

Sex Establishment Regulations

Regulations Made By Stockton On Tees Borough Council Under Paragraph 8 Of Schedule 3 To The Local Government (Miscellaneous Provisions) Act 1982 As Amended By The Policing And Crime Act 2009 Prescribing Standard Conditions For Licences For Sex Establishments Effective From.....

General

1. Throughout these regulations 'sex establishment', 'sexual entertainment venue', 'sex cinema', 'sex shops', and 'sex article' shall have the meaning ascribed to them in Schedule 3 of The Local Government (miscellaneous Provisions) Act 1982 and;

'The Council' means the Council of the Borough of Stockton-on-Tees; and

'The premises' means the premises, vehicle, vessel or store which is the subject of the licence.

2. In the event of a conflict between these Standard Conditions and any Special Condition contained in a licence relating to a Sex Establishment, the Special Conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of The Local Government (Miscellaneous Provisions) Act 1982.

Management Of The Premises

4. 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 hours:

Monday – Saturday 09.00am – 20.00pm

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, Good Friday or Easter Monday.

5. The licence or a clear copy shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises.
6. The licensed premise shall be used only for the purposes specified in the licence.
7. The licensee shall give written notice to the Council if he wishes to surrender the licence.
8. All notices, documents and advertisements issued by or on behalf of the business shall bear the trade name, style or title and address of the premises specified in the licence and shall contain no indication that it is licensed by the Council.
9. The Licensee or some other responsible person over 18 years of age nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager") shall have personal responsibility for and shall be present on the premises

at all times when the premises are open to the public. Such written approval shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

10. The name of the person responsible for the management of the premises, whether the Licensee or the manager, shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises throughout the period during which he is responsible for the conduct of the premises.
11. 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 Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
12. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
13. All members of staff shall be easily identifiable as such and if required by the council in writing wear a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.
14. The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
15. The Licensee shall take all reasonable precautions for the safety of the public and employees, and except with the consent of the Council, shall retain control over all portions of the premises.
16. No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
17. The licensee shall operate a 'Challenge 21' policy with all staff insisting on evidence of age of any person appearing to be under 21 years of age and is attempting to gain entry to the premises. This evidence shall be photographic, such as a passport, photographic driving licence or an approved proof of age card such as a Validate Card, Portman Card or a Citizen Card.
18. The Licensee shall maintain good order on the premises and in particular shall ensure that none of the following take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempted threat of such acts.
19. The Licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

Note: Solicitation includes the distribution of leaflets.

20. No alcohol shall be consumed within the premises unless the sale or supply of which is authorised by a licence under The Licensing Act 2003 and when service shall be to seated customers only.
21. No change of use of any part of the premises from that approved by the Council shall be made until the consent of the Council has been obtained.
22. No film or video or DVD shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film or DVD so certified.
23. The Licensee shall provide copies of any documents reasonably required by an authorised officer of the Council or a Police Officer in relation to compliance with this licence.

External Appearance

24. The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
25. Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them opaque screens or blinds of a type and size approved by the Council to render the interior of the premises invisible to passers by.
26. The Licensee shall display a notice on the outside of the premises of such size and in such location as agreed by the Council stating 'No person under the age of 18 allowed. Any person appearing to be under 21 years of age will be required to show photographic proof of their age.'
27. The Licensee may with the consent of the Council exhibit on the outside of the premise the name of the business and a notice of such size and in such location as agreed by the Council consisting of the words 'Licensed Adult Establishment'
28. No other words, signs, posters, photographs, sketch, painting or any form of advertisement, display shall be displayed by or on behalf of the Licensee on, or outside or within the premises in a position where it is visible to passers by without the prior consent of the Council.
29. No external loudspeakers may be installed.

State, Condition And Layout Of The Premises

30. Notwithstanding the Licensees duties under other legislation and any obligations under any lease or other agreement for the use of the premises he shall maintain the premises in good repair and condition.
31. External doors shall be closed at all times except when persons are entering or leaving the premises and shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in effective 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 or any entertainment taking place inside the premises is visible to passers by when persons are entering or leaving the premises.

33. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
34. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of emergency.
35. Artificial lighting sufficient to illuminate all areas of the premise as approved by the Council shall be in operation at all times when the sex establishment is open to the public.
36. No alterations or additions shall be permitted to the exterior or interior of the premises without the written consent of the Council.
37. A CCTV system approved by the Council and the Police Licensing Officer shall be installed on the premises covering all of the internal areas of the premises and any external areas that may be specified. The system shall be maintained in good working order and shall operate at all times when the premises are open. Recordings shall be maintained in a secure place for a period to be agreed with the Police Licensing Officer and the manager and a sufficient number of staff shall be trained in its use to ensure that recordings can be made available to the police or an authorised officer of the council when requested.
38. Notices shall be exhibited within the premises informing customers of the presence of CCTV

Sex Shops (Additional Conditions)

39. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail
40. Compilation videos or DVDs showing restricted 'R18' material shall not be played or shown within the premises. This condition will not however, apply to the previewing of individual 'R18' films by a prospective purchaser so long as the excerpt is no longer than 2 minutes duration and is not shown in the presence of other patrons.
41. All Sex Articles and other things displayed for sale, hire exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices to be charged.
42. All mail order transactions from the premises shall be recorded in a suitable register approved by the Council.
43. Should the Council consider that any article, preparation, substance or material available for sale from the premises is likely to be dangerous to health, then on receipt of written notification stating the Council's reasons for the decision the licensee shall immediately remove the said article, preparation, substance or material from the premises and no like article, preparation, substance, article or material shall be sold or exposed for sale at the premises without the consent of the Council.
44. All printed matter offered for sale, hire or exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the premises where it can be easily read by prospective purchasers.
45. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations from time to time. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

Sexual Entertainment Venues (Additional Conditions)

46. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can be easily read by persons before entering the premises. Repeater notices containing this information shall also be prominently displayed inside the premises where they can easily be read by customers. No employee shall stand in such a position to obscure the notices.
47. No order shall be accepted unless the customer has been provided with a copy of the said tariffs and has been given sufficient time and opportunity to read it.
48. Any individual employed on the premises to conduct a security activity (within the meaning of The Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
49. The Licensee must ensure that a suitable number (to be agreed by the Council), of trained staff are employed to supervise the interior of the premises whilst performances are taking place under this licence.
50. Performers shall be aged not less than 18 years and the licensee shall carry out proof of age checks prior to employment. The licensee shall maintain written records of the names, addresses and dates of birth of performers including details of the identity checks and criminal record checks carried out.
51. A code of conduct for performers shall be produced by the Licensee, together with a disciplinary procedure for breaches of the code, and which shall be implemented if approved in writing by the Council. No amendments shall be made to the code or disciplinary procedure without the prior written consent of the Council.
52. The Licensee shall ensure that all performers are aware of the code of conduct for performers and the disciplinary procedure and a copy of the code and disciplinary procedure shall be given to each performer and a copy shall be prominently displayed in the performers changing rooms.
53. Rules shall be produced by the Licensee for customers indicating conduct that is deemed acceptable and action that may follow for non compliance. These rules shall be prominently displayed at all tables, at the entrance to the premises and in the public toilets provided in the premises.
54. The Licensee shall implement a policy to ensure the safety of performers when they leave the premises after a period of work.
55. Only activities which have previously been agreed in writing by the Council shall take place.
56. There shall be no mixed gender performance at any time.
57. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed premises as may be agreed in writing with the Council.
58. Performers must remain clothed in public areas and all other areas except when performing in areas specified by the Council as where sexual entertainment may be provided.
59. Suitable and secure changing/dressing rooms shall be provided for performers.
60. At no time shall any customer, member or guest be permitted in the changing room(s).
61. Exit routes for performers to the changing/dressing rooms shall be kept clear.

62. Separate sanitary facilities shall be provided for performers.
63. Secure smoking areas shall be available for performers.
64. Performers must dress fully at the end of each performance.
65. Performers must never be alone in the company of a customer except in an area open to the public within the premises (except the toilets)
66. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
67. There shall be a minimum distance of one metre separation between the performer and any patron during any performance.
68. There shall be no physical contact between the customer and the performer before, during and after the performance except for the placing of monetary notes or dance vouchers into the hand or garter worn by the performer and notices outlining this requirement shall be prominently displayed at each table.
69. The Licensee shall ensure that during performances to which this licence relates:
 - a) Performers may not perform any act that clearly simulates any sexual act;
 - b) Performers may not intentionally touch a customer any time during the performance unless by accident or due to a third party;
 - c) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
 - d) Performers must never intentionally touch the genitals or breasts of another dancer or knowingly permit another dancer to intentionally touch their genitals or breasts;
 - e) Performers shall not use sex toys as part of their performance;
 - f) 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;
 - g) Performers only perform nude or semi-nude dancing (of any description) within the areas specified by the Council.
 - h) Performers must not sit on or straddle customers.
 - i) Performers must not place their feet on the seats
70. The Licensee shall ensure that during any performance:
 - a) customers must be seated in an upright position against the back of the booth(if permitted by the Council) or seat with their hands by their sides before a dancer can start a table dance;
 - b) customers must remain seated during the entire performance of the dance;
 - c) for the purpose of restraint only, performers may only touch a customer above the customers chest with their hands only;
 - d) customers must not participate in any performance
 - e) customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment;
 - f) customers must remain appropriately clothed at all times.
71. The taking of any photographs, film, video or mobile phone photographs or video footage (excluding CCTV required by condition of licence) shall not be permitted and notices to this effect shall be prominently displayed at each table and at the entrance to the premises.

72. The Licensee shall produce and implement a drugs policy to the satisfaction of the Police Licensing Officer.
73. An incident book must be kept on the premises and maintained by the Licensee at all times. This must record date, time and description of incident/person involved that occur on the premises. The book must be made available to a Police officer or an authorised officer of the Council on request.

Sex Cinemas (Additional Conditions)

74. No film shall be exhibited at the premises unless it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18)and no notice of objection to its exhibition has been given by the Council.
75. Films in the RESTRICTED (18) category may be shown at the premises only with the Councils prior written consent and in accordance with the terms of any such consent.
76. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified in accordance with the above conditions. Such a film may only be exhibited if the Councils prior written consent has been obtained and in accordance with the terms of any such consent.
77. No film shall be exhibited at the premises:
 - (i) which is likely:-
 - a. to encourage or to incite crime; or
 - b. to lead to disorder; or
 - c. to stir up hatred against any section of the public 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.
 - (ii) 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
 - (iii) which contains a grossly indecent performance thereby outraging the standards of public decency.
78. If the Licensee 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.
79. Sex cinemas wishing to operate as a Club Cinema shall submit a copy of the cinemas Club Rules for approval and shall not operate until the written consent of the Council has been received.