



TAMESIDE METROPOLITAN BOROUGH COUNCIL

Sex Establishment

Licensing Policy

1. Introduction

- 1.1 This document sets out Tameside Council's policy (the 'Policy') in relation to the regulation and licensing of sex establishments and the council's procedures relating to applications for sex establishment licences.
- 1.2 This document relates to applications for sex establishment licences relating to:
 - sex shops
 - sex cinemas
 - sexual entertainment venuesas per 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 29 September 1982. The amendment under Section 27 of the Policing and Crime Act 2009 was adopted by the Council on 22 July 2014.
- 1.4 The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities.
- 1.5 The policy sets out:
 - the process the Council will follow in considering and determining an application for a sex establishment licence; and
 - the process for making an application.

2. Definitions

- 2.1 **The Act**
This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 2.2 **The Policy**
This refers to Tameside Council's sex establishment licensing policy.
- 2.3 **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. The Council has determined that relevant locality will be determined on a case by case basis for the purpose of decision making.

2.4 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.

The 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 and will take into account such factors as: the uses and users of the area; how the area is perceived; the vision/plan for the area and the views of the planning authority.

2.5 The Council

This means Tameside Metropolitan Borough Council.

2.6 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.

2.7 The 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. Note that licences are not required for the sale, supply or demonstration of birth control items.

2.8 The Organiser

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

2.9 Permitted Hours

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

2.10 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.

2.11 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.

2.12 Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures, however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or are intended to stimulate or encourage sexual activity or genital organs or urinary or excretory functions.

2.13 Sexual Entertainment Venue

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience.

2.14 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).

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

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

2.15 **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 occasion; 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.

3. General Policy

Principles to be applied

3.1 Specific mandatory grounds for refusal of a licence are set out in the Act.

3.2 A licence cannot be granted:

- a) To anyone under 18 years of age
- b) To someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) To someone who has been refused a new licence or renewal of a licence within the last 12 months (from the date of making the application)
- d) To an individual who is not resident in the United Kingdom or has not been resident for six months prior to making an application
- e) To a company not incorporated in the United Kingdom.

3.3 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.

Other considerations - General

3.4 Relevant entertainment provided at the premises must not be visible to people outside the premises or passers-by.

3.5 The Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Greater Manchester Police Partnership / Licensing Team

- Greater Manchester Police Child Sexual Exploitation Unit
- Greater Manchester Police Organised Crime Unit
- Greater Manchester Fire & Rescue Service
- Tameside Council Planning Department
- Tameside Council Environmental Protection
- Tameside Council Licensing Department
- Tameside Council Children's Safeguarding
- Tameside Council Public Health
- Interested Parties (local residents/businesses/organisations)
- Any representations made by the applicant

3.6 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:
 - i) the character of the relevant locality;
 - ii) the use to which any premises in the vicinity are put; or
 - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Disability Access

3.7 It is the policy of the Council that there should be access and facilities for disabled people at sex establishments. Licensees are therefore required to provide such facilities so as to enable the admission of disabled people and are reminded of the duties imposed by the Disability Discrimination Act 1995, as amended by the Equality Act 2010.

Character of the Area

3.8 The Council will 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.

3.9 The Council, when considering whether or not the character of the surrounding area is appropriate, may have regard to the following factors:

- the proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;
- the proximity of educational establishments to the premises;
- the proximity of places of worship to the premises;
- access routes to and from schools, educational establishments, play areas, nurseries, children's centres or similar premises;
- the proximity to shopping centres;
- the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);
- the potential impact of the licensed activity on crime and disorder and public nuisance;
- the nature and concerns of any objections received from residents, businesses or other establishments;
- any evidence of complaints about noise and/or disturbance caused by the premises;
- any current planning considerations;
- the proximity of other sex establishments;
- whether there is planned regeneration of the area.

Suitability of the Applicant

- 3.10 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:
- any convictions, cautions or any other orders relating to the applicant
 - 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.
- 3.11 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.
- 3.12 All applications for new licences for sex establishments, as described in the Act shall be referred to the Council's Speaker's Panel (Liquor Licensing) for a decision.

Renewal Applications

- 3.13 Where a licence was in existence before the introduction of this policy, this policy will become a consideration when the licence is due for renewal.
- 3.14 When considering a renewal application the Council may take into account the criteria set out at paragraphs 3.9 and 3.10 above and:
- the type of activity to which the application relates;
 - the duration of the proposed licence;
 - the days and hours of operation of the activity;
 - the layout and condition of the premises;
 - the use to which other premises in the vicinity are put;
 - the levels of crime and disorder in the area;
 - past demonstrable adverse impact from the activity;
 - whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- 3.15 It should be noted that the Council, in applying its decision-making discretion, may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 3.16 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the Speaker's Panel (Liquor Licensing) for a decision.

Variation Applications

- 3.17 Where an application is made to vary any terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 3.9, 3.10 and 3.14 above.

4. The Application Process

Making an Application

- 4.1 An application should be made in writing to:
- Licensing Department
 - Tameside MBC
 - Licensing Office
 - Tame St Depot
 - Tame St

Stalybridge
SK15 1ST
Telephone: 0161 342 4262.

- 4.2 Applicants for a licence must complete the application form and submit to the Licensing Office together with:
- A detailed operating schedule for the premise, outlining exactly the type of entertainment to be offered at the premise.
 - Two sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - Two sets of plans showing the existing and front elevation of the premises depicting all signage;
 - Two sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - Two sets of plans (scale 1:50) showing the layout of the sex establishment;
 - The correct fee as set by the Council.
 - Evidence that the appropriate planning permission has been granted in respect of the premises.
- 4.3 Note: The above requirements regarding the submission of plans do not apply to renewal applications unless there has been a material change in the layout, structure or appearance of the premises.
- 4.4 As part of the application process, applicants are required to post an A4 notice at the proposed site for 28 days, from the date the application is lodged with the Council, setting out the application details. A specimen notice is available from the Licensing Office. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.
- 4.5 Applicants are also required to place a public notice in a local newspaper giving details of the application. A specimen notice is available from the Licensing Office. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 4.6 Officers from the Licensing Authority, Greater Manchester Police and Greater Manchester Fire & Rescue Service will inspect the premises to ensure that the required technical standards and licence conditions are being complied with. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 4.7 As part of the process the Licensing Authority will also consult the Environmental Protection Department of the Council. If there is the possibility of noise nuisance, for example, from amplified music, an inspection may be carried out and noise insulation work recommended.
- 4.8 Comments on applications will also be sought from all departments and individuals listed at section 3.5, together with any other relevant person as deemed appropriate by the Council.
- 4.9 Applicants are warned that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which he / she knows to be false in any material respect, or which he / she does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 4.10 The Council will not determine an application for the grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.

- 4.11 Any licence approved does not constitute any approval under any other acts. The applicant must ensure that all necessary consents and approvals are obtained prior to operation.

Renewal of Licence

- 4.12 An application to renew the licence must be made prior to the expiry of the existing licence.
- 4.13 The Council will not determine an application for the renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.14 Where, before the expiry of a licence, an application has been made for its renewal, it shall remain in force even though the expiry date has passed, until the withdrawal of the application or its determination by the Council.

Variation of Licence

- 4.15 The application form, together with relevant plans and the fee should be sent to the Licensing Office. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in paragraphs 4.4 and 4.5 above.
- 4.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in licensee must be the subject of a transfer application.
- 4.17 All variation applications for sex establishment licences will be referred to the Council's Speaker's Panel (Liquor Licensing) for a decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of Licence

- 4.18 When determining an application for the transfer of a licence the Council will have regard to the points set out in paragraphs 3.2 (a) to (e) and 3.6 (a) and (b) in respect of the suitability of the applicant.
- 4.19 The Council will not determine an application for the transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the sex establishment and to make such examination and enquiries as may be necessary to determine the suitability of the applicant.
- 4.20 Where, before the date of expiry of a licence, an application has been made to transfer, it shall be deemed in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the expiry date has passed or that the person to whom the licence is to be transferred is carrying on the business of the sex establishment.

Representations on an Application

- 4.21 Any person wishing to make comment on an application must submit a written representation within the specified 28 day consultation period, setting out the grounds of objection.
- 4.22 The Council will balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. 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.

- 4.23 Unless the person making a representation consents, their name and address shall not be revealed to the applicant.
- 4.24 However, the grounds of any objection must be provided to the applicant prior to the determination of the application. The report to the Speaker's panel (Liquor Licensing) may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 4.25 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Regulation Committee before the application is determined.
- 4.26 The Council shall give an opportunity of appearing before and of being heard by the Council's Speaker's Panel (Liquor Licensing);
- a) before refusing to grant a licence, to the applicant;
 - b) before refusing to renew a licence, to the holder; and
 - c) before refusing to transfer a licence, to the holder and to the person to whom he /she desires that it shall be transferred.
- 4.27 Where the Council refuse to grant, renew or transfer a licence, it shall, if required to do so by the applicant or the holder of the licence, give a statement in writing of the reasons for its decision within 7 days of his request.

Revocation of licence

- 4.28 The Council may seek to revoke a licence on the grounds stated in paragraph 3.1 and 3.6 (a) and (b).
- 4.29 Before a licence is revoked the licensee will be given the opportunity to appear before and be heard by the Council's Speaker's Panel (Liquor Licensing).
- 4.30 If a licence is revoked the holder of that licence will be disqualified from obtaining or holding a licence in the Borough of Tameside for a period of twelve months from the date of the revocation.

Duration of Licence

- 4.31 Sex establishment licences will normally expire on an annual basis, but may be issued for a shorter period if deemed appropriate.

Standard conditions for annual licences for sexual entertainment venues and sex cinemas.

Tameside Metropolitan Borough Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) makes the following standard conditions in relation to sexual entertainment venues and sex cinemas.

Separate conditions cover sex shops.

Notes:

- (i) Except where the context demands otherwise the singular includes the plural and masculine includes the feminine.
- (ii) Nothing in these conditions shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into two sections as follows:

Part 1 Conditions which apply to sexual entertainment venues and sex cinemas

Part 2 Conditions which apply to sex cinemas only

Part 1 Sexual Entertainment Venues

1. Definitions

In these rules, unless the context otherwise requires:

'Approval of the Council' or 'Consent of the Council' means the approval or consent of the Council in writing.

'Approved', 'accepted', or 'permitted' means approved, accepted or permitted by the Council in writing.

'Approved arrangements' means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

'Council' means Tameside Metropolitan Borough Council.

'Escape lighting' (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.

'Licensee' means the holder of a sex establishment licence.

'Officer' means any person authorised in writing by the Council.

'Premises' means any premises within the Council's area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

'Sex Establishment', 'Sex Cinema', 'Sex Shop', 'Sex Encounter Establishment' and 'Sex Article' shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009.

2. Dispensation or modification of conditions

- (a) These conditions may be dispensed with or modified by the Council in any special case.
- (b) Where in these conditions there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

3. Exhibition of Licence

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

4. Hours of Opening and Closing

The premises shall not be open to the public outside the hours permitted by the licence.

5. Persons in charge of Licensed Premises

- (a) The licensee or a responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) Full details of any person nominated by the licensee as a "person in charge" must be forwarded to the Council in writing for approval. The council will not approve such a person if they are deemed to be unsuitable because they have been convicted of an offence or for any other reason.
- (c) The licensee or person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he 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.
- (d) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
- (e) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, performers, hostesses or other companions) working in the licensed premises wears a badge indicating his name and that he is an employee or person working in the premises.

6. Conduct of Premises

- (a) The licensee or person in charge of the premises shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (i) Unlawful possession and/or supply of controlled drugs;
 - (ii) Indecent behaviour, including sexual intercourse;
 - (iii) The offer of any sexual or other indecent service for reward;
 - (iv) Acts of violence against persons or property and/or the attempt or threat of such acts.
- (b) The licensee or person in charge of the premises 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.
- (c) The licensee or person in charge of the premises or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of 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. Soliciting shall include the distribution of leaflets unless authorised by a consent of the Council.
- (d) 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. The premises must operate a "Challenge 25" scheme in relation to age verification at all public entrances to the premises for admission to the premises by members of the public. The only forms of identification to be accepted as proof of age will be a valid passport, photocard driving licence or "PASS" scheme identification card.
- (e) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 or any Order amending or replacing the same.
- (f) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, and advertisement or display, such material shall be removed or completely obscured from sight.
- (g) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.

7. Entrances & Windows

The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.

8. Change of Use

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sexual entertainment venue).

9. Alterations

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

10. Sanitation

The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:

- (a) Maintain each sanitary convenience in clean and efficient order;

- (b) Ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.
- (c) Ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) The premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.

11. Lighting

All lighting (including escape lighting) shall be maintained in full working order.

12. Noise and Vibration

- (a) The licensee shall ensure that no noise emanates from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
- (b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

Note: The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

13. Display of Tariff of Charges

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 easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

14. Special Risks and Special Effects

Any activity which involves special risks or special effects, (e.g. real flame, pyrotechnics etc.), 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.

15. Conditions Relating to Permitted Activities

- (a) Only those activities previously agreed in writing by the Council shall take place.
- (b) Performers shall be aged not less than 18 years.
- (c) The agreed activities will take place only in designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst lap dancing/striptease entertainment is taking place and immediately thereafter.
- (d) The performers only shall give lap dancing/striptease entertainment. No audience participation shall be permitted.
- (e) Whilst lap dancing/striptease entertainment is taking place, no person under the age of 18 shall be on the licensed premises and a clear notice to this effect shall be displayed at each entrance to the premises in a prominent position. The notice shall read:
"NO PERSONS UNDER 18 SHALL BE ADMITTED"
- (f) Notices to the effect of the above condition number 30(e) shall be clearly displayed at every table, be on display at the entrance of the premises and each bar area.
- (g) The premises must operate a "Challenge 25" scheme in relation to age verification at all public entrances to the premises for admission to the premises by members of the public. The only forms of identification to be accepted as proof of age will be a valid passport, photocard driving licence or "PASS" scheme identification card.
- (h) The Licensee or person in charge will ensure that performers will never be alone in the company of a customer except in an area open to the public within the premises, or in the supervised dance areas.

- (i) The performers shall at all times wear a G-String which shall not be removed as part of the performance, and they shall not expose at any time, wholly or partly, their genitalia or anus.
- (j) Dancers shall only perform on the stage area or to seated customers within supervised dance areas.
- (k) 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.

16. Behaviour of performers

The Licensee or person in charge must ensure that during performances to which this licence relates:

- (a) Performers do not perform any sexual activity or sex show or any act that clearly simulates any sexual act.
- (b) There is no physical contact between the customer and performer before, during or after the performance.
- (c) Performers do not use inappropriate, suggestive or sexually graphic language at any time.
- (d) Performers do not intentionally touch the genitals or breasts of another dancer or knowingly permit another dancer to touch their genitals or breasts.
- (e) Performers do 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.
- (f) Performers only perform semi-nude dancing (of any description) within areas specified by the Council when the licence is granted.
- (g) That performers do not accept any telephone number, email address, address, or contact information of any other type from any customer.

17. Safety of performers

The Licensee shall submit a policy to the Council for approval at the time of the application, to ensure the safety of the performers when they perform and when they leave the premises after a period of work. This policy is to be implemented when the premises are operating.

18. Responsibility towards performers

The Licensee or person in charge must ensure that adequate measures are in place at the premises to prevent the employment of performers who may be under the age of 18, or who may have been illegally trafficked into the UK.

The Licensee or person in charge must:

- (a) Ensure that all appropriate checks are carried out to ensure that performers are eligible to work in the UK. All relevant documentation must be checked prior to offering employment to any performer and photocopies of all relevant documents must be kept on the premises and made available for inspection by the police or authorised officer on request.
- (b) Ensure that all appropriate checks are carried out to ensure that performers are over the age of 18 years. Two forms of I.D must be checked, one of which must be photographic I.D. – passport or driving licence. Photocopies of these documents must be kept on the premises and made available for inspection by the police or authorised officer on request.
- (c) Maintain a register of the names and addresses of all performers and, if appropriate, the details of the agencies who supply the performers and such records shall be maintained for no less than 6 months and shall be made available to the Council or police upon request.

19. Supervision of premises

- (a) Suitable numbers of SIA licensed door supervisors (numbers to be subject to approval of police and licensing authority) will be on duty at the premises at all times during the performance of relevant entertainment.
- (b) Any door staff at the premises must be supplied by a company which has “Approved Contractor Status” with the Security Industry Authority.
- (c) At least one member of door staff must be present at every entrance to the premises through which the public can gain entry.

- (d) The Licensee must ensure that a sufficient number of security staff are employed inside the premises whilst sexual entertainment is provided to supervise the performers and customers.

20. CCTV

- (a) A tamper-proof digital colour CCTV system must be installed and maintained at the premises to the satisfaction of Greater Manchester Police.
- (b) The system must run and record continuously for 24 hours a day, 7 days per week and recorded footage must be stored for a minimum of 28 days.
- (c) The system must provide a clear head and shoulders view to an evidential quality on every entry/exit route and within any other vulnerable areas as identified by Greater Manchester Police.
- (d) Recorded footage must be provided to a representative of any responsible authority on request. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which footage is transferred must be provided by the premises and sufficient stock of such storage media must be kept on the premises at all times.
- (e) A member of staff who is trained to operate the system and supply footage must be present at the premises at all times when licensable activities are taking place.
- (f) The Licensee CCTV system is checked at least once every week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time & date. A written record of these checks must be kept, including a signature of the person carrying out the check. This written record must be kept on the premises at all times and made available to a representative of any responsible authority on request.

Part 2 - Sex Cinemas

21. Minimum lighting

The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

22. Film Categories

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.

The addition of (Tameside) after the category means that the film has been passed by the Council for exhibition in Tameside in the category shown.

23. Exhibition of films

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 (Tameside) or RESTRICTED (18) (Tameside) film.

24. Restricted (18) Films - Council's Consent

Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

25. Age Restriction Notice

When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. 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 *(insert 12, 15 or 18 as appropriate)* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.”

Note: Where films of different categories are shown the notice shall refer to the oldest age restriction.

26. Category Notices

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:-

TAMESIDE COUNCIL *Insert title of film* has been passed by Tameside 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:-

TAMESIDE COUNCIL *(Insert the title and category of the trailer)* advertising *(insert title and category of the film).*

27. Objection to Exhibition of a Film

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 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.

28. Posters, Advertisements, etc.

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 licensee shall indicate clearly the category in which the film has been passed for exhibition.

29. Flammable Films

No flammable films may be upon the premises without the prior consent of the Council in writing.

30. Attendants - Numbers in Other Premises

Unless the Council otherwise requires or agrees in writing in any case:

- (a) There shall be a minimum of two attendants on duty on each floor or tier of the auditorium where the public, up to a number not exceeding 500, are present on that floor or tier and thereafter one additional attendant shall be on duty for each additional 250 persons or part thereof present on that floor or tier;
- (b) If an auditorium has only one floor or tier and seats 250 persons or less the number of attendants on duty in that auditorium shall be not less than one.

Note: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and for the avoidance of doubt in the case of an auditorium which has only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.

Rules relating to television exhibitions

31. Entertainments Unsuitable for some Audiences

When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

Section D - Restricted 18 Category

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

- (a) 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.
- (b) 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 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).
- (c) 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.
- (d) Tickets shall in no circumstances be sold to persons other than members.
- (e) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.
- (f) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.
- (g) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Appendix A

Membership Rules For Club Cinemas

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.

Standard Conditions relating to Sex Shops

Tameside Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 makes the following standard conditions in relation to sex shops.

Separate conditions cover sexual entertainment venues and sex cinemas.

Where there is a conflict between these standard conditions and special conditions attached to a licence, the special conditions will prevail.

The Council reserves the right to amend, delete or add to these conditions as and when appropriate.

Definitions:-

- (a) 'Sex Establishment', 'sex cinema', 'sex shop' and 'sex article' shall have the same meanings ascribed to them in schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- (b) 'Premises' means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a sex shop granted under the said schedule 3.
- (c) 'The Council' means Tameside Council.
- (d) 'Authorised Officer' means any person authorised in writing by the Council.

Conditions:-

1. Premises licensed as a Sex Shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule 3 and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop.
2. Except with the previous consent of the Council, a sex shop shall not be open to the public before the hours of 9.00am and shall not be kept open after 6.00pm.
3. Over each entrance to the premises, in a position approved by the Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed

as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982. Such a notice shall also carry the full name of the licensee.

4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.
5. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
6. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, foot paths or forecourts except any notice displaying the name or trading title of the Licensee, any notice indicating the times of opening of the premises for business, any notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. Provided that nothing in this condition shall prevent the display of items which are not sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982 in the shop window or otherwise in public view from outside of the shop.
7. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building.
8. The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
9. 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 collection service.
10. The Licensee 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 yard.
11. The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the council or police.
12. Where the Licensee is a body corporate or an unincorporated body, any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days and such written details as the Council may require in respect of any new Director, Secretary and Manager are to be furnished within 14 days of a request in writing from the Council.
13. The licensee shall inform the Council in writing within 14 days if he/she or an employee is convicted or cautioned for a criminal offence