

## **SEX ESTABLISHMENT LICENSING POLICY**

**FEBRUARY 2011**

Environmental Health Services  
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## Preface

Basildon Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as “sex establishments” unless we say otherwise.

We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate sex establishments, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.

The 1982 Act and 2009 Act can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk)

We consulted on this policy between 25 October 2010 and 20 December 2010 and it was approved by our Cabinet on 10 February 2011.

Consultation was conducted which took account of representations from local residents and community groups; existing and future potential holders of sex establishment licences in the Borough; relevant statutory bodies and representatives of holders of premises licences under the Licensing Act 2003 within the Borough.

In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under

- a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
- b) the Regulators’ Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) obligations not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- c) the Provision of Services Regulations 2009 to ensure requirements are:
  - i) non-discriminatory
  - ii) justified by an overriding reason relating to the public interest
  - iii) proportionate to that public interest objective
  - iv) clear and unambiguous
  - v) objective
  - vi) made public in advance, and
  - vii) transparent and accessible.

This policy which took effect on 10 February 2011 will be subject to periodic review.

## **Foreword**

### **The Borough of Basildon**

Basildon Borough lies in the Southern part of Essex thirty miles east of London. Covering some 42.5 square miles and has an estimated population of 172,600. The borough includes the towns of Basildon, Billericay and Wickford. Some seventy per cent of the borough is rural with large areas of open farmland and scattered rural developments. Compared to the national average, there are more young people under twenty-five and significantly less people over sixty-five in the borough, and ethnic minorities make up approximately 9 per cent of the total population.

With excellent road and rail links to London, the rest of the County and South East England, Basildon has much to offer. Only seven miles of major roads separate Basildon from the M25, the Channel ports and tunnel are within easy reach.

Stansted Airport is twenty-five minutes drive away and Gatwick Airport is just an hour away. Basildon is one of the most successful English towns with a flourishing business community and a vibrant regional shopping centre.

More than two hundred major stores and shops attract customers from a catchment population in excess of one million within half an hour's drive. In contrast, Billericay is a combination of historic and modern. It retains some of its old world charm yet has a thriving industrial estate and modern shopping facilities and services.

Wickford has undergone major investment in recent years with several new industrial estates being created and new houses built.

Through Thames Gateway the borough is the commercial and business centre of South Essex and accounts for nearly a quarter of the manufacturing output of Essex.

With substantial industrial, office and retail floor space, the borough is a major centre for business and employment. While some thirty per cent of the borough's workforce commutes into London every day, just as many people enter the borough to work every day as leave it.

The borough has been recognised as the business hub within the Thames Gateway South Essex Initiative.

The borough has a varied nightlife consisting of restaurants, public houses, clubs and hotels.

This policy sets out the policies the Council will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

At the time of adopting this policy, the Council does not licence any sex shops or sex cinemas under the 1982 Act. The policy was introduced during the transition period allowed for the receipt of applications for sex entertainment venues when two premises authorised under the Licensing Act 2003 were understood to regularly present sexual entertainments.

## **1. Introduction**

- 1.1 Basildon Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) in order to licence sex shops, sex cinemas, and sexual entertainment venues in the District.
- 1.2 This licensing policy for Sex Establishments sets out the council's requirement for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).
- 1.3 The advice and guidance contained in the appendices attached to this policy is intended only to assist readers in understanding the policy and should not be interpreted as legal advice or as constituent of Basildon Council's statement of licensing policy.
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules under the Act.

## **2. Definition of 'sex establishment'**

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sex entertainment venue'. Full definitions of those terms can be found in Appendix A to this policy.
- 2.2 It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

## **3. Location of Licensed Premises**

- 3.1 The Council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 3.2 Whilst the Council have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application upon its own merits. The Council is of the view that it is not appropriate to have a sex establishment situated within a 'relevant locality' or within sightlines of:-
  - a) a residential area;

- b) a school, nursery or any other premises substantially used by or for children under 16 years of age;
- c) a park or other recreational area used by or for children under 16 years of age;
- d) a church or other place of religious worship;
- e) a gateway to an identifiable locality.

3.3 **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. Basildon Council has determined that each ward within the Borough represents a relevant locality for the purposes of decision making. The Council may have regard to the area of more than one locality/ward.

3.4 **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. This is a proper matter for the Council to consider based on local knowledge, factors and circumstances. Basildon Council will consider the effect of the sex establishment could or is having on the use of nearby premises deemed to be sensitive. This may for example be demonstrated by objectors evidencing how they are affected by crime, disorder or other disturbances occurring (or potentially occurring) on licensed premises.

3.5 **Considerations** In almost all cases, applicants or licence holders aggrieved by a decision of the council are entitled to appeal to the Magistrates' Court. (Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982). Basildon Council will consider the effect of the sex establishment could or is having on the use of nearby premises deemed to be sensitive. This may, for example be demonstrated by objectors by evidencing how they are affected by crime, disorder or other disturbances occurring (or potentially occurring) on the licensed premises.

3.6 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

3.7 The Council would normally expect that the applications for licences for permanent commercial premises should be from businesses with appropriate planning consent for the property concerned.

#### **4. Making an application**

4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B.

4.2 In keeping with the Council's policy on the introduction of e-Government, the council consents to applications and other notices being given electronically. The address at which the council will accept applications and notices is;-

- a) by post/personal service to the Licensing Unit, Basildon Council, St. Martins Square, Basildon, Essex SS14 1DL;
  - b) by email to [licensing@basildon.gov.uk](mailto:licensing@basildon.gov.uk);
  - c) by facsimile to 01268 294426
  - d) on-line (when the facility becomes available).
- 4.3 A specimen application form and notice for public advertisement is attached in Appendix C.
- 4.4 A copy of the application must be submitted to the Chief Officer of Police within 7 days of submitting the application to the Licensing Authority.

## **5. Fees**

- 5.1 The application process involves paying a non-returnable application fee.
- 5.2 The current schedule of fees for the licensing of sex establishments is shown in Appendix D.
- 5.3 Fees are reviewed annually against any rise in Council costs of administering the licensing regime.

## **6. Advice and Guidance**

- 6.1 The Council will seek to liaise with applicants and/or mediate between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.
- 6.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss their proposals with the licensing section and those from whom they think objections are likely prior to submitting their application.

## **7. Grant, renewal or transfer of licences**

- 7.1 The Council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such terms and conditions as specified by the council. (Refer to '13 – Conditions' and Appendices B and E).
- 7.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.3 The Council may, if they think fit, transfer a licence to any other person upon application by that person.

7.4 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

7.5 Where applications for licences have been granted, the council will send the licence to applicants by post.

## **8. Waivers**

8.1 We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by our full Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

## **9. Exchange of Information**

9.1 Basildon Council may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange information with the police and other partners to fulfil its statutory objective of reducing crime in the area.

9.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

9.3 The name and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to Councillors on the Licensing Committee.

## **10. Variation of licences**

10.1 The holder of a licence may apply to the Council to vary the terms, conditions or restrictions on or subject to which the licence is held.

## **11. Commenting on licence applications / Making objections**

11.1 Unlike some other licensing regimes (such as for alcohol, entertainment or gambling), a wide range of people can raise objections about sex establishment licences. The Police are a statutory consultee for all applications.

11.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.

11.3 The Council takes the following approach to deciding applications:

- (a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;



- (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
- (c) we will give clear reasons for our decisions.
- 11.4 A report will be submitted in advance of any licence hearing that will outline the application and indicate the general grounds of representations.
- 11.5 Objections will be considered at a hearing either by the full Licensing Committee or delegated to a Licensing Sub Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with the council's hearing procedure, which is available from Basildon Council.
- 11.6 Objections should ideally:
- be made in writing, stating in general terms the grounds of the objection (this will include submissions electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisations making the representation
  - indicate the premises to which the objection relates
  - indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
  - clearly set out the reasons for making the objections.
- 11.7 Objections may only be made within the period of 28 days following the date on which the application was given to the council.
- 11.8 The Council will not consider any objection that does not contain the name and address of the person making it. (Refer also to 9.3 above).
- 11.9 Where objections are made, the Council will provide copies to the applicant. The council will not divulge the identity of the objector(s) to the applicant without their permission to do so.
- 11.10 Where objections are made and not withdrawn, a hearing before the full Licensing Committee or delegated to a Licensing Sub Committee of three Councillors will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree that a hearing is unnecessary.

- 11.11 In almost all cases, applicants or licence holders aggrieved by a decision of the Council are entitled to appeal to the Magistrates' Court (Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982).
- 11.12 Where no objections are made, the Council will grant the licence subject to terms and conditions that are consistent with the type and operation of the sex establishment (Please refer to '13 - Conditions').

## **12. Determining applications**

- 12.1 When considering applications, the Council will have regard to:
- a) the Local Government (Miscellaneous Provisions) Act 1982, as amended;
  - b) any supporting regulations;
  - c) this licensing policy

(Refer also to Appendix F)

- 12.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 12.3 When determining applications, the Council will take account of any comments made by the Chief Officer of Police and any objections made.
- 12.4 In all cases, the Council reserves the right to consider each application on its own merit.

## **13. Conditions**

- 13.1 The Council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to suit each individual premise.
- 13.2 No condition will be imposed that cannot be shown to be necessary.
- 13.3 Where it is reasonable and necessary to do so, the Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by Licensing Officers.
- 13.4 The standard conditions that may be attached to a licence are shown in Appendix E.

## **14. Refusal of licences**

14.1 Except where the Council are prohibited from granting, renewing, varying or transferring a licence, the Council will not refuse a licence without first:-

- Notifying the applicant or holder of the licence in writing of the reasons;
- Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

14.2 The circumstances in which the Council must or may refuse a licence are shown in Appendix F.

## **15. Revocation of licences**

15.1 The Council may revoke a licence:-

- on any grounds specified in paragraph 1 of Appendix F to this policy;
- on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy.

15.2 The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

## **16. Cancellation of licences**

16.1 The licence holder may surrender the licence at any time and may request the Council in writing to cancel the licence.

16.2 In the event of the death of a licence holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.

16.3 Where the Council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence holder, it may extend or further extend the period in which the licence remains in force.

## **17. Complaints**

17.1 Where possible and appropriate, the Council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

## **18. Enforcement**

18.1 The Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators Compliance Code and the Better Regulation Commission's five Principles of Good

Regulation. The Council will carry out its regulatory functions in a fair, open and consistent manner.

18.2 Specifically, the Council is committed to:

- a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
- b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
- c) be consistent – to implement rules and standards fairly;
- d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal;
- e) target its regulatory action at cases in which action is needed.

18.3 The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.

18.4 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach conditions of the licence.

18.5 The Council has set clear standards of service and performance that the public and businesses can expect. In particular, an enforcement policy has been created that explains how the Council will undertake its role and how the principles of effective enforcement will be achieved.

18.6 This policy is freely available from the licensing section, as are details of the Council's corporate complaints procedures, both of which can be viewed on the Council's website: [www.basildon.gov.uk](http://www.basildon.gov.uk).

**Definitions – Local Government (Miscellaneous Provisions) Act 1982**

'Sex Cinema' (paragraph 3, schedule 3)

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –
  - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage-
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity; or
    - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

But does not include a dwelling house to which the public is not admitted.

- 2) No premises shall be treated a sex cinema by reason only-
  - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation.

'Sex Establishment' (paragraph 2, Schedule 3)

In this schedule 'sex establishment' means a sexual entertainment venue, a sex cinema or a sex shop.

Meaning of 'Sexual entertainment venue'

2A (1) In this Schedule, 'sexual entertainment venue' means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

- 2 In this paragraph 'relevant entertainment' means –
  - i) any live performance; or
  - ii) 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).

3. The following are not sexual entertainment venues for the purposes of this Schedule-
  - (a) sex cinemas and sex shops;

- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time-
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

#### 'Sex Shop' (paragraph 4, schedule 3)

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating-
  - a) sex articles; or
  - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging-
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

#### Sex Article

- 3) A sex article means-
  - a) anything made for use in connection with, or for the purpose of stimulating or encouraging-
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity;
  - b) anything to which sub-paragraph 4 below applies.
- 4) This sub-paragraph applies to-

- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) any recording of vision or sound which-
  - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

'Sex Entertainment Venue' (paragraph 2A, schedule 3)

- 1) In this schedule, 'sex encounter venue' means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- 2) In this paragraph relevant entertainment means-
  - a) Any live performance; or
  - b) 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).

- 3) The following are not sex encounter venues:-
  - a) Sex cinemas and sex shops;
  - b) Premises at which the provisions of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time-
    - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
    - (ii) no such occasion has lasted for more than 24 hours; and
    - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (1));
  - c) Premises specified or described in an order made by the relevant national authority.
- 4) The relevant national authority may by order amend or repeal sub-paragraph (3) (b).
- 5) But no order under sub-paragraph (4) may-

- a) increase the number or length of occasions in any period on which subparagraph (3) (b) as originally enacted would permit relevant entertainment to be provided; or
  - b) provide for shorter intervals between such occasions.
- 6) The relevant national authority may by order provide for descriptions of performances, or of nudity, which are not to be treated as relevant entertainment for the purposes of this schedule.
- 7) Any power of the relevant national authority to make an order under this paragraph-
  - a) is exercisable by statutory instrument;
  - b) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
  - c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- 8) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- 9) For the purposes of this schedule references to the use of any premises as a sex encounter venue are to be read as references to their use by the organiser.

10) Other definitions:

‘audience’ includes an audience of one;

‘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).

‘display of nudity’ means-

- a) In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- b) In the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of-

- a) The relevant entertainment; or
- b) The premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;



“relevant national authority” means- in relation to England, the Secretary of State;

and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

**Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence**

**Grant of a licence**

- 1) To apply for the grant of a sex establishment licence an applicant must:-
  - a) Send the council:-
    - i) A completed application form. (Please see specimen application form in Appendix C);
    - ii) A plan to the scale 1:100 of the premises to which the application relates;
    - iii) The non-refundable application fee.
  - b) display a notice on or near the premises;
  - c) advertise the application in a local newspaper;
  - d) send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the council to the following address:

Essex Police Licensing Officer  
Basildon Police Station  
Great Oaks  
Basildon  
Essex  
SS12 1EJ

**Plan requirements**

- 2) The plan shall show:-
  - a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - b) The location of points of access to and egress from the premises;
  - c) The location of escape routes from the premises;
  - d) In a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - f) In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - g) In a case where the premises includes any steps, stairs, elevators, or lifts, the location of the steps, stairs, elevators or lifts;

- h) In the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
  - i) The location and type of any fire safety and other safety equipment including, if applicable, marine safety equipment; and
  - j) The location of a kitchen, if any, on the premises.
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

### **Public notices**

- 4) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state:-
  - a) details of the application and activities that it is proposed will be carried on or from the premises;
  - b) the full name of the applicant,
  - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
  - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing,
  - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the Council. (Please see specimen notice in Appendix C).

### **Variation of a licence**

- 9) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

- 10) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

### **Renewal of a licence**

- 11) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
- 12) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

### **Transfer of a licence**

- 13) A person may apply for transfer of a licence at any time.
- 14) The process of applying for a transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

## Application form / Public Advertisement

## APPLICATION FORM



## Local Government (Miscellaneous Provisions) Act 1982, Part II, Schedule 3

**Application for the  
Grant/Renewal/Transfer of a Licence for a Sex Establishments Licence**

<b>Type of Application</b>	<b>Grant</b>	<b>Renewal</b>	<b>Transfer</b>
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1. If application is made on behalf of an individual please state:

<b>Full Name</b>			
<b>Permanent Address</b>			
<b>Age</b>		<b>Date of Birth</b>	<b>Place of Birth</b>

If application is made on behalf of a corporate or unincorporated body please state:

<b>Full Name of Body</b>	
<b>Address of registered or principal office</b>	

2. Give full names and private addresses of all directors or other persons responsible for management of the establishment:

<b>Full Name</b>			
<b>Address</b>			
<b>Age</b>		<b>Date of Birth</b>	<b>Place of Birth</b>

<b>Full Name</b>			
<b>Address</b>			
<b>Age</b>		<b>Date of Birth</b>	<b>Place of Birth</b>

<b>Full Name</b>			
<b>Address</b>			
<b>Age</b>		<b>Date of Birth</b>	<b>Place of Birth</b>

<b>Full Name</b>
------------------

<b>Address</b>				
<b>Age</b>		<b>Date of Birth</b>		<b>Place of Birth</b>

3. Have you any convictions recorded against you? Or if a body corporate or unincorporated body that body or any of its directors or other persons responsible for its management? If so please state:

<b>Date of Conviction</b>	<b>Offence</b>	<b>Sentence (including suspended sentences)</b>

**Note**

- 1) All live convictions must be disclosed.
- 2) Spent convictions, as defined *Table 1* should not be included.

**Table 1**

<b>Sentence</b>	<b>Becomes spent after</b>
Imprisonment of between 6 months and 30 months	10 years
Imprisonment of up to 6 months	7 years
Borstal training	7 years
A fine or other sentence not otherwise covered in this table	5 years
Absolute discharge	6 months
Probation order, conditional discharge or bind over	1 year (or until order expires, whichever is longer)
Detention Centre Order	3 years
Remand home, attendance or approved school order	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces	10 years
Dismissal from Armed Forces	7 years
Detention	5 years

**Note**

- 1) A sentence of more than 2 ½ years imprisonment can never become spent.
- 2) If you were under 17 years of age on the date of conviction, please halve the period shown in the right hand column.

4. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?

**YES/NO**

5. If the application is made on behalf of a body corporate it that body incorporated in the United Kingdom.

**YES/NO**

6. Full address of premises desired to be used as a sexual entertainment venue

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7. If this application relates to a vehicle/vessel/stall give description and state where it is to be used as a sexual entertainment venue.

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8. During which hours do you intend to trade

Monday		Thursday		Saturday	
Tuesday		Friday		Sunday	
Wednesday					

9. Are the premises to be used as a sex shop? **YES/NO**

Are the premises to be used as a sex cinema? **YES/NO**

Are the premises to be used as a sexual entertainment venue? **YES/NO**

10. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sexual encounter venue? **YES/NO**

Have you ever been refused a licence for a sexual encounter venue? **YES/NO**

If Yes, please give details

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11. Please set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sex Establishment Policy.

12. Standard conditions are set out in Appendix E to the Basildon Borough Councils Sex Establishment Policy and provide a point of reference for applicants. Applicants who consider that some or all of the standard conditions should not be applied in their case would be well advised to explain their reasoning below and should be prepared to explain how the objectives of the legislation will be attained without such impositions.

13. I declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Send to: Licensing Unit, Basildon Borough Council, Basildon Centre, St. Martins Square,  
Basildon, Essex SS14 1DL**



**PUBLIC ADVERT**

**BASILDON BOROUGH COUNCIL**

**SITE ADVERTISEMENT**

**Application for a Sex Establishment Licence made under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3**

**NOTICE IS HEREBY GIVEN THAT I / WE (FULL NAMES):**

**APPLIED ON (DATE):**

**TO: Basildon Borough Council**

**in respect of the premises known as:**

**located at (address of premises):**

**for a licence to use the premises as a 'Sex Establishment'**

**ANY PERSON wishing to oppose the application should write to the Manager of Environmental Health and Community Safety, Basildon Borough Council, Basildon Centre, St. Martins Square, Basildon, Essex SS14 1DL, by no later than:-\***

**Letters in support of the application should also be sent to the Manager of Environmental Health and Community Safety.**

**Please note that any written representations received in response to this consultation are likely to be required to be made available for public inspection in accordance with the Local Government (Access to Information) Act 1985**

**\* Insert date – to be 21 days after the date of application being made to Basildon Borough Council.**

**Fees for Licensing Sex Establishments**

Licences are required under Part II of the Local Government (Miscellaneous Provisions) Act 1982 for the following establishments:

- o Sex shops
- o Sex cinemas
- o Sexual entertainment venues

Schedule 3 of the 1982 Act allows local authorities to set fees for licences of this kind. An applicant for the grant, renewal or transfer of a sex establishment licence is required to pay a reasonable fee determined by the Council. There is no fee for an application to vary the terms, conditions or restrictions on or subject to which a licence is held.

The current scale of fees is:

For an application for the grant of a (new) licence	£2,000.00
For an application for the renewal of a licence	£1,000.00
For an application for the transfer of a licence	£100.00

The fees for this type of licensing are reviewed every year. The fee for making any application is non-refundable, regardless of outcome of the application. All fees are payable at the time of making and together with an application

Please note that existing lap dancing establishments usually have a Premises Licence in place and pay an annual fee. An operator in this position will have to continue to pay this fee in addition to fees for the grant and subsequent renewal of a sexual entertainment venue licence.

**STANDARD CONDITIONS**  
**SEX SHOPS**

- 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 purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop
- 2 Except with the previous written consent of the Council no sex shop shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evening on Saturdays. The sex shop shall not be open on Sundays or any Bank Holidays or any public holidays.
- 3 Over each entrance to the premises 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 and the number of the licence and if the Licensee is a private or public company the Notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such Notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.
- 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 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, footpaths 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 statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is also prohibited.
- 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 sex articles (as defined by the Local Government [Miscellaneous Provisions] Act, 1982) sold at the premises shall not be visible at any time to

persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.

- 8 Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982, no music of any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
- 9 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.
- 10 No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall be only permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display.
- 11 The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
- 12 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.
- 13 The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display at 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 nor in any vessel or vehicle etc.
- 14 The Licensee, or some responsible person nominated by him/her in writing for the purpose and approved by the Council, 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 the Police. During the hours that the premises are open the person in charge shall wear a form of visible photographic identification.
- 15 A daily register of persons employed shall be kept stating names, addresses, position and times worked. The register is to be completed each day within thirty minutes of the premises opening for business and must be kept at the premises and be open for inspection by authorised officers of the Council of the Police
- 16 No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.
- 17 The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.

- 18 The Licensee shall not in the conduct of the business employ any person:
- (a) Under the age of 18 years;
  - (b) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;
  - (c) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;
- 19 The Council shall approve the external appearance of the premises and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.
- 20 All sex articles and other things displayed for; sale, supply, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
- 21 No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises.
- 22 No part of the premises shall be used as a sex cinema
- 23 The Licensee shall not contravene the Unsolicited Goods and Services Act, 1971.
- 24 The licence and a copy of these Conditions shall be conspicuously displayed on a part of the premises to which the public has access as specified by the Council.
- 25 A record shall be kept of all mail order transactions (if any) in such a form as agreed by the Council.
- 26 The licence is not transferable by the Licensee.
- 27 The Licensee shall forthwith notify the Council of his/her ceasing to carry on the business.
- 28 The Licensee shall inform the Council if s/he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.
- 29 Where the Licensee is a company, any change of Director, Company Secretary or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.
- 30 Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.

## **STANDARD CONDITIONS** **SEX CINEMAS**

### **General**

These conditions shall be applied to the licensed sex establishment at (the licensed premises) as granted under the schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

#### **1. Hours of opening**

- 1.1 Except with the previous written consent of the Council no sex establishment shall be open to the public earlier than 9am in the morning and shall be closed not later than 8pm in the evening on any day Monday to Friday and not later than 9pm in the evenings on Saturdays. The sex establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

#### **2. Management and staffing of the licensed premises**

- 2.1 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 fourteen days of such change.

Such written details as may be required by the Council in respect of any new director, secretary or manager are to be furnished within fourteen days of a request in writing from the Council.

- 2.2 The name of the person responsible for the management of the licensed premises, whether the licensee or a manager approved by this Council shall be prominently displayed within the licensed premises throughout the period during which that person is responsible for its conduct.
- 2.3 The licensee shall notify the Council and the police of the name, address, and date of birth of any manager or employee involved at the premises within seven days of them commencing employment.

In the case of existing staff at the time the sex establishment licence comes into operation for the first time, this information shall be supplied to the Council within 14 days of the licence coming into operation.

The Council reserves the right to object to persons being involved with the premises where they are unsuitable, e.g. by way of previous relevant criminal convictions.

- 2.4 At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.

An approved person for the purposes of this condition shall be a person approved in writing in advance by this Council following the submission of details and a satisfactory photograph by the licensee.

A person shall only be approved for the purposes of this condition if the licensing authority considers him or her to be a suitable person to have control of the premises.

- 2.5 The approved person shall be responsible for maintaining a daily register of persons employed. The entry shall include the name and address, position and times worked. The register shall be completed each day within 30 minutes of the premises opening and shall be retained at the business and be made available to a duly authorised officer of the Council or Constable.
- 2.6 During the hours the premises are open the licensee and all staff employed as either managers or attendants shall wear, whilst on the premises, visible identification.
- 2.7 No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 2.8 The licensee shall take all reasonable precautions and exercise all due diligence to ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 2.9 Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 2.10 The copy of the licence and these conditions shall be displayed in accordance with paragraph 14 (1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.
- 2.11 The licensed premises shall be used only for the purposes specified on the Sex Establishment Licence.
- 2.12 The licensee shall retain control over all parts of the premises licensed as a sex establishment and shall not let, licence or part with possession of any part of the sex establishment.
- 2.13 The licensee shall ensure that the public are not admitted to any part of the premises other than those that are specified in the licence
- 2.14 The licensee shall inform the Council if he/she is convicted under:
  - The Obscene Publications Act 1959
  - The Prosecution of Children Act 1978
  - Customs and Exercise Management Act 1979

Or,

if an order for forfeiture is made under The Obscene Publications Act 1959 following the service of a summons on the licensee .

- 2.15 Without the express consent of the Council the licensee shall not in the conduct of the business employ any person:
- Whose application for a Sex Establishment Licence, or renewal thereof, has been refused by any Licensing Authority.
  - Whose Sex Establishment Licence has been revoked by any Licensing Authority.
  - For a continuous period of in excess of 21 days, details of which have not been notified to the Council.

### 3. Appearance & Layout

- 3.1 Windows and openings to the licensed premises other than entrances shall not be obscured otherwise than with the consent of the licensing authority but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the Council. No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 3.2 and 3.3.
- 3.2 The Council shall approve the design of the front elevation of the premises which shall include reference to the name of the business, its postal address, opening hours, website address and any security grilles/shutters.
- 3.3 The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the premises.

There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.

On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

**"Warning: Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age."**

- 3.4 The licensed premises shall not afford access to any other adjoining or adjacent premises.
- 3.5 No advertisements, other than advertisements relating to other licensed sex establishments shall be displayed at the premises.
- 3.6 Members of the public shall be prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises.
- 3.7 A sign advising members of the public that they are prohibited from using any device for the purpose of recording images (video or still) whilst they are on the premises shall be displayed in a prominent position in all rooms to which they have access.



## **4. Exhibition of Films and Advertisements**

4.1 No film shall be exhibited at the premises unless:

It is a current news-reel: or

- (a) It has been passed by the British Board of Film Classification (BBFC) and no notice of objection to its exhibition has been given by the Council and bears a certificate to that effect or;
- (b) approved by the Council. In the case of a film exhibition that has not been classified by the BBFC, the licensing authority will expect the licence holder to submit the film to the authority at least 28 days before it intends to show it. The authority will then conduct an assessment of the suitability of the film for exhibition and classify the film accordingly. The licensing authority will impose a condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or any classification made by the authority.

4.2 Every poster, advertisement, photograph, sketch synopsis or programme of, or relating to a film (other than a current newsreel) exhibited at the premises, sold or supplied anywhere on or behalf of the Licensee shall indicate clearly the category in which the film has been passed for exhibition.

## **5. Maintenance and repair**

5.1 The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times.

This will include the need to maintain the front and rear of the premises in a clean and tidy condition.

## **6. General**

- 6.1 The licence is not transferable by the licensee without formal application to the Council.
- 6.2 The licensee shall forthwith notify the Council of his ceasing to carry on the business of a sex establishment.
- 6.3 The licence shall be revocable in the event of the Council being reasonably satisfied that a breach of any of the foregoing conditions has occurred and the licence holder may be liable to prosecution.
- 6.4 All notices and advertisements published in local newspapers and publications by or on behalf of the business shall bear all the business details specified in the licence and shall indicate that the person is licensed by the Council. All other notices and advertisements shall be approved by the Council prior to publication. This may include for example notices appearing on vehicles or hoardings.
- 6.5 The licensee shall not permit unsolicited publicity in respect of the establishment, its goods or service beyond the boundaries of the premises other than by way of

advertising in recognized media or by point of sale promotions by itself or associated

- 6.6 The premises shall not be used for a closely seated audience, except in accordance with plans approved by the Council.
- 6.7 A copy of the approved seating plan shall be kept at the premises and be available to authorised officers or a Police Constable.
- 6.8 Persons shall not be allowed to sit or stand in any gangways or exits.
- 6.9 The level of lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.
- 6.10 In addition to the above conditions, it is the duty of the licence holder to comply with all the requirements of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 6.11 The council may substitute, delete, vary or amend these conditions at any time.

## **STANDARD CONDITIONS SEXUAL ENTERTAINMENT VENUES**

### **General**

1. Premises licensed as a Sexual Entertainment Venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, shall be used only for the purpose of a Sexual Entertainment Venue as defined in Paragraph 2A of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sexual Entertainment Venue.
2. An appropriate room shall be set aside to provide a changing and rest area for performers/entertainers. Arrangements shall be made to ensure that there is restricted access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.

### **Legal Compliance**

- The licensee shall ensure that proof of age checks are carried out before first employment.
- The licensee shall carry out periodic checking of employment records and eligibility to work in UK.
- The licensee shall interview and obtain written confirmation to ensure that performers are participating voluntarily.

### **Management Standards/Protection for performers/Prevention of crime and disorder**

- The licensee, in consultation with Essex Police, shall ensure that there are sufficient levels of floor supervision including in performance areas during operating hours.
- The licensee shall ensure that all door staff are trained in the rules of the premises.
- The licensee shall carry out random checks in toilets and other areas/private areas within the premises for monitoring drug use.
- The licensee shall ensure that all staff sign a disclaimer that they have no previous convictions of sex or drug offences. An external background check may be requested.
- The licensee shall keep a register and photos of all staff/performers on the premises and make it available, immediately upon request, to authorised Officers of Basildon Council and Essex Police.
- The licensee shall ensure that all staff employed at the premises are 18 years or older.
- The licensee shall have in place a “Code of Conduct” for Customers and performers.
- The licensee shall ensure that all performers are trained in “Code of Conduct”.
- The licensee shall ensure that any rules of conduct for customers are displayed in a prominent position at customer tables and in the bar area.
- The licensee shall control the levels of nudity.

- Only the performers shall provide the entertainment, no audience participation shall be permitted.
- No performance shall involve the use of sex articles.
- The licensee shall ensure that there are secure exterior smoking areas available for performers.
- The licensee shall ensure that performers will have no direct contact with customers outside the club, whilst on duty.

### **The Premises**

- The licensee shall ensure that there is a sufficient CCTV system incorporating recording will operate throughout the whole of each period the premises is trading.
- The licensee shall ensure that the CCTV system will include coverage of all public entrances and exits from the premises and any other areas agreed with Essex Police.
- The licensee shall ensure that the CCTV system will provide for recording of all cameras simultaneously and the recordings will be made for the whole of each period of trading.
- The licensee shall ensure that recordings from the CCTV system be kept for a minimum period of 31 days before over recording and will be provided to authorised officers of Basildon Council and Essex Police upon request.
- The licensee shall ensure that notices are displayed within the premises that notify customers of the presence of CCTV recording equipment.
- The licensee shall ensure that whilst the premises is open and trading, a minimum of two door staff, currently badged by the Security Industry Authority, will be performing duty.
- The licensee will ensure that all door staff or any site security will not consume alcoholic beverages whilst on duty.
- Depending upon the size and nature of both the event and premise, this may be reduced to one door person, this however will be an exception which must be justified, the norm will be a minimum of two door persons.
- The licensee shall ensure that disabled persons have sufficient access to and within the premises.
- The licensee shall ensure that no alterations are carried out to premises without consent of council.
- The licensee is required to display a copy of the sex establishment licence together with any standard conditions in a place where it may be conveniently read by a member of the public using the premises.
- The licensee shall not display outside the premises, or on any advertising material, photographs or other images which indicate and suggest that lewd or indecent conduct takes place on the premises and which may be offensive.
- The licensee shall ensure that activities can not be observed from outside the premises. A person who can be observed from outside the premises must be properly and decently dressed. Scantily clad individual shall no exhibit in the entranceway or in the area surrounding the premises.

### **Protection of Customers**

- The licensee must ensure that all persons being admitted into the premises are 18 years of age or older. (Use of Challenge 25 policy).

- The licensee shall ensure that entry prices and any prices for compulsory purchases (such as beverages) are to be clearly displayed on the exterior of the premises.
- The licensee shall ensure that all charges for products and services are to be prominently displayed within the premises.
- The licensee shall ensure that no charge shall be applied unless the customer has had the opportunity to read and digest the tariff of charges.
- The licensee shall ensure that any customer who is seen to be taking drugs or appears to be drunk will be removed from the premises.
- The licensee shall ensure that DVDs will not be sold or supplied unless the DVD:
  - (a) has been passed by the British Board of Film Classification,
  - (b) is a reproduction authorised by the owner of the copyright; and
  - (c) bears certificates to those effects
- The licensee shall maintain a refusal of entry book which must be available for inspection by authorised officers of Basildon Council and Essex Police.
- The licensee shall maintain an incident book, refusal books and list of any person banned from premises which must be available for inspection by authorised officers of Basildon Council and Essex Police.

## Refusals and Revocations of licences

1. The Council must refuse to grant or transfer a licence to:-
  - (a) A person under the age of 18;
  - (b) A person who is for the time being disqualified from holding a licence;
  - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
  - (d) A body corporate which is not incorporated in the United Kingdom;
  - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
2. The Council may refuse
  - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
  - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are:-
  - (a) that the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) that the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality;
  - (d) that the grant or renewal of the 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.
4. Nil may be an appropriate number for the purposes of paragraph 3 (c) above.