

## APPENDIX B

### LICHFIELD DISTRICT COUNCIL

#### DRAFT STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT

##### VENUES EFFECTIVE FROM ..... 2013

These regulations are made under paragraph 13(1) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) "The Council" shall mean Lichfield District Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Team .....
- (ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the 1982 Act, and set out the terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) "Sexual Entertainment Venue" ('SEV') means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied at any time an application must be made to the Council.
- (viii) In the event of a conflict between these prescribed conditions and any specific additional conditions imposed by the Council on a SEV licence those additional conditions shall prevail.

## **OPENING HOURS**

1. The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing Committee.

## **WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS**

2. The licensee shall ensure that those areas of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors fascia board, walls and other external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - (a) The address of the premises.
  - (b) The licensed name of the premises.
  - (c) A notice stating the opening hours of the establishment.
  - (d) In the case of a licence granted to a body corporate:
    - (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
    - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. With the exception of the requirements of condition 30 the licensee shall not permit the display outside of the premises of any advertisement, photographs or other images other than those specifically authorised by the licence.

## **LICENSED NAME**

6. At the time of granting the SEV licence the Council will approve a name, referred to as "The Licensed Name", by which the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, subject to paragraph 7 below.
7. To change the licensed name, a minor variation application shall be made to the Council not less than 28 days prior to the proposed change. Any such change of name shall be at the discretion of the Council.

## **DISPLAY OF LICENCE**

8. A copy of the Licence and the conditions shall be on display in the premises at all times and in a position that can easily be seen by all persons frequenting the premises.
9. A copy of the conditions of the Licence insofar as they relate to performances (ie, conditions 27 to 39 ) shall be given to all performers prior to them performing at the premises, and a copy shall be on display in the performers changing rooms at all times the premises are open for business.

## **RESPONSIBILITY OF THE LICENSEE**

10. The licensee shall take all reasonable precautions for the safety of the public and employees on its premises and, except with the consent of the Council, shall retain control over all parts of the premises. Any request to sublet the premises following the granting of the licence will need to be determined by an application to the Council to vary the licence.
11. If the premises are used for other forms of regulated entertainment not connected with the relevant sexual entertainment, it will be necessary for a premises licence to be granted under the Licensing Act 2003.
12. The licensee shall be responsible for ensuring compliance with these and any special additional conditions of the licence and will be held responsible for any breach of the conditions.
13. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
14. The written nomination referred to in condition 13 above shall be maintained in a daily register, kept on the premises and made immediately available for inspection by an authorised officer of the Council or a police officer.
15. The person in charge shall not be engaged in any duties which prevents them from exercising general supervision of the premises, in particular those areas where relevant entertainment takes place, and they shall be assisted as necessary by a suitable number of persons so as to ensure proper supervision.
16. A notice showing the name of the person responsible for the management of the SEV shall be prominently displayed within the premises throughout the period during which they are responsible for its conduct.

17. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in all areas where staff have access.

### **EMPLOYEES AND MANAGEMENT STAFF**

18. The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers contracted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records immediately available for inspection to them.
19. The term contracted does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for business.
20. The licensee shall ensure that all persons employed or contracted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary. The necessary documentation shall be available for inspection on request.
21. The licensee or a responsible person purporting to act upon their behalf must provide the Council with written notification as to the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence, and shall produce the same, on request, to any authorised officer of the Council or a police officer.
22. 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 by way of a minor variation application to the Council within 14 days of such change.

### **ALTERATIONS TO PREMISES**

23. Any alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display shall not be made except with the prior approval of the Council by way of a variation application.

## **RULES RELATING TO PERFORMANCES**

24. Any rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access to whilst at work and on the company's web site.
25. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. The signed copies shall be retained on the premises and be available for inspection on request.
26. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

## **PERFORMANCES**

27. No person under the age of 18 shall be on the licensed premises at any time during the hours of operation stated. A notice shall be clearly displayed at the entrance to the premises in a prominent position advising customers that no one under the age of 18 will be admitted and that they may be asked to produce evidence of their age in accordance with condition 28 below.
28. The premises shall operate a 'Challenge 25' policy whereby any person who appears to be under the age of 25 must be asked to produce on request, and before being admitted to the premises, identification showing that they are over 18 years of age. The identification must contain their photograph, date of birth and a holographic mark and shall be either a passport, photographic driving licence or a proof of age card carrying a 'PASS' logo.
29. Each area where relevant entertainment is conducted shall be effectively supervised at all times and shall contain a panic alarm for the safety of performers.
30. All areas within the premises, especially those areas where performances are permitted to take place, shall display signs advising clients of the rules and conditions of the licence regarding improper performances.
31. All performers must be at least 18 years old.
32. Relevant sexual entertainment shall only be permitted in the approved designated areas, as stipulated or shown on the plan attached to the licence. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times be

dressed in such a way so that no nudity or underwear is visible under their clothes.

33. During any performance (including performances usually termed 'private dances') there must not be any deliberate contact by the performer, with any customer or other person within the viewing audience except:
  - a. Leading a patron hand in hand to and from a chair or private room or designated dance area.
  - b. Simple handshake greeting at the beginning and/or end of the performance.
  - c. A customary ("peck on the face") kiss at the end of the performance.
  - d. The placing of monetary notes or dance vouchers into the hand of, or garter worn by, the performer.
34. No performances shall perform any sex act with any other performers, patrons, employees, contractors, or with the use of any objects.
35. A price list shall be displayed in a prominent position giving the price and the time allowed for any of the performances.
36. All persons connected with or employed by the business who can be seen from outside the premises must be dressed in such a manner so that no nudity or underwear is visible under their clothing.
37. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except within the toilets or within the performers dressing rooms and staff areas.
38. At all times during a performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience or other customers. Access to dressing rooms shall be restricted to performers only at all times.
39. Customers and/or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones or any other equipment.

### **SECURITY STAFF**

40. The licensee shall ensure all door supervisors employed or contracted to work on the premises are properly licensed by The Security Industry Authority or other appropriate agency with statutory responsibility for licensing door supervisors..

41. An adequate number of door supervisors or other security staff, based on a risk assessment undertaken by the licensee, shall be on duty on the premises at all times during the hours of operation, so as to ensure proper supervision of the performances and also to prevent entry to the premises by those under 18 years of age.

### **CCTV**

42. CCTV shall be installed in each room within the premises where the public have access, except for the toilets and staff areas. All cameras shall continuously record whilst the premises are open to the public and video or digital recordings shall be kept available for a minimum of twenty eight days.
43. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers, cleared of all staff and closed.
44. The premises will provide any footage of any recordings immediately upon request by a police officer or an authorised officer of the Council.

### **TOUTING FOR BUSINESS AWAY FROM THE PREMISES.**

45. The licensee shall not allow the use of vehicles whether mobile or stationary, (including limousines), for the promotion of the relevant entertainment unless otherwise authorised by the licence.
46. The licensee or its agents, servants, employees, contractors or performers shall not tout for business and/or customers outside of, or away from, the licensed premises by any means unless specifically authorised by the licence.
47. The licensee shall ensure that any marketing communications associated with the SEV or any relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

### **ADMISSION OF AUTHORISED OFFICERS**

48. Police officers and authorised officers of the Council shall be admitted without obstruction at all reasonable times to all parts of the premises and, in any event, at any time the premises are open for business.