting a Licence**

**13.1** All applications for the grant of a new sex establishment licence will be referred to the Authority's Licensing Committee or relevant sub-committee for determination.

**13.2** In determining the application, the said Committee will have regard to this policy statement, any limitation on the number of permitted sex establishments, the merits of the application and any objections, if any, that have been made.

**13.3** Any licence approved does not constitute any approval under any other Acts such as the Town and Country Planning Act 1990 (as amended), or Byelaws. The applicant should note that sex establishments fall within a particular Planning land use category and that they must ensure that all necessary permissions and approvals are obtained prior to bringing any licensed activity into operation.

## **14 Representations/Objections**

**14.1** When considering an application for the grant, renewal, variation or transfer of a sex establishment licence the authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections/representations that have been received from anyone else within the statutory consultation period.

**14.2** Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.

**14.3** Objections must not be frivolous, vexatious or malicious and should not be based on moral grounds or values but must be on those grounds which the Authority may properly consider. These grounds are outlined at paragraphs 12.1 and 12.2. of this document.

**14.4** Objectors must give notice of their representations in writing, stating the general terms of the objection and any specific or detailed points of concern. Valid representations must be made within 28 days of the application being submitted. Representations made, up to 3 months, before the Application is submitted can be considered.

**14.5** Where the authority receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Authority shall not, without the consent of the person making the objection, reveal the name or address of the objector to the applicant.

## **15 Hearings**

**15.1** Where applications are referred to a Licensing Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made, or such other timescale that shall have been agreed in writing with the applicant.

- 15.2** Where a Hearing is required to determine an application, it is the Policy of this Authority to disclose the names and addresses of objectors unless there are clear reasons to depart from the Policy, since this supports the objective of transparency in decision making. The Head of Regulatory Services (or other appropriate Chief Officer) will make the final decision on whether details of objectors are to be disclosed.
- 15.3** The Hearing provides all parties to the application, including those making objections, the opportunity to air their views openly and those views will be considered by the Licensing Committee.
- 15.4** Upon refusal of an application on one or more grounds, the Licensing Committee will provide the applicant with reasons for the refusal in writing within 7 days.

## **16 Appeals**

- 16.1** There is no right of appeal:
- (a) Against the mandatory grounds for refusal as detailed in section 12.1.1 (a), (b), (c), (d), and (e) above, unless the applicant can prove that the ground of refusal does not apply to them, and
  - (b) Against the grounds as detailed in Section 12.2.1 (c) and (d) which can only be challenged by the applicant by way of judicial review.
- 16.2** All relevant grounds for appeal, other than these detailed at point (a) and (b) above can be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision.
- 16.3** There is no right of appeal for objectors.

## **17 Fees**

- 17.1** The fees set are deemed to be reasonable to cover the cost of administration, enforcement in relation to licensed operators, inspections, and any hearings and are not refundable. The fees are set annually and are published in the Authority's Table of Fees and Charges.

## **18 Standard Conditions**

- 18.1** The Standard Conditions for Sexual Entertainment Venues are attached at **APPENDIX 1**.

## **19 Specific Conditions**

- 19.1** Under schedule 3(8) of the Local Government (Miscellaneous Provisions) Act 1982 the Authority may grant to an applicant, and from time to time renew, a licence for a sex establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of sex establishment licence.

## **20 Duration of Licence**

- 20.1** Unless there are exceptional circumstances for doing otherwise, the Authority shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

## **21 Exempt Sexual Entertainment Code of Practice**

- 21.1** The Government has seen fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the Authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime and disorder and an inability of regulatory bodies to respond accordingly.
- 21.2** Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an Exempt Sexual Entertainment Code of Practice. The intention of the Code of Practice is to promote responsible and properly managed exempt sexual entertainment. The Authority expects any Premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.
- 21.3** A copy of the Code of Practice is attached at **APPENDIX 2** of this policy statement.

## **22 Enforcement**

- 22.1** In general, action will only be taken in accordance with agreed enforcement procedures and principles in line with the Authority's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.
- 22.2** Other Authorities and/or Regulatory Bodies who consider enforcement appropriate remain operationally independent and will act as they deem necessary.

NOTE: No conditions will be attached to a licence that duplicates primary legislation such as Health and Safety or Fire Regulations. It is expected that there will be compliance with primary legislation, always, and failure to do so will result in enforcement action.

## **23 Licensing Act 2003**

**23.1** The provision of dancing and associated background live/recorded music which is integral to the provision of relevant entertainment, such as lap dancing will not require a license under the Licensing Act 2003, providing an authorisation under this policy is in force.

**23.2** If the premises wishes to provide other licensable activities such as sale of alcohol, late night refreshment or the provision of music to allow members of the audience to dance, then a Premises Licence under the Licensing Act 2003 will be required.

## **24 Immigration Act 2016**

**24.1** Under the Immigration Act 2016, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. Licence holders and applicants are required to check the residency status and right to work of anyone who is employed to trade under a sex establishment licence. For more information on the Immigration Act 2016, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any licence holder found to allow an illegal worker to work as part of their activities is likely to have their licence reconsidered at renewal.

## **25 Policy Review**

**25.1** This policy statement will be reviewed periodically and at any time when significant legislative changes occur. Any significant amendments will be subject to public consultation and endorsed by the Authority's Executive.

**25.2** Any minor amendments or textual changes to this Policy, which do not alter the substantive content, may be authorised by the Head of Service responsible for Licensing and undertaken in accordance with the Authority's Constitution.

**25.3** The Standard Conditions appended to this policy (**APPENDIX 1**) do not form part of the policy document, although may be referred to within the

policy. These Standard Conditions could be subject to change during the duration of this policy, but such amendment may not result in review of this policy.

### Standard Conditions Regarding Sexual Entertainment Venues

In these conditions:

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

‘Authority’ means Stafford Borough Council.

‘Borough’ or ‘Town’ means the administrative area of Stafford Borough Council in its entirety, including the towns of Stafford, Stone and Eccleshall.

‘Premises’ means any vessel, vehicle, stall, building, forecourt yard, place of storage or any part of any of these where Relevant Entertainment takes place and is the subject of a licence.

‘Plans’ means any or all of the Plans or Drawings as defined in section 7 of the Policy.

In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

#### General Conditions:

- 1 The premises shall only permit adult entertainment between the hours stated on the licence as determined by the Authority.
- 2 Only activities which have previously been agreed in writing by the Authority shall take place.
- 3 The agreed activities shall take place only in designated areas approved by the Authority.
- 4 There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Borough any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
- 5 All windows need to be obscured to ensure nothing can be seen from outside the premises.
- 6 Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the Premises.

- 7 No person(s), providing they are of relevant age, should be excluded from entering the Premises on the grounds of gender, race, disability or sexual orientation.
- 8 A copy of the licence is to be displayed prominently at the Premises at all times.

### **Advertisements, solicitation and displays**

- 9 There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the respective Town or overall Borough, advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the Premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including in any of the following ways:
  - (a) by means of personal solicitation in the locality of the licensed premises;
  - (b) by means of leafleting in the locality;
  - (c) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Authority's administrative area; and/or
  - (d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

### **Premises**

- 10 Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the Plans, including any change in the permitted signs on display shall not be made except with the prior approval of the Authority.
- 11 A clear Notice shall be displayed inside the entrance to the premises in the following terms:

“Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises.”
- 12 Any Relevant Entertainment or performance carried out at the Premises must not be visible from adjacent or nearby public places (e.g. highways), and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not be present in the entrance area or in the vicinity of the premises.



- 13** When the premises are open for Relevant Entertainment no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 25 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

### **Management and Licensee**

- 14** Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change.
- 15** The premises shall maintain a refusals/incidents log whereby on any occasion a person is refused entry it shall be recorded, as well as any incidents of crime and disorder, and such a log made available upon request by the Police or an authorised officer of the Authority.
- 16** Any incidents and / or evidence of modern slavery or human trafficking will result in immediate revocation of the licence.

### **Conditions regarding performers**

- 17** Relevant Entertainment may only take place in 'designated areas' that are marked on the Plans of the Premises.
- 18** The customers and/or members of the audience must, at all times, remain fully clothed.
- 19** Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.
- 20** A 'Signing-in' Register shall be kept at the Premises that records the time that the performer starts and finishes at the Premises. This shall be made available for immediate inspection by a Police Officer or authorised officers of the Authority.
- 21** During any performance there must be no physical contact between the performer and any customer or member of the viewing public.
- 22** Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
- 23** No performances shall include any sexual act with objects.
- 24** No performances shall include animals.

- 25** There shall be no nudity by performers in public areas of the premises, unless the Authority has agreed in writing that the area may be used for performances of Relevant Entertainment.
- 26** At the completion of the Relevant Entertainment the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any public area of the Premises in a state of undress.
- 27** Performers are not to solicit, exchange addresses, telephone numbers or social media contact details with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
- 28** An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only, whilst the performers are on the Premises and shall be marked on the Plans of the Premises.
- 29** There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of Relevant Entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can, always, be easily and conveniently read by persons inside the Premises.
- 30** Literature and contact details of organisations that provide advice and counselling on matters relating to:
- (a) Modern slavery;
  - (a) Domestic abuse;
  - (b) Coercive control; and
  - (c) Rape and sexual assault,
- shall be made available to performers free of charge in their designated changing room / area.

### **Briefing**

- 31** Prior to performers carrying out any Relevant Entertainment on the Premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

## **Door-Supervisors**

- 32** Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the Premises whilst Relevant Entertainment is taking place.
- 33** The licence holder, or his nominated deputy who is authorised in writing, or door-supervisors, shall carry out regular monitoring of all areas of the Premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.
- 34** Door-supervisors shall regularly monitor the area immediately outside the Premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.
- 35** A dedicated SIA-registered door supervisor shall remain, at all times, in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.
- 36** When performers leave the Premises they are to be escorted to their cars or taxi by a door-supervisor or member of staff.

## **CCTV System**

- 37** A digital CCTV system shall be installed and be maintained in good working order, shall record, at all times, the Premises are open, and recordings shall be kept for 28 days. The CCTV system is to be installed in all areas as recommended by the Staffordshire Police Licensing team, including coverage of all entrances and exits and be able to provide clear images.
- 38** The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.
- 39** Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Authority (who will carry identification).
- 40** No CCTV footage is to be copied, given away or sold (except as required by Police/Authority for investigation/enforcement purposes).

**41** Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.

**42** Notices shall be displayed informing customers of the presence of CCTV.

**Goods available in Sex Establishments**

**43** Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging, sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned, or demonstrated in a Sex Cinema or Sexual Entertainment Venue.

**44** All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment Venue.

**45** No film or video film shall be exhibited, sold, or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

### Sexual Entertainment Code of Practice rules.

- 1 Operators/licensees will notify the Authority and Police Licensing Sections of events where sexual entertainment is due to take place.
- 2 All sexual entertainment should only take place in one designated area inside the Premises, and this shall not be visible from any public place (e.g. highway) outside of the Premises.
- 3 Private performances should only take place inside screened-off private booths. However, the front of these booths must not be covered or obstructed, so that managers and SIA door-supervisors are able to monitor activity inside the booths.
- 4 A clear notice should be displayed inside the entrance to the designated area stating:  
  
    "Sexual entertainment takes place on these premises. No persons under 18 shall be admitted."
- 5 Scantily clad individuals performing in the premises must not be present in the entrance to or in the vicinity of the Premises and individuals not performing shall not remain in any area of the Premises in a state of undress.
- 6 Customers must, at all times, remain fully clothed.
- 7 During any performance there must be no physical contact between the performer and any member of the viewing public/private customer.
- 8 No performance shall include any sexual act with other performers, customers or viewing public.
- 9 An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only.
- 10 A minimum of one SIA registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with these rules.
- 11 The area in which sexual entertainment is to take place shall be covered by CCTV from which footage shall be stored for a minimum of 28 days and produced to Police or Authority officers on request.
- 12 A list of all performers shall be available on the premises for immediate production if requested by Police or Authority officers. This list shall contain full names, dates of birth and contact details (address or telephone number).

Details of performers and evidence of their 'right to work' in the UK must be kept on the premises and made available for inspection by authorised officers at all times.

- 13** Code of Practice rules 2, 3, 5, 7, 8, 9 and 10 shall be drawn to the attention of all performers and promoters prior to activity commencing.
- 14** Code of Practice rules 6, 7 and 8 shall be prominently displayed to customers at appropriate locations within the premises.

**Consultees**

**Staffordshire Police Licensing**

Police Licensing Unit  
Ground Floor, Block 9  
Staffordshire Police Headquarters  
Weston Road  
Stafford  
ST18 0YY

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

**Fire Safety Officer - Licensing Application**

Western Service Delivery Group  
Staffordshire Fire and Rescue Service  
Cannock Community Fire Station  
Old Hednesford Road  
Cannock  
WS11 6LD

[wsdg.firesafety@staffordshirefire.gov.uk](mailto:wsdg.firesafety@staffordshirefire.gov.uk)

**Chief Officer of Police**

Police Licensing Unit  
Ground Floor, Block 9  
Staffordshire Police Headquarters  
Weston Road  
Stafford  
ST18 0YY

[licensinghq@staffordshire.pnn.police.uk](mailto:licensinghq@staffordshire.pnn.police.uk)

**Licensing Authority**

**Julie Wallace - Licensing Manager**

Regulatory Services  
Stafford Borough Council  
Civic Centre, Riverside  
Stafford  
ST16 3AQ

[jwallace@staffordbc.gov.uk](mailto:jwallace@staffordbc.gov.uk)

**The Officer in Charge**

Children and Lifelong Learning  
The Walton Building  
Martin Street  
Stafford  
ST16 2LH Health and Safety

**Regulatory Services Manager**

Regulatory Services  
Stafford Borough Council  
Civic Centre, Riverside  
Stafford  
ST16 3AQ

[ehtechsupport@staffordbc.gov.uk](mailto:ehtechsupport@staffordbc.gov.uk)

**Richard Harling****Director of Public Health at Staffordshire County Council**

Number 1, Staffordshire Place,  
Stafford  
ST16 2LP

[richard.harling@staffordshire.gov.uk](mailto:richard.harling@staffordshire.gov.uk)

**Economic Development and Planning**

Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AQ

[planning@staffordbc.gov.uk](mailto:planning@staffordbc.gov.uk)



## **Staffordshire Trading Standards**

First Floor, Staffordshire Place 1  
Stafford  
ST16 2DH

[licensing@staffordshire.gov.uk](mailto:licensing@staffordshire.gov.uk)

Local businesses, licensed premises and residents will also be informed.

- Stafford Borough Council's responsible authorities
- Representatives of local businesses, including the Chamber of Commerce
- Local residents and their representatives
- Local town and parish councils, plus surrounding local authorities
- Local Member of Parliament
- Local Community Safety Partnership
- Elected members and departments of the Council

