



**NORWICH**  
City Council

**Local Government (Miscellaneous Provisions) Act 1982**

**Statement of Licensing Policy for**

**SEX ESTABLISHMENTS**

Incorporating Guidance and Standard Conditions

Approved by Regulatory Committee XXXX  
With effect from XXXX

DRAFT

## Statement of Licensing Policy for Sex Establishments

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# Statement of Licensing Policy for Sex Establishments

## 1. Introduction

This policy has been drafted in accordance with the legislative provisions contained in 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 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 parties.

Each application must be considered on its own merits, and the Regulatory Committee will have regard to this policy as part of their decision making process, although they are not rigidly bound by it. Should the Regulatory Committee choose to depart from this policy on the facts of a particular application, 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 and which form 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.

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.

## 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.
- the Regulators' Code; and
- the Provision of Services Regulations 2009.
- the public sector equality duty.

The Authority consulted on this policy between XXXX and XXXX. The policy was approved by the Regulatory Committee on the XXXX and came into effect on XXXX.

## 3. Types of Sex Establishment and definitions

There are 3 types of sex establishment (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 include private dwellings to which the public is not admitted in the case of a sexual entertainment venue. No sex establishment licence is required for 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 it may include:

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

The Authority recognises that not all premises which provide relevant entertainment as defined below) require a Sex Establishment licence. The Act provides for exemptions.

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 where the type of entertainment provided constitutes

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an activity that is regulated under the 2003 Act. 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.

Applications can be made to waive the requirement for a sex establishment licence and the Authority must be satisfied that to require a licence would be unreasonable or inappropriate. The Authority does not consider it would be appropriate to permit a waiver from the requirement to hold a Sex Establishment Licence except in extreme circumstances, which will be considered on a case by case basis by the Authority's Regulatory Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

#### **4. Limits on the number of licensed premises**

The Authority has determined that there are a sufficient number of sex establishments currently operating in the city and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Authority intends to adopt a policy to limit the number of sex establishments in the city to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Norwich for several years. The Authority will not apply this limitation when considering applications for premises that have been trading as licensed sex establishments with permission for sexual entertainment if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the conditions for sex establishments

The Authority will consider each application on its merit although new applicants will have to demonstrate why the Authority should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Authority will consider any new applications more favourably.

#### **5. Location of Licensed Premises**

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 that the Authority considers appropriate for that locality. That number can be 'nil'.

The Authority's policy is that there is no locality within the Norwich City Council district in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within the city is zero.

In considering the characteristics of a locality, matters that the Authority will take account include, but are not restricted to, the density and proximity of:

- schools, nurseries, crèches, youth hostels and other similar educational or

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- recreational facilities attended by children,
- premises used by vulnerable persons,
- parks and children's play areas,
- residential and sheltered accommodation,
- religious and community buildings,
- access routes to and from premises listed above,
- alcohol or entertainment licensed premises,
- other retail units (and their uses).

### **6. Impact of licensed premises**

The Authority acknowledges that a concentration of licensed sex establishments in a particular area may 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 applications for the grant of new or variation applications the Authority will assess the likelihood of a grant causing impacts, particularly on the local community. The Authority will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Authority will take into account:

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

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In considering applications for transfer the Authority will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

### 7. Application Process

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

Premises licensed under the Act as a sex establishment may also need an authorisation 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: Licensing Team, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH
- Via Email: [licensing@norwich.gov.uk](mailto:licensing@norwich.gov.uk)
- Online: [www.norwich.gov.uk](http://www.norwich.gov.uk) [Licensing - Sex establishments | Norwich City Council](#)

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.

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Applicants must provide their full name, permanent address and (where the applicant is an individual) their age. Applications made by a company or an unincorporated body must provide the full name of the company or body, the address of its registered or principal office and the full names and private addresses of the directors or other persons responsible for its management. An application relating to premises must state the proposed name and full address of the premises. An application relating to a vehicle, vessel or stall must state where it is to be used as a sex establishment.

At the time of submission of a new grant or variation application, applicants must provide a scheme showing the proposed exterior design of the premises. The scheme will be considered by the Authority as part of the application process to ensure 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 an application relating to a sexual entertainment venue, such plan must clearly indicate 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 contained in the conditions of a sexual entertainment venue licence, i.e., no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking telephone 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 agreement to comply with the House Rules. Such documentation must be retained for the duration of the performer's 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 Regulatory 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 no later than 7 days after the date of the application.

If the application relates to a premises, there is an additional requirement for notice of the application to be displayed for 21 days beginning with the date of the application 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 identify the premises (or specify where it is to be used as a sex establishment, if the notice relates to a vehicle, vessel or stall) and contain certain information specified by the



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authority. The Authority's prescribed notice is contained within this policy document as Appendix A.

Applicants for the grant or variation of a sex establishment licence must wait for the Authority to determine their application before they can operate a sex establishment. Tacit authorisation does not apply to applications for sex establishment licences.

If an application is for the renewal of a sex establishment licence, the premises can continue to operate past the licence expiry date and the licence will remain in force until the application is withdrawn by the applicant or determined by the licensing authority; provided that the renewal application has been submitted to the Authority before the licence expires.

Provided that an application for transfer of a sex establishment licence has been made prior to the date of expiry of the licence, the licence will remain in force until the transfer application is withdrawn by the applicant or determined by the Authority

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. The procedure for variation of a sex establishment licence is the same as the process relating to an application for a new licence.

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.

### **8. Consultation procedures and commenting on licence applications**

The police are a statutory consultee for all applications.

Any persons, such as residents and businesses, may also make objections during the consultation process.

Any observations from the police or objections from other persons must be received by the Authority not later than 28 days after the date when the application was made.

Observations and objections should be limited to matters which are relevant to the statutory grounds for refusal as set out in paragraph 12 of schedule 3 to the Act. The grounds include (more details are provided below):

- the applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason;
- the business to which the licence 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 a licence if they made the application themselves;
- the number of sex establishments in the locality is equal to or exceeds a number which the authority considers appropriate for the locality;
- 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

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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.

In addition to individuals and businesses, “any persons” 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 Regulatory Committee.

Any observations or objections received by the Authority which do not relate to the grounds set out in the Act will be deemed invalid and rejected by an officer. Where observations or objections are rejected, written reasons will be given.

Observations and 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 observation or objection
- the premises to which the observation or 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 observation or objection, 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 that are the subject of the opposed application. The full ground(s) of objection that people are signing to say they agree, with must be at the top of the petition. The objection(s) must relate to the grounds for refusal (as detailed below). 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 did so in the full knowledge of the subject matter of the petition. In the interest of clarity the full ground(s) of the objection must be set out at the top of each page. This applies particularly where several people are involved in collecting signatures. The Regulatory Committee will decide on a case by case basis as to what weight it will give to objections raised through petitions.

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

The names and addresses of objectors will not be disclosed to applicants, or published in public reports, without the consent of the person making the objection.

Valid observations and objections will be considered by the Regulatory Committee at a hearing to consider the application.

All parties will be allowed time to present their case. Where a number of persons have objected, the Chair of the Committee may require a spokesperson to be elected.

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Parties will be allowed to ask questions of each other, but only if they are relevant and considered necessary to assist the Regulatory Committee.

Documentary and other evidence may only be referred to by a party if it has been disclosed to all the other parties and the Authority before the hearing with appropriate time to consider it (with the discretion of the Chair).

Parties will be allowed to make a closing summary, ending with the applicant.

Details of applications and objections which are referred to the Regulatory 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 the Local Government Act 1972.

### **9. 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 valid observations or objections received
- the Human Rights Act 1998
- the Equality Act 2010
- any other relevant legislation, policy 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 received from:

- 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 department or authority

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

In making licensing decisions the Authority will be mindful of the public sector equality duty under the Equality Act 2010. Decisions will be taken with due regard to the need to:

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- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010.
- Advance equality of opportunity between people who share protected characteristics and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- tackle prejudice, and
- promote understanding.

Paragraph 12 (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 the United Kingdom or 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 the United Kingdom or an EEA state;
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Please note there is no right of appeal against failure to grant a licence on these mandatory grounds unless the applicant seeks to show that the ground did not apply to them.

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Subject to the following paragraph, 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 an officer by way of delegated authority.

In cases where observations or objections have been received; or if there are concerns regarding the characteristics of the locality; or any other discretionary ground of refusal exists, including that if the application were granted then any maximum number of premises in a relevant locality would be exceeded (as detailed in section 4 of this policy), then the application will be referred to the Regulatory Committee for a hearing and determination of the application.

Subject to the statutory provisions mentioned above, the Authority may, if they think fit, transfer a licence to any other person upon application by that person.

The Authority will give an opportunity to appear before the Regulatory Committee:

- (a) before refusing to grant a licence to the applicant;
- (b) before refusing to vary or renew a licence, to the holder; and
- (c) before refusing to transfer a licence, to the holder and the person to whom they desire that it shall be transferred.

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 grant licences for the maximum duration of one year unless it thinks fit to grant for a shorter period. The licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.

When granting a sex establishment licence the Authority is permitted to issue it on such terms and conditions and subject to restrictions as may be specified in the licence. The Authority has the power to specify individual conditions in a licence and make standard conditions applicable to all licences for sex establishments. Every sex establishment licence granted, renewed or transferred by the authority shall be subject to any standard conditions applicable to it unless they have been expressly excluded or varied.

### **10. Conditions**

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

Additional conditions attached to an individual licence will not duplicate conditions applicable to licences granted under other legislation. Any additional conditions will relate to the activity provided under the sex establishment licence and may arise in the following circumstances:

- When offered by the applicant as part of the application;
- Voluntarily following observations made by any the police or any other relevant body or authority;

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- By the Regulatory Committee following receipt of an observation or 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 an unlimited fine.

### 11. Refusal of licences

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.

In accordance with Paragraphs 12(2) and (3) 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 they made the application themselves;
- (c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined, 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; or
  - 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.

### 12. Revocation of licence

The Authority may 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

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opportunity of appearing, and making representations, before a Regulatory Committee.

Should the Authority revoke a sex establishment licence, full reasons for the revocation will be provided to the licence holder as soon as reasonably practicable following the determination, and within 7 days of the decision if required to do so by the licence holder.

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 beginning with the date of revocation. However, this does not prevent the licence holder from seeking a licence in another local authority's area.

### **13. Cancellation of licences**

The licence-holder may surrender the licence at any time by requesting 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 their personal representative(s) 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 undesirable, it may extend or further extend the period in which the licence remains in force on application by the personal representatives.

### **14. 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 a 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' court 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 on an application for the grant or renewal of a licence 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

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- 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.

Appellants who do not agree with the decision made by the magistrates' court, can appeal to the Crown Court. The decision made by the Crown Court will be final. The Authority must comply with a decision made by a magistrates' court or the Crown Court.

### **15. Compliance Monitoring and enforcement**

The Authority will adopt an intelligence led and risk-based approach to its monitoring and inspection regime. In general, this will involve carrying out inspections of premises normally once a year unless exceptional circumstances require otherwise. The Authority also reserves the right to conduct random spot checks from time to time, as it sees fit.

It is further recognised that sexual entertainment venues may also be regulated by other legislation, due to the nature of those operations and the activities provided, and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, co-ordinated 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.

### **16. 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.

### **17. 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 relevant case law, local needs and economic impacts.

This Policy will be reviewed on a 5-yearly basis or such shorter period as the Authority thinks fit. Any proposed amendments to the Policy will be the subject of consultation prior to adoption by the Authority.



## **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,

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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 for an exhibition of a film under the Licensing Act 2003; or
- (b) of their use for an exhibition of film to which Section 6 of the Cinemas Act 1985 (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act.

### **Sexual Entertainment Venue**

(1) Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

(2) "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) References to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

(5) In this Policy:

## Statement of Licensing Policy for Sex Establishments

“**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;

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**

In practical terms, “significant degree” in relation to sex cinemas means that a sex cinema is one that shows films classified by the British Board of Film Classification as R18 (to be shown only in specially licensed cinemas, or supplied only in licensed sex shops, and to adults only).

Licences for sex shops are required where the business, not the premises used by the business, consists to a “significant degree” of selling, hiring, exchanging, lending, displaying or demonstrating relevant articles (see the definition of “sex articles” above) unless an exemption applies.

It should be noted that in respect of mail order, the Video Recordings Act 1984 states at section 7(2)(c) that a video recording that may only be viewed by persons aged 18 or over is only to be supplied in a licensed sex shop. Case law precludes the sale of 18R rated films by mail order from premises with the benefit of a sex shop licence because the supply of the R18 product to a person aged 18 or over cannot be confirmed; such supply would fail to ensure that the age controls are properly enforced.

Although “sex articles” are defined in the Act, the phrase “a significant degree” is not. When considering whether or not a business involves a significant degree of sex articles and needs to be licensed under the Act, the Authority will apply a broad judgement to determine whether the statutory test is satisfied. Matters which the authority take into consideration may include :

- (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.

**Form of Notice – Indecent Displays (Control) Act 1981 section 1(6):**

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](http://www.legislation.gov.uk)
- Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales.”  
[\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](http://nationalarchives.gov.uk)
- Home Office guidance issued under section 182 of the Licensing Act 2003 in December 2022  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

**APPENDIX A**

**NOTICE OF APPLICATION FOR THE GRANT / VARIATION / 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.

Licensed Premises

Name.....

Address of premises or location of vehicle/vessel/stall (as applicable)

.....  
.....  
.....  
.....

Proposed days/hours of operation and variation (if applicable)

.....  
.....  
.....  
.....

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”, proposed hours of operation and details of any variation requested.
2. Affix a copy of the completed Notice on the day of making the application, on the premises to which the application relates, in a prominent position that may be easily read by the public.  
You must ensure that this Notice remains in position for 21 days.
3. The content of this Notice, as completed, must be published in a local newspaper within 7 days of making the application.

\* Delete as applicable

## **APPENDIX B**

### **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

#### **STANDARD SEX ESTABLISHMENT LICENCE CONDITIONS RESTRICTIONS AND TERMS APPLICABLE TO SEX SHOPS AND SEX CINEMAS**

##### Introduction

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

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed, varied 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 (the Premises).

##### Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by them 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. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the conditions attached to the licence shall be kept on the premises and be immediately made available for inspection by an authorised officer of the council, a police officer or a fire officer upon request.

7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be prominently displayed at all times so as to be readily and easily seen by all persons visiting the premises throughout the period during which he is responsible for the conduct of the Premises.

## Statement of Licensing Policy for Sex Establishments

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 part 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 such facilities are provided for customers.

10. Neither the Licensee nor any employee or agent shall directly or indirectly solicit custom for the Premises 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 employed at 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 retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council upon request.

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

14. A Challenge 25 age verification policy must be implemented at the Premises. Persons who appear to be under the age of 25 will be required to show proof of age prior to admittance. A notice to this effect must be displayed at all entrances to the premises.

15. All persons working in the premises shall be aged not less than 18 years. The Licensee must maintain a record of the names, addresses and dates of birth of persons working in the Premises including details of relevant identity checks. The record shall be retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council upon request.

16. The Licensee shall ensure that a closed-circuit television system is installed and maintained internally and externally to the satisfaction of the Norfolk Constabulary. The system shall be operational at the Premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the Premises. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. Any CCTV images captured on cameras installed at the Premises shall, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. The Licensee must ensure compliance with the relevant provisions of the Data Protection Act 2018, in so far as they relate to the Premises.

## Statement of Licensing Policy for Sex Establishments

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

### Opening of the Premises

18. 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

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 on Sundays, Christmas Day or Good Friday.

### Operation of the Premises

20. 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.

21. No sex articles or other items intended for, or capable of, 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.

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

### External Appearance

23. 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 persons who appear to be under the age of 25 will be required to show proof of age prior to admittance.

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

25. 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.

26. No items will be stored on the Premises in a way that they can be viewed from any external window or door.



## Statement of Licensing Policy for Sex Establishments

27. 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 Premises.
- (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.

28. The lettering used in respect of such permitted items:

In the case of the permitted items at paragraph 28 'i', 'ii' and 'iv' the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.

29. (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 unless prior approval has been given by the Council in writing;
- (b) No external loudspeakers may be installed.

### State, Condition and Layout of the Premises

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

31. Subject to fire safety requirements, all 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.

32. 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 at any time except 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.

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

34. Internal lighting shall be in operation continuously during the whole of the time that the Premises are open to the public.

35. The external appearance of the premises must be approved by the Council in writing. Alterations of, or additions to, the Premises, either internal or external, must

## Statement of Licensing Policy for Sex Establishments

not be made without the prior written consent from the Council. A variation application will be required in order for consent to be considered.

36. 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).

37. No fastenings of any description shall be fitted upon any booth or cubicle within the Premises 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

38. 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.

39. 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 effect is to be prominently displayed inside the Premises. (This regulation does not require that films or video films be exhibited (played) to customers).

40. 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 that effect.

41. No 18R classified films may be sold or supplied by Mail Order.

### Information for Customers

42. The Licensee shall make available in the Premises 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 must be displayed in a prominent position, preferably adjacent to all points of sale in the Premises.

### Licensed Name

43. (a) The Council at the time of granting the licence in respect of the premises shall designate 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 licensed name shall have been provided on the application form.

(b) An application in respect of a change of the licensed name shall be made to the Council in writing not less than 28 days prior to the proposed change

## Statement of Licensing Policy for Sex Establishments

and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

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## 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, varied 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 (the Premises).

##### Management of the Premises

4. The Licensee, or a responsible person over the age of 18 having been nominated by them 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 operating.

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. The licence, or a clear copy, shall be available on any website relating to the mail order business carried on at the premises. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the conditions attached to the licence shall be kept on the premises and be immediately made available for inspection by an authorised officer of the council, a police officer or a fire officer upon request.

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.

## Statement of Licensing Policy for Sex Establishments

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 a record of the names, addresses and dates of birth of persons working in the premises including details of relevant identity checks. The record shall be retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council upon request

11. Neither the Licensee nor any employee or agent shall directly or indirectly solicit custom for the Premises 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 Premises in the Licensee's absence and the names and addresses of those employed in the Premises. The Register is to be completed each day within thirty minutes of the Premises being opened for business and is to be retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council.

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

### Operation of the Premises

14. 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.

15. 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 mail order sex shop premises.

16. The Premises shall be used exclusively for mail-order purposes only, selling sex articles and other things that fall within the definitions contained in Schedule 3, paragraph 4 (1)(a) or(b) of the Local Government (Miscellaneous Provisions) Act 1982.

## Statement of Licensing Policy for Sex Establishments

17. 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

18. No external nameplate, advertisement board or any other written, 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.

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

20. 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.

21. 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

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

23. Subject to fire safety requirements, all 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.

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

25. The external appearance of the premises must be approved by the Council in writing. Alterations of, or additions to, the Premises, 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

26. 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 that effect.

27. No 18R classified films may be sold or supplied by Mail Order.

## Statement of Licensing Policy for Sex Establishments

### Licensed Name

28. (a) The Council at the time of granting the licence in respect of the Premises shall designate 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 licensed name shall have been provided on the application form.

(b) An application in respect of a change of the licensed 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.

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## **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 (the Premises).

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

4. The Licensee, or a responsible person over the age of 18 having been nominated by them and approved in writing by the Council for the purpose of managing the Premises (“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. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the conditions attached to the licence shall be kept on the premises and be immediately made available for inspection by an authorised officer of the council, a police officer or a fire officer upon request.
7. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be prominently displayed at all times so as to be readily and easily seen by all persons visiting 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



## Statement of Licensing Policy for Sex Establishments

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 such facilities are provided for customers.

10. Neither the Licensee nor any employee or agent shall directly or indirectly solicit custom for the Premises 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 Premises in the Licensee's absence and the names and addresses of those employed in the Premises. The Register is to be completed each day within thirty minutes of the Premises being opened for business and is to be retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council upon request.

12. 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 compliance with these conditions, in particular the no touching conditions, and to ensure the safety of performers.

13. The Licensee shall ensure welfare training is provided to a designated person responsible for the welfare of the performers, to include safeguarding, health and safety and wellbeing.

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

15. A Challenge 25 age verification policy must be implemented at the Premises. Persons who appear to be under the age of 25 will be required to show proof of age prior to admittance. A notice to this effect must be displayed at all entrances to the Premises.

16. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain a record of the names, addresses and dates of birth of performers including details of relevant identity checks. The record shall be retained at the Premises and immediately made available for inspection by the police and by authorised officers of the Council upon request.

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 observed at all times. The licensee 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 that a closed-circuit television system is installed and maintained internally and externally to the satisfaction of the Norfolk Constabulary. The system shall be operational at the Premises at all times when licensable activities are being carried out and at any

## Statement of Licensing Policy for Sex Establishments

other times when members of the public are present on the Premises. The Licensee must ensure compliance with the relevant provisions of the Data Protection Act 2018, in so far as they relate to the Premises.

19. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. Any CCTV images captured on cameras installed at the Premises shall, on the lawful request of the police or an authorised officer of the Council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer.

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 grounds which may include public safety, prevention of 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 or other material 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 as defined in schedule 3, paragraph 2A (2) of the Local Government (Miscellaneous Provisions) act 1982 may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the sexual entertainment venue Licence permits otherwise.

### Operation of the Premises

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

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- 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.

### 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 at each entrance. The notice must also include a statement that persons who appear to be under the age of 25 will be required to show proof of age prior to admittance.

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 Premises.

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

In the case of the permitted items at paragraph 35 'i' and 'ii' 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 their obligations under any lease or other agreement for the use of the Premises, they shall maintain the Premises in good repair and condition.

38. Subject to fire safety requirements, 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. Internal lighting, to a level acceptable to the Council, shall be in operation continuously during the whole of the time that the Premises are open to the public.

42. The external appearance of the premises must be approved by the Council in writing. Alterations of, or additions to, the Premises, either internal or external, or any proposed amendments to licence conditions shall not be made 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 Regulatory 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 an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at

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all times the booths/cubicles/VIP areas are in use. Direct supervision does not include remote supervision by CCTV.

### Provision of Relevant Entertainment

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

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

47. Performers must remain clothed in public areas and all other areas in the Premises except while performing in areas approved by the Council for the provision of relevant entertainment.

48. At the conclusion of their performance, a performer must replace sufficient articles of clothing in order to comply with condition 47 and prevent any nudity in an area not designated and approved by the Council for the provision of relevant entertainment. This does not prevent performers going to their non-public dressing area to change their clothing.

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

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

51. Performers must not perform a nude table dance unless in an area directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door. Direct supervision does not include remote supervision by CCTV.

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

53. The Licensee must ensure that during the performance of a table or lap dance:

(1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a performer 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.

(6) Customers must not touch a performer (except as allowed in condition 56).

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

- (1) Performers may not perform any act that clearly simulates any sexual act.
- (2) Performers must never intentionally touch the genitals, anus or breasts of another performer or to knowingly permit another performer to intentionally touch their genitals, anus or breasts.
- (3) Performers may not intentionally touch a customer any time during the performance unless accidentally or due to the act of a third party.
- (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time.
- (5) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.
- (6) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

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

- (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for relevant entertainment.
- (2) Customers must remain appropriately clothed at all times.

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

- The payment of an entry fee by customers to authorised members of staff.
- The payment of a fee for relevant entertainment.
- The purchasing of drinks by customers from authorised members of staff.
- The placing of bank notes by the customer in a garter or armband worn by a performer.
- SIA door staff in the execution of their duties.
- Any other activity for which the prior written approval of the Council has been given.

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

58. Notices outlining condition 53 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.

59. Performers must 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 of the Premises. If, after receiving a warning, a customer continues to behave inappropriately, the customer must be requested to leave the Premises and should

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be escorted from the Premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

### Licensed Name

60. (a) The Council at the time of granting the licence in respect of the Premises shall designate 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 licensed name shall have been provided on the application form.
- (b) An application in respect of a change of the licensed 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.

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