

Sex Establishment Licensing Policy

Incorporating Guidance and
Standard Conditions

Local Government (Miscellaneous Provisions) Act
1982 (as amended)

Dated 20/04/11 version 1.8

Governance Directorate

English

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1. Introduction

1.1 This document sets out Carlisle City Council's policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 The document relates to applications for sex establishment licences covering:

- sex shops
- sex cinemas
- sexual entertainment venues

as set out in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.3 The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on the 7th February 1989. The amendment under Section 27 of the Policing and Crime Act 2009 was adopted by the Council on the 9th November 2010. On 26th April 2011 the Council determined that such schedule would come into force on 1st June 2011.

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

1.5 The procedure sets out:

- the process for making an application; and
- the process the Council will follow in considering and determining an application for a sex establishment.

1.6 The following appendices do not form part of this policy although they may be referred to within it. These appendices could be subject to change during the duration of the policy, but such amendment may not result in a review.

Appendix A - Definitions

Appendix B - Requirements for applying for grant, variation, transfer or renewal

Appendix C - Schedule of delegated authority

Appendix D - Contact details for applications

Appendix E – Standard Conditions attached to a Sex Shop licence

Appendix F – Standard Conditions attached to a Sexual Entertainment Venue

Appendix G – Standard Conditions attached to a Sex Cinema

1.7 Due to the requirement that each application must be considered on its own merits, although the Regulatory Panel must have regard to this policy as part of their decision making process they are not rigidly bound by it. Should the Panel

choose to depart from this policy, clear and concise reasons for doing so will be provided.

- 1.8 The policy also contains standard conditions which will be applied to the different types of sex establishment which forms part of any licence granted.
- 1.9 Not all premises will automatically require a licence. Where there is an exemption within the legislation this has been set out in this policy document.
- 1.10 Notwithstanding matters contained within this policy document, consideration will be given to the provisions of the Human Rights Act 1998 when considering applications for Sex Establishment licences.
- 1.11 When considering applications for a Sexual Entertainment Venue licence, in respect of premises that have previously operated without the requirement for a licence prior to the adoption of the legislation, in addition to this policy document the Licensing Authority must have regard to the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales."

2 Waivers

- 2.1 The Council may, upon application, waive the requirement for a licence in any case where it considers that to require a licence would be unreasonable or inappropriate.
- 2.2 Each application for a waiver will be considered on its own merits, however, any establishment that would normally require licensing under the provisions of the Act is unlikely to be granted a waiver other than in exceptional circumstances for example:
 - a) to allow a temporary re-location of a business following damage to licensed premises;
 - b) medical books or sex clinics;
 - c) any other reason which the Licensing Manager considers to be reasonable or appropriate.
- 2.3 This decision is delegated to the Licensing Manager who may refer it to the Regulatory Panel for a final decision.
- 2.4 In the case of Sexual Entertainment Venues, the legislation itself permits relevant entertainment without a licence 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.

3 General Policy

Determination of applications

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

- to a person under the age of 18; or
- to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
- to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA state;
- to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

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

3.2 If none of the above applies to the applicant and no objections have been received and there are no other statutory grounds for refusal, including that the application does not exceed any permitted numbers, the application will be granted by way of delegated authority.

3.3 However if any objections have been received, or if there are concerns regarding the characteristics of the locality, the application will be referred to the Council's Regulatory Panel for a hearing of the application.

Suitability of the Applicant

3.4 The Council will also have regard to the suitability and fitness of an applicant to hold a licence. In determining suitability, the Council will normally take into account:

- previous knowledge and experience of the applicant;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area;
- 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;
- any other relevant reason.

- 3.5 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application
- 3.6 The Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, Section 12 (3)(a-d) states, the Licensing Authority may refuse an application for the grant or renewal of a licence on one or more of the following grounds:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself;
 - (c) that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard –
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. “

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

- 3.7 Each application will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making.
- 3.8 The Licensing Authority will give clear reasons for its decisions.
- 3.9 The Licensing Authority will aim to determine all applications within 12 weeks of the date of submission of a competent application.
- 3.10 When issuing a Sex Establishment Licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued.
- In addition to this the Licensing Authority has the power to make standard conditions applicable to all licences for sex establishments.
- 3.11 It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.
- 3.12 Details of the standard conditions relating to each type of licence are contained in Appendices E-G. Should these standard conditions be amended at any time in

the future, they would apply to all licences already issued as if the conditions had been in place at the time they were granted.

Revocation of a licence

- 3.13 The Licensing Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.14 The Licensing Authority may call a hearing, without requiring a third party to request such a hearing, and give the licence holder an opportunity to appear before them.
- 3.15 The Licensing Authority may revoke the licence on any of the mandatory grounds which are detailed at 3.1 (above) or in respect of (a) or (b) detailed at section 3.3 (above), namely that the licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.
- 3.16 Should the Licensing Authority revoke a Sex Establishment licence then full reasons for the revocation would be provided to the licence holder within 7 days of the decision.
- 3.17 Revocation of a Sex Establishment licence would disqualify the licence holder from holding or obtaining another Sex Establishment licence in the Licensing Authority's area for a period of 12 months. However, this does not prevent the licence holder from holding a licence in another Licensing Authority's area.

Duration of licence

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

Right to appeal a decision

- 3.19 If an application is refused, or revoked, following a hearing, then the applicant will be informed of the decision and whether there is any right of appeal.
- 3.20 Appeals must be made to the local magistrates' court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision. The notice will advise the address of the appropriate Magistrate's court to which such an appeal should be submitted. It should be noted that a fee may be payable to the magistrates to lodge such an appeal.
- 3.21 Applicants can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed.

- 3.22 Please note that you cannot appeal against the Licensing Authority's decision if the application was refused on the grounds that:
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
 - the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.
- 3.23 The Magistrates' court will determine the appeal application. If you do not agree with the decision made by the magistrates' court, you can appeal to the local Crown Court.
- 3.24 The Council has not set a limit on the number of sex establishments that it thinks is appropriate for any relevant locality. The Council will treat each application for the grant, refusal, renewal, transfer or variation of a licence on its merits on a case by case basis.
- 3.25 The Council shall have regard to all relevant considerations, including any representations received and comments made by:
- Ward Councillors
 - Police
 - Fire Authority
 - Planning Authority
 - Pollution
 - Licensing Authority
 - Interested Parties (local residents/businesses)
 - Any representations made by the applicant
- 3.26 The Council may refuse a licence if:
- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason;
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves;
- c) the number of sex establishments or 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;

- d) the grant or renewal of licence would be inappropriate having regard to:
- the character of the relevant locality;
 - the use to which any premises in the vicinity are put; or
 - the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.27 The Council shall not normally grant a licence to operate as a sex establishment if the character of the surrounding area to the proposed licensed premises is such that granting a licence is considered inappropriate.

3.28 The Council, when considering whether or not the character of the surrounding area is appropriate, shall particularly take account of the density and proximity of:

- residential premises, including any sheltered housing and accommodation of vulnerable people;
- educational establishments to the premises;
- places of worship to the premises;
- access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- other retail units;
- community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);

3.29 In addition the Council may consider:

- the potential impact of the licensed activity on crime and disorder and public nuisance;
- the nature and concerns of any objections received from residents or establishments;
- any current planning considerations;
- the proximity of other sex establishments;
- whether there is planned regeneration of the area and the nature of such regeneration.

4. The Application Process

Making an application

4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B.

- 4.2 In keeping with the Council's policy on the introduction of e-Government, the council consents to applications and other notices being given electronically. The address at which the council will accept applications and notices is:-
- (a) Licensing Section, Carlisle City Council, Civic Centre, Carlisle CA3 8QG;
 - (b) email: licensing@carlisle.gov.uk;
 - (c) fax: 01228 817023;
 - (d) on-line (when the facility becomes available).
- 4.3 A specimen application form and notice for public advertisement is available from the licensing office.

Fees

- 4.4 The application process involves paying –
- a non-returnable application fee, including costs for inspections of the premises and processing the application;
 - a fee to meet the costs of holding a hearing before a committee in the case of a contested application, which will be refunded where either an application is withdrawn before the need for a hearing arises, or where a hearing is not required.
- 4.5 The fees are reviewed annually against any rise in council costs of administering the licence regime.
- 4.6 A schedule of fees is available via the Council website www.carlisle.gov.uk

Advice and Guidance

- 4.7 The council will seek to liaise with applicants and/or mediate between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.
- 4.8 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing section and those from who they think objections are likely prior to submitting their application.

Grant, renewal or transfer of licences

- 4.9 The council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such of the terms and conditions specified by the council in Appendix B.
- 4.10 The Council may, if they think fit, transfer a licence to any other person upon application by that person.
- 4.11 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.
- 4.12 Where applications for licences have been granted, the council will send the licence to applicants by post.

Variation of licences

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

5. Objections to licence applications

- 5.1 Any person wishing to make a relevant representation to an application must submit a written representation within the 28 day consultation period following the date on which the application was given to the Council, setting out the grounds of objection.
- 5.2 The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 5.3 Where objections are made, the Council will provide copies of this to the applicant. The Council will not divulge the identity of the objector/s without their permission to do so.
- 5.4 However, the grounds of any objection must be provided to the applicant prior to the determination of the application. The report to the Regulatory Panel may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 5.5 Where objections are made and not withdrawn, a hearing before the Regulatory Panel will normally be held within 20 days after the end of the consultation period, unless all parties agree a hearing is unnecessary.
- 5.6 In all cases, applicants and those making objections that are genuinely aggrieved by a decision of the Council are entitled to appeal to the Magistrates Court.

- 5.7 Where no representations are received, the Council will grant the licence subject to any terms and conditions shown in Appendix B.
- 5.8 Although applicants are only required to provide notice of the application to the police, the Licensing Authority will publish a list of current sex establishment premises applications on the Council's website, to allow the public to view basic details and provide a contact number for the office processing the application.
- 5.9 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The grounds relevant to the majority of objectors are as follows:
- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity of the premises, vehicle or vessel or stall in respect of which the application is made.

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

- 5.10 Objectors can include residents'/tenants' associations, community associations and trade associations. Councillors and MPs may also raise objections. Elected Carlisle City Councillors may represent interested parties, providing they do not also sit on the Regulatory Panel.
- 5.11 The Licensing Authority will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by Licensing Authority officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given written reasons.
- 5.12 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 5.13 Persons who have made representation regarding an application have no automatic right to address the Panel when the application is being heard. The consultation period allows the opportunity for comment, not the hearing. However the Chairman of the Panel can exercise his/her discretion and may allow those who have made relevant representation to address the Panel. A time limit per speaker may be set. Where a number of persons have requested to speak the Chairman may require a spokesperson to be elected.

5.14 Objections must be made in writing and should include the following:

- the name and address of the person or organisation making the Objection
- the premises to which the objection relates
- the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
- the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated at 4.3 above).

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

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

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

6. Enforcement

6.1 The council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The council will carry out its regulatory functions in a fair, open and consistent manner.

6.2 Specifically, the council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
- (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- (c) be consistent – to implement rules and standards fairly;
- (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
- (e) target its regulatory action at cases in which action is needed.

- 6.3 The council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 6.4 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.
- 6.5 The council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the council will undertake its role and how the principles of effective enforcement will be achieved.
- 6.6 This policy is available from the licensing section and can also be viewed on the Council's website: www.carlisle.gov.uk

Definitions

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.

Character of the relevant locality

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This Council has not defined what type of area would or would not be acceptable in terms of character. The Council will consider the character of the area on a case by case basis in accordance with Para. 3.6.

The Council

This means Carlisle City Council.

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 men: exposure of his pubic area, genitals or anus.

Licensed Premises

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions to operate.

The Organiser

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

Permitted Hours

These are the hours of activity and operation that have been authorised under a sex establishment licence.

The Policy

This refers to Carlisle City Council's sex establishment licensing policy.

Relevant Entertainment

Relevant entertainment is “any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes 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).

Carlisle City Council considers that the definition of relevant entertainment applies to, although not exclusively, to the following forms of entertainment:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

Relevant locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that relevant locality will be determined on a case by case basis for the purpose of decision making.

Sex Article

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Sex Cinema

- 1) A sex cinema is 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
 - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.

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

- a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
- b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

Sexual Entertainment Venue

Schedule 3 Local Government (Miscellaneous Provisions) Act 1976 (as amended)

- 1) In this schedule, 'Sexual Entertainment Venue' means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- 2) In this paragraph relevant entertainment means-
 - a) any live performance; or
 - b) any live display of nudity;
 - which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 3) The following are not sex encounter venues for the purposes of the 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 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)-13) See relevant legislation

14) In this paragraph -

‘audience’ includes an audience of one;

“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).

“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;

“relevant national authority” means –

a) in relation to England, the Secretary of State; and

b) in relation to Wales, the Welsh Ministers

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

Premises that are not sexual entertainment venues

Paragraph 2A(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:

- Sex shops and sex cinemas
- Premises which provide relevant entertainment on an infrequent basis.

These are defined as premises where –

a) no relevant entertainment has been provided on more than 11

occasions within a 12 month period.

b) no such occasion has begun within a period of one month beginning

with the end of the previous occasions; and

c) no such occasion has lasted longer than 24 hours.

- Other premises or types of performances or displays exempted by an order of the Secretary of State.

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 sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence

Grant of a licence

1. To apply for the grant of a sex establishment licence an applicant must: -

a) send the Council: -

i) a completed application form;

ii) a plan of the premises (para. 2 below);

iii) the application fee;

b) display a notice on or near the premises (para 6-9 below);

c) advertise the application in a local newspaper (para 10 below);

A copy of the newspaper circulating in the Council's area in which notice of the application has been published in accordance with paragraph 10(8) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 must be provided to the Council.

A photocopy of the newspaper will not be accepted.

d) send a copy of the application and plan to the Chief Officer of Police, North Cumbria HQ, Brunel Way, Carlisle CA1 3NQ within 7 days of making the application to the council.

Plan requirements

2. Two sets of plans (Scale 1:100) which shall show: -

a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;

b) the location of points of access to and egress from the premises;

c) the location of escape routes from the premises;

d) 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;

- e) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - f) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - g) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - h) the location and type of any fire safety and any other safety equipment .
3. The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.
- and
4. 2 sets of plans (Scale 1:500) showing the sex establishment in relation to other premises within 100 metres.
- and
5. Where the application is for the grant or variation of a licence, provide details showing the exterior design and signage of the premises

Public notices

6. A notice must be displayed at or on the premises to which the application relates for a period of not less than 28 consecutive days from the day following the day the application was given to the Council, in a position where it can be conveniently read from the exterior of the premises.
7. 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. 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.
9. The notice must state: -
- a) 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 council, by which representations may be made to the council and that representations should be made in writing,

10. A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.

Variation of a licence

11. The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
12. 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.

Renewal of a licence

13. The holder of a 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 together with the appropriate fee must be submitted before the current licence expires.
14. The process of applying for 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.

Transfer of a licence

15. A person may apply for transfer of a licence at any time.
16. The process of applying for 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.

Appendix C

Schedule of Delegated Authority

Matter to be dealt with	Full Committee	Officers
Grant of an application for the grant of any type of Sex Establishment Licence.	If a relevant representation received or Officers have concerns in respect of the application or characteristics of the locality.	All other cases
Decision on whether an objection is frivolous or vexatious.	In respect of Grant applications.	In respect of renewal applications.
Decision on whether an objection is irrelevant.		All cases
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.		All cases
Refusal of an application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.		All cases
Refusal of an application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.		All cases
Refusal of an application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date		All cases

Matter to be dealt with	Full Committee	Officers
when the application was made.		
Refusal of an application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.		All cases
Refusal of an application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.		All cases
Refusal of an application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.	All cases	
Refusal of an application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an application for the grant or renewal of any type of Sex Establishment Licence, on the grounds that the number of sex establishments, or of sex establishments of a particular kind, in the	All cases	

Matter to be dealt with	Full Committee	Officers
relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.		
<p>Refusal of an application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard –</p> <p>(iv) to the character of the relevant locality; or</p> <p>(v) to the use to which any premises in the vicinity are put; or</p> <p>(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p>	All cases	
Refusal of an application for the Variation of the terms, conditions or restrictions on or subject to which the licence is held for any type of Sex Establishment Licence.	All cases	
Revocation of a licence.	All cases	
Refund of proportion of fee in respect of refusal of a Grant, Variation or Renewal application.		All cases

Contact details for licence applications

Licensing Office:

Licensing Office Carlisle City Council Civic Centre Carlisle CA3 8QG	Tel: 01228 817523
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Cumbria Constabulary:

Licensing Officer Cumbria Constabulary Northern Cumbria HQ Brunel Way Carlisle CA1 3NQ	Tel: 0845 3300247
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Evening News and Star (Newspaper)

Classified Advertising Evening News and Star Newspaper House Dalston Road Carlisle CA2 5UA	Tel: 01228 612612
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If you require any further information please contact:

Licensing Section
Carlisle City Council
Civic Centre
Carlisle CA3 8QG
Telephone: 01228 817523
Email: licensing@carlisle.gov.uk

Please consider the environment. Only print this document if it cannot be sent electronically.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT LICENCE

STANDARD CONDITIONS APPLICABLE TO A SEX SHOP

Introduction

1. In these Conditions “The Council” shall mean the Carlisle City Council and all enquiries concerning this licence shall be directed to the Licensing Section, Carlisle City Council, Civic Centre, Carlisle CA3 8QG Tel: 01228 817523.
2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.
3. These conditions are only applicable to “Sex Shop” premises.
4. The Council reserves the right to amend, delete or add to these conditions as and when appropriate.

Management of the Premises

5. The Licence Holder, or a responsible person over the age of 18 having been nominated by him, shall have personal responsibility for the Premises at all times when the Premises are open to the public.
6. Where the Licence Holder 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.
7. A copy of the licence and any special conditions attached shall, at all times, be available on the premises for inspection by the police, the fire authority, and authorised officers of the Council.
8. Neither the Licence Holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, flyers, handouts or any other like thing, outside, or in the vicinity of the licensed premises.

9. The Licence Holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
10. No person under the age of 18 shall be admitted to the premises.
11. The Licence Holder shall adopt a procedure to check the age of customers entering the shop who appear to be younger than 25 in order to ensure that they are not under the age of 18.
12. The Licence Holder shall not at any time keep or allow to be used on the premises any gaming, amusement or quiz machine whether for prizes or not.
13. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse/recycling collection service.
14. The Licence Holder shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or courtyard.

Hours of Opening

15. 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

16. 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

17. 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.

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

External Appearance

19. 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.
20. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
21. The windows and openings of the premises shall be of a material or covered with a material, which will ensure the interior of the premises is not visible to passers-by.
22. No items should be stored on the premises so that they can be viewed from any external window or door.
23. 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 (as explained in paragraph 36 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
 - (iv) The wording "PRIVATE SHOP" or "ADULT SHOP" or such other name approved by the Council in writing, but no other indication as to the nature of the business carried on at the licensed premises.
24. The lettering used in respect of such permitted items:-

In the case of the permitted items at paragraph 23 (i), (ii) and (iv) the lettering used shall not exceed 15 cm (approximately 6" inches) in height for each letter.
25. (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, except those mentioned in conditions 19 and 23(iii) or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

26. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the premises, he shall maintain the premises in good repair and condition.
27. External doors shall be closed at all times other than when persons are entering or leaving the premises.
28. 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.
29. No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
30. Alterations or additions, either internal or external, shall not be made to the premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.
31. No previewing of films, video recordings or other similar material shall be allowed to be shown in the premises.

Goods Available in Sex Establishments

32. 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.
33. No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.
34. In accordance with section 7 (b) & (c) of the Video Recordings Act 1984 and case law no 18R rated films may be sold or supplied by Mail Order.

Information for Customers

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

Licensed Name

36. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as “The Licensed Name” by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT LICENCE

STANDARD CONDITIONS APPLICABLE TO A

SEXUAL ENTERTAINMENT VENUE

INTRODUCTION

1. In these Conditions “The Council” shall mean Carlisle City Council and all enquiries concerning this licence shall be directed to the Licensing Section, Carlisle City Council, Civic Centre, Carlisle CA3 8QG Tel: 01228 817523.
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.
4. The Council reserves the right to amend, delete or add to these conditions as and when appropriate.
5. Licence Holders may find the website of the Lap Dancing Association useful alongside these conditions www.ldauk.org.uk.

Management of the Premises

5. The Licence Holder, or a responsible person over the age of 18 having been nominated by him, shall have personal responsibility for the Premises at all times when the Premises are open to the public.
6. Where the Licence Holder 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.

7. A copy of the licence and any special conditions attached shall, at all times, be available on the premises for inspection by the police, the fire authority, and authorised officers of the Council.
8. Neither the Licence Holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, flyers, handouts or any other like thing, outside, or in the vicinity of the licensed premises.
11. The Licence Holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
12. No person under the age of 18 years shall be admitted to the premises.
13. The Licensee shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
14. All persons working in the premises, including Performers, shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
15. The Licensee must submit a written "Code of Conduct" to the Licensing Authority as part of the application process; these rules will form part of the licence, and must be complied with. Furthermore they must ensure that all performers are fully conversant with and sign an agreement to adhere to such Code of Conduct.
16. In the event that an authorisation under the Licensing Act 2003 does not require the provision of a CCTV system, then the Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council. Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. In addition the Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.
17. CCTV recordings will be made available for viewing by authorised officers of the Licensing Authority or the Police. Copies of such recordings must be provided upon request.
18. CCTV must be capable of monitoring the whole of the premises, in particular any private booths or rooms to ensure the safety and security of performers and other persons within the premises. The CCTV system must be monitored by a

dedicated member of staff or security personnel at all times that the premises are in operation.

19. 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.
20. 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.
21. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on the grounds of public safety, public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.
22. The Licence Holder shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this licence.
23. The Licence Holder shall provide adequate non-public changing rooms for performers.

Opening of the Premises

24. Regulated entertainment, as authorised under the Licensing Act 2003, may only be provided during the hours permitted by an authorisation under that Act unless a specific condition on the Sex Establishment Licence permits otherwise.

Operation of the Premises

25. 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.

26. No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint

which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated in a sexual entertainment venue or a sex cinema.

External Appearance

27. 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.
28. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.
29. 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.
30. 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.
31. 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.
32. 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 (as explained in paragraph 52 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.

33. (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, except those mentioned in conditions 23 and 29 or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

34. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the premises, he shall maintain the Premises in good repair and condition.
35. External doors shall be closed at all times other than when persons are entering or leaving the premises.
36. 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.
37. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
38. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

Provision of Relevant Entertainment

39. Performers shall only perform in specified designated areas, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.
40. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
41. Performers must remain clothed in public areas and all other areas except while performing in areas specified by the Council as being where relevant entertainment may be provided.
42. At the conclusion of performances all articles of clothing removed during that performance must be put back on. This does not prevent performers going to their non-public changing area to change their attire.

43. Performers may not accept any telephone number, email address, address or contact information from any customer.
44. Performers may not give any telephone number, email address, address, contact information or business card to any customer or in any way solicit themselves.
45. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
46. 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).
47. The Licence Holder must ensure that during the performance of a table or lap dance:
 - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
 - (2) customers must remain seated during the entire performance of the dance;
 - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest (excluding the head) with their hands only;
 - (4) Performers must not sit on or straddle the customer;
 - (5) Performers must not place their feet on the seats.
48. The Licence Holder must ensure that during performances of relevant entertainment:
 - (1) Performers may not perform any act that clearly simulates any sexual act;
 - (2) Performers must never intentionally touch the genitals, anus or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals, anus or breasts;
 - (3) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
 - (4) Performers may not use inappropriate, suggestive or sexually graphic language at any time;

- (6) 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;
 - (7) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.
49. The Licence Holder must ensure that during performances of relevant entertainment:
 - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
 - (2) Customers must remain appropriately clothed at all times.
50. At all times there must be no physical contact between customers and employees, or other persons working within the premises, in any part of the premises save for the following:-
 - The payment of an entry fee by customers to authorised members of staff.
 - The payment of a fee for relevant entertainment.
 - The purchasing of drinks by customers from authorised members of staff.
 - The placing of bank notes by the customer in a garter worn by females or an armband worn by males.
 - SIA door staff in the execution of their duties.
51. At all other times during the performance the performer will keep a minimum distance of at least 3 feet away from the customer.
52. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence.
53. Performers will stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management. If after receiving a warning a customer continues to behave inappropriately, the customer must be requested to leave the premises and should be escorted from the premises by appropriately authorised staff only (i.e. SIA registered door supervisors).

Licensed Name

54. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as “The Licensed Name” by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEX ESTABLISHMENT LICENCE

STANDARD CONDITIONS APPLICABLE TO A

SEX CINEMA

Introduction

1. In these Conditions “The Council” shall mean Carlisle City Council and all enquiries concerning this licence shall be directed to the Licensing Section, Carlisle City Council, Civic Centre, Carlisle CA3 8QG Tel: 01228 817523.
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 “Sex Cinema” premises.
4. The Council reserves the right to amend, delete or add to these conditions as and when appropriate.

Management of the Premises

5. The Licence Holder, or a responsible person over the age of 18 having been nominated by him, shall have personal responsibility for the Premises at all times when the Premises are open to the public.
6. Where the Licence Holder 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.
7. A copy of the licence and any special conditions attached shall, at all times, be available on the premises for inspection by the police, the fire authority, and authorised officers of the Council.

8. Neither the Licence Holder nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, flyers, handouts or any other like thing, outside, or in the vicinity of the licensed premises.
9. The Licence Holder shall take all reasonable precautions for the safety of the public, employees and other persons working in the premises.
10. No person under the age of 18 years shall be admitted to the premises.
11. The Licence Holder shall adopt a procedure to check the age of customers entering the premises who appear to be younger than 25 in order to ensure that they are not under the age of 18.
12. All persons working in the premises shall be aged not less than 18 years. The Licence Holder must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
13. 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.
14. 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.
15. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on the grounds of public safety, public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.
16. The Licence Holder shall provide upon request copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this licence.

Hours of Opening

17. The premises shall only remain open during the hours permitted by the premises licence.

Operation of the Premises

18. 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.

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

External Appearance

20. 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.

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

22. 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.

23. The Licence Holder 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.

24. 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.

25. 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 (as explained in paragraph 32 hereof) may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.
 - (ii) The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - (iii) A notice stating the opening hours of the establishment.
26. (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, except those mentioned in conditions 20 and 25 or otherwise approved by the Council in writing;
- (b) No external loudspeakers may be installed.

State, Condition and Layout of the Premises

27. Notwithstanding the Licence Holder's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the premises, he shall maintain the Premises in good repair and condition.
28. External doors shall be closed at all times other than when persons are entering or leaving the premises.
29. 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.
30. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
31. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Council. A variation application will be required in order for consent to be considered.

Licensed Name

32. (a) The Council at the time of granting the licence in respect of the premises shall appoint a name referred to as “The Licensed Name” by which it is intended that the premises shall be known and the licence holder shall ensure that the premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such name shall have been provided on the application form.
- (b) An application in respect of a change of licence name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

Fire Safety

33. A suitable and sufficient fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) Order 2005 to the satisfaction of Cumbria Fire and Rescue Service.

Outbreaks of Fire

34. The Fire Service shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Fire Service can be summoned.

Special Risks and Special Effects

35. Any activity which involves special risks or special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council’s prior consent in writing. At least seven days’ notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

Conditions relating to permitted activities

36. The Licensee shall not permit the display outside the premises of photographs or other images which indicate and suggest that lap dancing/striptease or similar dancing takes place on the premises.

Film Categories

37. The categories U, PG, 12, 15 and 18 have the following effect:-

U Universal - suitable for all

PG	Parental Guidance. Some scenes may be unsuitable for young children.
12/12A	Passed only for persons of 12 years and over.
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
Restricted (18)	Passed only for persons of 18 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.

Exhibition of films

38. No film shall be exhibited at the premises unless:
- (a) It has been passed by the British Board of Film Classification as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
 - (b) it has been passed by the Council as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film.

Age Restriction Notice

39. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

PERSONS UNDER THE AGE OF 18 YEARS CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Category Notices

40. Immediately before each exhibition at the premises of a film there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-
- (a) For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board;
 - (b) For a film passed by the Council - a notice in the following form without the addition of any other words:-

Carlisle City Council
Insert title of film has been passed by Carlisle City Council *insert the definition of category and the category assigned.*

Provided that as regards a trailer advertising a film the notice shall be in the following terms:-

Carlisle City Council
(Insert the title and category of the trailer) advertising (insert title and category of the film)

Objection to Exhibition of a Film

41. No film shall be exhibited at the premises:-

- (1) which is likely:-
 - (a) to encourage or to incite to crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation or degradation of or violence towards women.
- (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- (3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the Licence Holder is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

Posters, Advertisements, etc.

42. Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the Licence Holder shall indicate clearly the category in which the film has been passed for exhibition.

Restricted 18 Category

43. **Additional Conditions for 'Club' Cinemas (Showing Films in the Restricted 18 Classification)**

- (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.
- (ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

(In the case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

- (iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.
- (iv) Tickets shall in no circumstances be sold to persons other than members.
- (v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.
- (vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.
- (vii) Membership rules for these club cinemas shall include the matters set out in the following page. These must be submitted to the Council 14 days before the club commences operation
- (viii) Notice of all rule changes shall be given to the Council within 14 days of the change.

Membership Rules for Club Cinemas

- 44. The membership rules for club cinemas where restricted 18 films are to be shown should include the following:
 - (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or

annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.