

Regulations prescribing standard conditions applicable to licences for Sexual Entertainment Venues.

Made on the;

Coming into force on the:

1. The Council makes these regulations pursuant to its power under paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 (“The Act”).

2. In these conditions

‘Audience’;

‘Sexual Entertainment Venue’; and

‘Relevant Entertainment’;

each has the meaning given in the Act.

‘Performer’ means any individual who performs or actively participates in Relevant Entertainment (whether or not they are an employee) and “Performance” and “Performing” shall be construed accordingly

‘Permitted Relevant Entertainment’ means entertainment falling within the description specified on the licence as being permitted at the licensed premises.

‘Relevant Offence’ means

1. An offence under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3.

2. A sexual offence, being an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

3. Every Sexual Entertainment Venue Licence granted, renewed or transferred by the Council shall be presumed to have been so granted, renewed or transferred subject to the standard conditions contained in the schedule unless they have been expressly excluded or varied by the Council.

Standard Conditions Applicable to Licences for Sexual Entertainment Venues.

- A. Only Permitted Relevant Entertainment is authorised under this licence.
- B. Permitted relevant entertainment may only take place on those parts of the premises as are identified on the plan annexed to the licence.
- C. Relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas. For these purposes a room, cubicle or other area is private unless it is completely open on one side so that activities within may be supervised from the exterior.
- D. The Council shall be provided with a Code of Conduct for Performers and Rules to be observed by members of the audience.
- E. The Code and Rules referred to in Condition D above shall be brought to the attention of all performers and members of the audience and reasonable measures shall be taken to ensure that they are complied with.
- F.
- (a) At no time during the performance may there be any contact between a performer and a customer. Prior to the performance or at the completion of the performance there may be hand-to-hand payment for the performance.
 - (b) At no time except during the performance may a performer or employee be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking payment for a performance.
 - (c) No performer or employee may at any time (and whether or not performing):
 - (i) sit or lie on the lap or any other part of any customer;
 - (ii) kiss, stroke, fondle, caress or embrace any customer;
 - (iii) engage in any other contact of a sexual nature with any customer.
 - (d) In these conditions:
 - (i) “customer” means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
 - (ii) “employee” means any person working at the venue whether under a contract of employment or some other contract;
 - (iii) “unclothed” means when breasts and/or genitals and/or anus are fully or partially uncovered;
 - (iv) “other contact of a sexual nature” means contact which must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.

G. As soon as is reasonably practicable, and in any event within seven days, the Council shall be notified of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.

H. No person shall be employed or shall perform at the premises who has unspent convictions for any Relevant Offence.

I. Copies of the licence and the conditions applicable to it shall be displayed on the premises in a place where it is likely to be seen by every member of the audience.

J. The licensee shall retain control over all parts of the licensed premises when used for Relevant Entertainment.

K. Customers shall be made aware of any charge for admission to the premises, by way of a notice or other means acceptable to the Licensing Authority, and of any further charges that may be levied in connection with the provision of Relevant Entertainment, before being admitted to the performance area.

L. There shall be no display either upon or outside of the licensed premises (in such a way that it is visible on the exterior) of photographs or other images which indicate or suggest that Relevant Entertainment is provided upon the premises, with the exception of any registered trade mark, trading name or trading symbol that has been provided to the Council in connection with the most recent application for a licence, its renewal or variation as the case may be.

M. The licensee shall ensure that no area where Relevant Entertainment may take place can be viewed from outside the licensed premises at any time.

N. The licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured.

O. (a) Performers shall not be permitted to share the following facilities with any members of the audience and suitable separate provision must be made;
(i) water closet;
(ii) washing facilities;
(b) Performers and Audience shall not be permitted to share any smoking area.
(c) No Member of the audience shall be permitted to enter any changing area used by Performers.

P. All external doors affording access to the licensed premises shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

Q. The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:

- (i) by means of personal solicitation in the locality of the licensed premises;
- (ii) by means of leafleting in the locality;
- (iii) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.

R The following shall be made available without charge to performers:

Literature and contact names and telephone numbers of organisations that provide advice and counselling on matters relating to:

- (i) sexual problems;
- (ii) family planning;
- (iii) sexually transmitted diseases;
- (iv) rape and sexual assault.

S (a) No telephone number, residential address, email address or other information that may facilitate further contact between performers and members of the Audience is passed from audience to performer, or vice versa; and

(b) This prohibition shall be brought to the attention of all members of the Audience.

T. (i) Performers may perform only in accordance with written contracts, which define their rights and obligations, including terms as to the nature of their performance and payment. No deduction shall be made from such payment unless permitted by the contract, and no deduction by way of penalty shall be permitted;

(ii) No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom;

(ii) Copies of all documents referred to in (i) and (ii) above shall be retained for not less than 12 months after the last provision of Relevant Entertainment by the said Performer and shall be produced to an authorised officer of the Council or a Constable upon request at any reasonable time.

U. The licensee shall exercise all due diligence and take all reasonable steps to ensure that the terms and conditions imposed on the licence are observed and complied with at all times.