

STANDARD CONDITIONS

SEX SHOPS & SEX CINEMAS

1. For the purposes of these conditions
 - The Council means Erewash Borough Council
 - Sex Article has the meaning assigned to it in Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - Sex Cinema has the meaning assigned to it in Paragraph 3 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - Sex Shop has the meaning assigned to it in Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - Sexual Entertainment Venue has the meaning assigned to it in Paragraph 2A of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

2. **Management**
 - 2.1 The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and present on the premises while they are open to the public.

 - 2.2 Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Licensing Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

 - 2.3 The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be displayed in a conspicuous position throughout the period which he is responsible for the conduct of the premises.

 - 2.4 A copy of the licence and any specific conditions attached shall at all times be displayed in a conspicuous position on the premises, so as to be available for inspection by the police, fire authority and authorised officers of the Council or the local trading standards authority.

 - 2.5 The Licensee shall retain control over all parts of the premises and shall not let lease or part possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the premises.

- 2.6 The Licensee shall ensure that the public are not admitted to any part of the premises that has not been licensed.
- 2.7 The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the premises in his absence and the names and addresses of those employed in the premises. The register is to be completed each day within thirty minutes of the premises opening for business and is to be available for inspection by the police and authorised officers of the Council.
- 2.8 Neither the Licensee nor any employee or agent shall personally solicit custom for the premises outside or in the vicinity of the premises.
- 2.9 The Licensee shall ensure that during the hours the premises are open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.
- 2.10 No-one shall be admitted to the premises who is, or appears to be, under the age of 18.
- 2.11 No person under the age of 18 shall be employed on the premises.
- 2.12 Risk assessments will be carried out and documented to the reasonable satisfaction of Derbyshire Police and shall be lodged with them prior to this licence being used. The assessments shall cover following areas
- The prevention of crime and disorder
 - safeguarding children;
 - areas designated for the performance of dance and entertainment; and,
 - levels of security at the premises

3. Conduct/Usage of premises

- 3.1 No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
- 3.2 A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 3.3 No change may be made from a Sex Shop to a Sex Cinema, or Sexual Entertainment Venue or vice versa
- 3.4 No sex articles or other things intended for the 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 displayed, sold, hired, exchanged, loaded or demonstrated in a sex cinema.

4. Condition and layout of premises

- 4.1 The Premises shall be maintained in accordance with the lay out plan attached to this Licence. Amendments to the layout of the premises and/or any structural or physical alteration must be approved by way of an application for variation of this licence unless otherwise agreed in writing by the Council.
- 4.2 No Sex Articles shall be displayed within the premises as to be visible to passers by, whether the doors are open or closed.
- 4.3 All sex articles and other things displayed for sale, hire, exchange or loan within the premises shall be clearly marked to show the price being charged.
- 4.4 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the premises.
- 4.5 No film or video recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
- 4.6 No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of emergency.
- 4.7 Satisfactory lighting shall be in operation continuously within all areas that the public have access, during the whole of the time the premises are open to the public.
- 4.8 Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
- 4.9 No fastenings of any description shall be fitted upon any booth or cubicle set aside for the display of films

5 External Appearance

- 5.1 No display advertisement or any other matter or writing shall be exhibited so as to be visible from outside the premises except:-
 - (i) any notice required to be displayed by law, by these regulations or by any condition of a licence granted by the Council;
 - (ii) such display advertisement matter or writing as shall have been approved by the Council.

- 5.2 The windows and openings of the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by.
- 5.3 External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

6 Safety and Security

- 6.1 CCTV cameras shall be installed and maintained in the premises in accordance with Police recommendations, and sufficient staff shall be trained to use the system. All cameras will record continuously during the time the premises are open to the public. Images shall be of evidential quality and shall be retained for at least 21 days. Recordings shall be made available immediately upon request to the Police and Authorised Officers of the Council.

SEXUAL ENTERTAINMENT VENUES

1. Risk Assessments:

1.1 Risk assessments will be carried out and documented to the reasonable satisfaction of Derbyshire Police and shall be lodged with them prior to this licence being used. The assessments shall cover following areas

- The prevention of crime and disorder
- safeguarding children;
- areas designated for the performance of dance and entertainment; and,
- levels of security at the premises

1.2 Any steps identified in such risk assessment as being required to negate or lessen risks, are to be carried out by no later than 30 days from the date Derbyshire Police indicates satisfaction with the said risk assessment, or such other date as Derbyshire Police may agree.

1.3 The risk assessments are to be reviewed annually by the renewal date of this Licence. Copies of the reviewed documents shall be deposited with Derbyshire Police and shall clearly show the date of review, and any amendments made. All amendments must be agreed with the Police.

1.4 A risk assessment shall be conducted for all events involving outside promoters and this will be supplied to the Police 14 days prior to the event.

2. Age

2.1 No person under the age of 18 years shall be allowed in the premises.

2.2 A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be allowed entry unless they produce an acceptable form of identification (passport, driving licence or PASS accredited card.)

3. Adult Entertainment.

3.1 The Premises shall be maintained in accordance with the lay out plan attached to this Licence. Amendments to the layout of the premises and/or any structural or physical alteration must be approved by the Council by way of an application for variation of this licence unless otherwise agreed in writing by the Council.

3.2 No change may be made from a Sexual Entertainment Venue to a Sex Shop or Sex Cinema, or vice versa.

- 3.3 Admission to the premises shall be on payment of an admission fee.
- 3.4 Full nudity is not permitted. G-strings must be worn at all times and clothing shall not be transparent unless approved by prior agreement with the Council.
- 3.5 Performers shall not be less than 18 years old.
- 3.6 A record of the performer's name, address, National Insurance number, photograph and date of birth will be retained in a bound register. The details relating to National Insurance Number; name; address; date of birth; and proof of identity provided, to be checked and verified by the Licence Holder against other forms of identity. The Performers' details as outlined above, shall be retained at the premises for at least 12 months and made immediately available to the Police and Authorised Officers of the Council upon request.
- 3.7 The entertainment provided at the venue will not be visible from the street.
- 3.8 Any person who can be observed from outside of the premises should be decently dressed and fully clothed.
- 3.9 The entertainment provided at the venue shall only be given by performers who are exclusively engaged for that purpose.
- 3.10 No performers shall be allowed to work at the premises if they are under the influence of intoxicating liquor or drugs.
- 3.11 There shall be no inappropriate contact, or physical contact of a sexual nature between the performers and or customers, before, during, or after the performance.
- 3.12 Risk assessments shall be carried out in relation to areas which are to be used for the performance of dance and entertainment, in accordance with conditions 1.1 to 1.3.
- 3.13 Private dancing in secluded areas is prohibited. All dance areas shall be well lit.
- 3.14 The use of any types of marital aids, sex toys, animals or types of objects appearing to be such is expressly prohibited during the performance as is simulated sexual activity.
- 3.15 The entertainment provided shall be restricted to dancing and removal of clothes and there shall be no other form of sexual activity.
- 3.16 The Licence Holder and any other person concerned with the management or provision of entertainment at the premises shall not

allow the audience to throw money or otherwise give gratuities to the performers in an inappropriate manner.

- 3.17 Performers shall be provided with changing rooms that are located separately and apart from the public areas and facilities. Such changing rooms shall be fitted with security locks.
- 3.18 Only performers and staff authorised by the Licence Holder shall be permitted in to the changing rooms.
- 3.19 The contents of the House Rules for dance performances shall be agreed with the Police and the date indicated on those Rules. A copy of the Rules shall be deposited with Derbyshire Police and the Council. These Rules shall be adhered to and any amendments must be agreed by the Police. In the event of any agreed amendments being made, an amended copy of the House Rules will be deposited with the Police and the Council with such document clearly showing the date of amendment.
- 3.20 Performers who are not performing shall not be in any public area in a state of undress (which includes the displaying of naked female breasts).
- 3.21 There shall be no advertising or display outside of the premises to the general public, of photographs or other images displaying topless or nude dancers, or showing anything of a sexual nature.
- 3.22 A member of staff will be available to escort performers from the premises to their own/public transport or taxi at the end of their working day if requested to do so.
- 3.23 The Licence Holder will adhere to and enforce a “**Customer Code of Conduct**” which will be clearly displayed for all customers to see and will include the following terms:
 - (a) There shall be no inappropriate touching of the dancers at any time. Customers may however be escorted by the hand to an appropriate area for a dance.
 - (b) No verbal abuse will be tolerated. Any customer being abusive will be ejected from the premises.
 - (c) No irresponsible behaviour by customers will be allowed. Any customer engaging in such behaviour will be ejected from the premises.
 - (d) Any customer behaving in any other unacceptable manner will be asked to leave the premises.
 - (e) No customer shall accept from or give to any performer or member of staff any telephone number, business card or note.

3.24 The Licence Holder will adhere to and enforce a “**Dancers’ Code of Conduct**” which will be clearly displayed for all performers and staff to see and will include the following terms:

- (a) Performers shall behave responsibly at all times and professionally perform appropriately choreographed dance routines.
- (b) Performers will not remove any items of clothing otherwise than in accordance with the Sexual Entertainment Venue Licence. In particular full nudity is prohibited unless approval is granted by the Council.
- (c) No performer will accept from or give to a customer any telephone number, business card or note.
- (d) There shall be no inappropriate touching or contact between performers before, during or after performances.

The Licence Holder shall ensure that all dancers/entertainers performing at the premises have signed a declaration to confirm that they are aware of, have understood, and will abide by this Code. The Licence Holder shall retain this declaration until such time as the dancer/entertainer ceases to perform at the premises.

4. Records

4.1 A record shall be kept of anyone refused admission to the premises or refused service. Details contained in this record shall show:-

- the basis for the refusal;
- the person making the decision to refuse; and,
- the date and time of the refusal.

This record shall be retained at the premises for at least one year from the date of refusal, and shall be made available for inspection and copying by the Police and Authorised Officers of the Council, immediately upon request. Refusals should be reported immediately to the Police if it gives concern to the safety of the staff, performers or members of the public.

4.2 A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police and Authorised Officers of the Council immediately upon request, and all such books shall be retained at the premises for at least 2 years from the date of the last entry.

4.3 When the toilets have been checked for drugs use and supply, in accordance with condition 6.5 below, a record shall be kept of the result of the checks, detailing how and when any illegal substance was found. The record shall be retained at the premises for at least 3

months from the date of the check and shall be made available for inspection and copying by the Police immediately upon request.

- 4.4 Any seizures of drugs, weapons or other property shall be recorded, together with the name and address of the person found with the article and details of how and where the article was seized. This record shall be kept in a bound and sequentially paginated book, which shall be retained at the Premises for at least 2 years from the date of the last entry. This record shall be made available for inspection and copying by the Police immediately upon request.
- 4.5 A bound and sequentially paginated book, shall be kept and updated daily, containing the names, addresses, dates of birth, SIA registration number and hours worked of door supervisors employed on each day that the premises operate. This book shall be kept at the premises for at least 12 months from the date of the last entry and shall be made available for inspection and copying by the Police immediately upon request.

5. Notices

- 5.1 Notices will be displayed at the entrance to the premises advising customers that random searches will be carried out and admission will be refused to customers who do not give their consent to being searched.
- 5.2 A copy of the current House Rules will be displayed at the entrance to the premises so as to be clearly visible to customers as they gain admission.
- 5.3 The current Customers' Code of Conduct; Dancers' Code of conduct; and, House Rules shall be displayed on the exterior and interior of the Premises at all times so as to be clearly visible.
- 5.4 A copy of the current conditions attached to the sexual Entertainment Venue Licence and House Rules shall be exhibited at all times in or near the performers' changing rooms so that they can easily be read by performers. These documents shall be protected against theft and defacement.
- 5.5 A clear notice shall be displayed in a prominent position so that it can easily be read by persons entering the premises stating:

"No persons under 18 years of age permitted."

6. Safety and Security

- 6.1 The Licensee for a sexual entertainment venue shall ensure that during the hours the premises are open for business every employee, with the

exception of performers, wears a badge of a type to be approved by the Council indicating his name and that he is an employee.

- 6.2 CCTV cameras shall be installed and maintained in the premises in accordance with Police recommendations, and sufficient staff shall be trained to use the system. All cameras will record continuously during the time the premises are open to the public. Images shall be of evidential quality and shall be retained for at least 21 days. Recordings shall be made available immediately upon request to the Police and Authorised Officers of the Council.
- 6.3 At all times the premises are open to the public, all public areas shall be supervised by CCTV and all dance areas, private or otherwise, shall be constantly monitored by CCTV and staff.
- 6.4 The Licence Holder, or person nominated by him in writing to be in charge on any specified occasion shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises. A door supervisor shall act as a marshal to ensure that members of the public can freely pass by and gain access to other premises as necessary, and shall supervise persons awaiting entry on the pavement.
- 6.5 Door staff will conduct random searches of customers prior to admission for drugs and weapons. Anyone refusing to be searched will be refused entry.
- 6.6 The toilets at the premises shall be checked for drugs use and evidence of drug supply taking place at least daily during the times that the premises are open to the public. Records of such checks shall be kept in accordance with condition 4.3.
- 6.7 If drugs are found during a personal search, or whilst being used within the premises, the Licence Holder or Manager shall ensure, if safe and practicable, that a clear image of the person found in possession will be captured on CCTV. Following a risk assessment of the situation arising from the find, any person found using or in possession of drugs shall be detained if it is safe and practicable to do so, and the Police shall be called immediately.
- 6.8 Any drugs or weapons found on the premises, either during a search of any person or otherwise, will be confiscated and stored in a secure container prior to being handed over to the Police, which must be done as soon as is practicable.
- 6.9 SIA registered door staff shall be employed at the premises, both inside and outside, at all times that the premises are open to the public, the number of door staff required shall be agreed with the Police.

Appropriately trained staff shall supervise the Admissions Desk and all dance and entertainment areas at all times.

- 6.10 The Licence Holder or person nominated by him in writing to be in charge on any specified occasion will conduct a risk assessment to ensure that adequate levels of security are maintained, in accordance with conditions 1.1 to 1.3. Security at the front door of the premises shall not be compromised by the need for supervisors at locations within the premises.
- 6.11 The Licence Holder or person nominated by him in writing to be in charge on any specified occasion shall ensure that any door staff employed at the premises wear and clearly display their SIA registration badge at all times whilst on duty.
- 6.12 The Licence Holder and their staff shall liaise and co-operate closely with Derbyshire Police in respect of any initiative in relation to drugs, weapons, or like matters.

7. **Policies**

- 7.1 The Licence Holder shall devise and agree the following policies with Derbyshire Police prior to this licence being used:-
 - A Dispersal Policy,
 - An Accident and Incident Policy
 - A Drugs Policy
 - An Admission Control Door Supervision Policy
 - An Age Admission Policy

The date that each Policy is agreed with the Police shall be indicated on the Policy and copies will be lodged with the Police and the Council. The terms of each policy will be adhered to with any amendments being agreed to by the Police. In the event of any agreed amendments being made, an amended copy will be deposited with the Police and the Council, such document clearly showing the date of amendment.

- 7.2 The Licence Holder shall ensure that all relevant staff (including SIA door staff) working at the premises have signed a declaration to confirm that they are aware of, have understood, and will abide by these Policies. The Licence Holder shall retain each declaration until such time as the staff member ceases to work at the premises