

Local Government (Miscellaneous Provisions) Act 1982 (as amended)

Sex Establishment Licensing Policy 2025

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1. Introduction

- 1.1 Breckland Council is located in central Norfolk and is one of the largest district councils by area in the country. The district includes the five market towns of Attleborough, Dereham, Swaffham, Thetford and Watton and 107 parish councils.
- 1.2 Breckland Council adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) on 27 January 2011, so that it can regulate *sex establishments* in the district.

Introduction and Purpose

This Policy provides information and guidance to applicants, licence holders and interested parties, including local people and businesses, on the general approach that the Licensing Authority will take when making licensing decisions and carrying out its responsibilities under the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

In preparing this Policy, the Authority has had regard to:

- The 1982 Act as amended by Section 27 of the Policing and Crime Act 2009
- Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder in the Breckland district
- Home Office Guidance relating to Sexual Entertainment Venues of March 2010
- The Licensing Act 2003
- Home Office Guidance issued under Section 182 of the Licensing Act 2003
- The Regulators Code (as amended in 2014)
- The Provision of Service Regulations 2009 and associate guidance
- Equality Act 2010
- The Council's Enforcement Policy; and
- Responses made during the consultation of this Policy

1.3 In this Policy:

- the Local Government (Miscellaneous Provisions) Act 1982 as amended is referred to as "the Act" unless otherwise stated
- Breckland Council as Licensing Authority for Sex Establishments is referred to as "the Authority"
- Sex Establishments refer to the following types of premises:
 - A Sex Shop
 - A Sex Cinema
 - A Sexual Entertainment Venue

A Glossary of definitions and terms is provided at the end of this Policy for reference.

- 1.4 The Authority is mindful of possible concerns the local community may have in respect of sex establishments, and in particular sexual entertainment venues. The Authority is aware that there may be conflict between the wishes of applicants and licence holders and those who object to the operation of such premises. This Policy will guide the Authority when considering applications in balancing the conflicting needs of commercial interests, patrons, employees, residents and local communities.

- 1.5 The Authority does not take a moral stance through the adoption of this Policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to regulate such premises in accordance with the law.
- 1.6 The Authority, when exercising its licensing functions under the Act, will have regard to relevant legislation, government guidance, this Policy and to relevant concerns raised during any consultation process. We acknowledge that this Policy cannot anticipate every possible scenario or set of circumstances that may arise. While the Licensing Committee will have regard to this Policy as part of their decision-making process, it is not rigidly bound by it. Should the Licensing Committee choose to depart from this Policy, full reasons will be provided for doing so.
- 1.7 The Authority wishes to make clear that in establishing this Policy, it does not seek to undermine the right of any individual to make an application and to have that application considered on its individual merits, nor to override the right of any person to make representations about an application.
- 1.8 This Policy does not purport to give a definitive statement of the law, this being a matter for the Courts. Nor should this Policy be taken to indicate that any requirement of licensing law or any other law may be overridden.
- 1.9 Not all premises involved in such businesses will automatically require a Sex Establishment licence. Where there is an exemption within the legislation this has been set out in this Policy

Commencement

- 1.10 This Policy will come into effect on [insert date here], having been adopted by Full Council on [date to be inserted].

Policy Consultation and Adoption

- 1.11 In developing this Policy the Authority consulted with:

- Norfolk Police
- Norfolk Fire and Rescue Service
- The Director of Public Health
- Breckland Council's Environmental Health Department (and as the relevant enforcing authority under the Health and Safety at Work etc Act 1974)
- Norfolk Trading Standards
- Breckland Council's Planning Authority
- Norfolk Children Safeguarding Partnership
- Holders of licence permissions issued under the Act
- Persons/bodies representative of residents and businesses in the district.

The consultation took place between [date to be confirmed] and [date to be confirmed].

It was approved by the Licensing Committee on the [date to be confirmed] and adopted by Full Council [date to be confirmed].

2. Types of Sex Establishment and definitions

2.1 There are three types of sex establishments (as defined in the Act):

- Sex Shops
- Sex Cinemas
- Sexual Entertainment Venues

These terms are defined in Schedule 3 of the Act (and summarised in the Glossary below). 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.

2.2 In deciding whether entertainment is “relevant entertainment” in respect of a Sexual Entertainment Venue the Authority will judge each case on its merits, but will generally apply to:

- lap dancing
- pole dancing
- table dancing
- strip shows
- peep shows
- live sex shows

2.3 The Authority recognises that not all premises which provide adult entertainment facilities automatically require a Sex Establishment licence. This is due to certain provisions and exemptions within the legislation as detailed below.

2.4 The Act provides an exemption allowing premises without a Sex Establishment Licence to provide *relevant entertainment*:

- on an infrequent basis of no more than eleven occasions within a 12-month period
- providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours

2.5 However, such premises will be required to hold an appropriate authorisation under the Licensing Act 2003. In considering and granting such authorisations, which relate to nudity, striptease and similar, the Authority will have regard to the Authority’s Licensing Act 2003 - Statement of Licensing Policy and the principles contained in this policy document.

2.6 Applications can be made to waiver the requirement for a sex establishment licence. However, the Authority does not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence except in extreme circumstances which will be considered by the Authority’s Licensing Committee (for example, to allow temporary re-location of a business following damage to a licensed premises).

2.7. The Authority recognises that the government has seen fit to exempt infrequent sexual entertainment from requiring a licence; however, it is aware that unless the entertainment is properly managed there are risks to public safety, the prevention of crime and disorder and an inability of regulatory authorities and bodies to respond.

3. Operating a Sex Establishment

- 3.1 The Authority recognises that robust management of sex establishments is essential in maintaining a vibrant and safe environment for people living, working, trading and visiting the district. We have a wide discretion under the Act to grant or renew a sex establishment licence. We also have discretion regarding the conditions which may be attached to a licence.
- 3.2 The Authority expects licence holders to ensure proper and adequate monitoring and supervision of the activities which take place at premises which benefit from a sex establishment licence.

4. Appropriate Number of Sex Establishments and Relevant Locality

- 4.1 As provided for under the provisions of the Act, the Authority can refuse applications for new or renewed licenses where the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality. This number can be 'nil'.
- 4.2. The Act does not define 'relevant locality' and so for the purposes of this Policy, we will generally treat the ward in which the premises is situated (or to be situated) as the relevant locality.
- 4.3 Having regard to each ward within the district and recognizing the mix of uses, rural location, the character, the strategic vision and the existing locations of particular types of premises in those areas, it may be inappropriate for sex establishments to be located within any ward within the district. The association that sex establishments have with a part of the "sex industry" and adult entertainment means that they may not be suitable for location in those parts of the district associated with family, retail and local businesses, nor may they be appropriate for location in residential areas frequented by families and children. This applies equally to the five market towns in Breckland and the villages in the district.
- 4.4 The Authority 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.
- 4.5 In considering the characteristics of a locality the Authority will take account of the proximity of:
- schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children
 - parks and children's play areas
 - residential premises
 - hospitals and other medical facilities
 - cultural premises, such as museums, theatres and cinemas
 - community and leisure facilities such as swimming pools, health clubs, libraries, and community centres
 - facilities frequented primarily by women such as well women clinics
 - places used by vulnerable persons, such as hostels and other adult social care facilities

- places of public worship
 - premises which hold a licence under the Licensing Act 2003 or the Gambling Act 2005
 - other sex establishments
 - other retail units (and their uses)
- 4.6 The Authority recognises that the character and make-up of a relevant locality may change over time. The Authority will monitor the impact of development in each relevant locality and will consider the effect of any changes in the character of the relevant locality when determining an application to renew or vary a sex establishment licence.

5. Application Process

- 5.1 Applicants should be aware that planning is a separate jurisdiction to licensing. Potential licence applicants are encouraged to ensure that appropriate planning permission is in place prior to submission of an application for a licence.
- 5.2 Premises may be required to hold a Licence under the Act as a Sex Establishment and also a separate licence under the Licensing Act 2003 (for the sale of alcohol, regulated entertainment and/or late-night refreshment).
- 5.3 An application for the grant, renewal, transfer or variation of a Sex Establishment licence must be made in writing to the Authority in accordance with the policy, application form and application fee.
- 5.4 Applications can be made in the following ways:
- By post/personal service to:
The Licensing Team, Breckland Council, Elizabeth House, Walpole Loke,
Dereham, Norfolk NR19 1EE
 - Via Email: licensingteam@breckland.gov.uk
- 5.5 The application must be copied by the applicant to the Police within seven days after the date the application was made, except when received by the council electronically.
- 5.6 Applicants must provide their name, address and (where the applicant is an individual) their age, plus the premises address and the proposed licensed name of the premises.
- 5.7 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Authority before the premises is opened for business, in order to ensure that exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

5.8 In addition, applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises for consideration by the Authority. The plan must be drawn to scale (1:100 or 1:50) outline the area where relevant entertainment and/or retail activity will take place, and should include the following information:

- a) the boundary of the building, all external and internal walls of the building and, if different, the perimeter of the premises
- b) all points of access to and egress from the premises including escape routes and emergency exit from the premises
- c) the areas within the premises to which the public has access.
- d) the areas within the premises to which only staff (including dancers) have access
- e) the location of rooms containing toilets for public use
- f) the location of fixed structures or objects such as a bar, furniture, stages and poles as well as any fixed or moveable items that will obscure or obstruct in any way the supervision by the licensee, staff or contractors of areas to which both the public and performers will have access
- g) the location of all CCTV cameras. The plan must also identify each camera with a unique number and show the direction and extent of the range of view for all CCTV cameras
- h) the location of any ramps, steps, stairs, elevators or lifts on the premises
- i) any parts of the premises that may be inaccessible to people with a disability
- j) the location of any fire safety and any other safety equipment (for example a first aid kit)
- k) if the premises is a sexual entertainment venue, the areas within the premises where the applicant proposes to provide relevant entertainment (we expect this area to be different in some respects to c) above)
- l) the location of rooms used exclusively by dancers
- m) the location of rooms containing toilets for the exclusive use by dancers

If a premises licence under the Licensing Act 2003 exists for the premises, the layout of the premises must reflect the authorised plan attached to the premises licence or club premises certificate.

5.9 While the production of a risk assessment to accompany an application under the Act is not mandatory, the Licensing Authority encourages applicants to complete one prior to making an application. The Licensing Authority considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make an application for variation or in response to changing circumstances/conditions at the premises.

5.10 Applicants for Sexual Entertainment Venues must also submit a copy of their "House Rules". Such House Rules must contain the required conduct of performers which shall include matters containing conditions of licence, i.e. no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking phone numbers (including exchange of business cards). Such House Rules will form part of the licence (if granted) and may be subject to amendment by the Authority prior to approval.

5.11 Applicants must make provision for all performers to sign documentation to confirm their knowledge of, and acceptance to adhere to, the House Rules. Such documentation must be retained for the duration of the performers' employment and for a further six months from the date they last worked at the premises, whether they are employed directly or freelance.

- 5.12 Representatives of the Authority may, as part of the application process, visit the locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the Licensing Committee.
- 5.13 Applicants must also give public notice of the application by publishing an advertisement in a local newspaper which circulates in the area of the Authority to which the application has been submitted. This must be published within seven days of making the application.

Applicants are requested to provide a copy of the newspaper advert within seven days of it being published.

- 5.14 If the application relates to a premises, then there is an additional requirement for notice of the application to be displayed for 21 days on or near the premises where it can be conveniently read by the public. The notice, the form of which is prescribed by the Authority, must contain certain information. The Authority's prescribed notice is contained within this policy document as Appendix A.

Applicants are requested to provide a written declaration that the notice has been displayed properly for 21 days.

- 5.15 The appropriate fees for applications are set by the Authority and can be found on the Council's website. Application fees must be paid in full at the time of submission of the application.

Please note that with regard to applications, tacit authorisation does not apply to new grant applications or transfer for sex establishment licences. This means applicants must wait for the Authority to determine their application before they can operate a sex establishment.

If an application is for the renewal of a sex establishment licence, the premises can continue to operate past the licence expiry date; provided that the renewal application has been submitted to the Authority before the licence expires.

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

6. Consultation procedures and commenting on licence applications

- 6.1 The police are a statutory consultee for all applications.
- 6.2 Residents and businesses may also make objections during the consultation process.
- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the Act. The grounds relevant to the majority of objectors are as follows:
- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made.

- 6.4 Any objections received by the Authority which do not relate to the grounds set out in the Act will be deemed invalid and must be rejected by the licensing team. Where objections are rejected, the objector will be given written reasons.
- 6.5 In addition to individuals, objectors can include residents/tenant associations, community associations and trade associations. Councillors and MPs may also raise objections. Councillors may represent interested parties, providing they do not also sit on the Licensing Committee.
- 6.6 The Authority will not consider objections that relate to moral grounds (as these are outside the scope of the Act). Where objections are rejected, the objector will be given written reasons.
- 6.7 Valid objections will be considered by the Licensing Committee at the hearing to consider the application and applicants will be given an opportunity to present their application to members.
- 6.8 The Authority has a procedure to be followed during licensing hearings. Persons who have made a valid and relevant representation in respect of an application will be able to address the Committee when the application is being considered and may also ask questions of the applicant. A time limit per speaker may be set. Where several persons have requested to speak the Chair of the Committee may require a spokesperson to be elected.
- 6.9 Objections must be made in writing (email is acceptable) and should include the following:
- the name and address of the person or organisation making the objection
 - the premises to which the objection relates
 - the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
 - the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated above).
- 6.10 Any Petitions made in respect of an application (in support or against) must meet the following minimum requirements:
- It must be clear to which premises/application the petition relates
 - The petition must relate to one or more of the four licensing objectives
 - Objections relating to the impact of a new business or a change to a new business on existing trade cannot be taken into account
 - Each page must include information as to the purpose of the petition (so it is clear signatories were aware of what they were signing)
 - Full names and addresses must be supplied, in a legible manner
 - It should show the date the signatures were collected on each page
 - It should be made clear to all signatories that a copy of the petition, containing their details will be passed to the applicant and contained within the committee papers, which, in the event of a hearing become public documents
 - The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition
 - The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Licensing Authority will not contact each signatory as if they were making individual representations

- The Licensing Authority reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate

Petitions not received by the Licensing Authority in this format are unlikely to be classed as a relevant representation.

- 6.11 The Authority must be confident that those signing the petition were aware what they were signing for; so in the interest of clarity for those signing, best practice would be to have the objection at the top of each page, especially where several people are involved in collecting signatures. The Committee will decide on the merits of the case and what weight it will give to objections raised through petitions.
- 6.12 It should be noted that submissions to the Authority may also be in support of an application. These should also contain the same information as stated above.
- 6.13 The names and addresses of objectors will not be disclosed to applicants, or published in public reports, in accordance with Paragraph 10 (17) of Schedule 3 to the Act.
- 6.14 Details of applications and objections which are referred to the 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. Certain items or information will therefore have to be excluded from the public domain as permitted by the Local Government Act 1972.

7. Determination of applications

- 7.1 Functions under Schedule 3 of the Act are the responsibility of Full Council. Under section 101 of the Local Government Act 1972, the Authority has arranged for the discharge of these responsibilities by a committee or sub-committee of the Authority.
- 7.2 The Council established a Licensing Committee who deal with delegated matters under the Licensing Act 2003 and the Gambling Act 2005, among other responsibilities. Delegated matters relating to sex establishment licensing is also within the purview of the Licensing Committee; however, it should be noted that when dealing with an application or revocation for a sex establishment, the members of the committee would not be acting as a licensing committee under any Act – members will only exercise their functions under Schedule 3 of the 1982 Act.
- 7.3 Many of the Licensing Committee's functions may be delegated to Sub-Committees or to Officers of the Council. A Licensing Sub-Committee will comprise of any three Elected Members who serve on the Licensing Committee.
- 7.4 Unless there are compelling reasons to the contrary, the Licensing Committee or any of its Sub-Committees will meet in public, although Members can retire into private session to be advised by legal advisors to consider their decision.
- 7.5 In summary, Officers will generally deal with matters concerning the grant of applications where no relevant objections have been made.
- 7.6 When considering applications, the Authority will have regard to:
 - the Act
 - any supporting regulations

- guidance issued by the Home Office
 - this Licensing Policy
 - any objections made
 - the Human Rights Act 1998
 - the Equality Act 2010
 - any other relevant legislation or guidance
- 7.7 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.
- 7.8 When determining applications, the Authority will take account of any comments or representations made by:
- Norfolk Constabulary
 - Breckland Council Environmental Health
 - The authority enforcing health and safety at the premises
 - Breckland Planning Department
 - Norfolk Fire Service
 - Norfolk Safeguarding Children Board
 - Any other relevant authority
- 7.9 The Authority reserves the right to consult any other body that it considers appropriate.
- 7.10 In taking licensing decisions, the Authority will be mindful of the public sector equality duty under the Equality Act 2010. Decisions will be taken with due regard to the need to:
- Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by or under the Equality Act 2010
 - Advance equality of opportunity between people who share a protected characteristic and those who do not
 - Foster good relations between people who share a protected characteristic and those who do not
- 7.11 Paragraph 12 (1)(a-e) of Schedule 3 of the Act prohibits the Authority from granting a licence:
- a) to a person under the age of 18; or
 - b) to a person who is for the time being disqualified from holding a licence following revocation of such a licence; or
 - c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - d) to a body corporate which is not incorporated in an EEA state;
 - e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Applications which fall into this category will be deemed invalid applications.

Please note there is no right of appeal against failure to grant a licence on these grounds.

- 7.12 Subject to the following paragraph, if the application is valid and no objections have been received and there are no other statutory grounds for refusal, the application will be granted by way of delegated authority.

In cases where objections have been received; or if there are concerns regarding the characteristics of the locality; or any other discretionary ground of refusal exists, including that if the application were granted then any maximum number of premises in a relevant locality would be exceeded (as detailed in section 4 of this policy), then the application will be referred to the Licensing Committee for a hearing and determination of the application.

- 7.13 The Authority may, if they think fit, transfer a licence to any other person upon application by that person.
- 7.14 Each application will be decided upon its own merits. The Authority will not apply a rigid rule to its decision making.
- 7.15 The Authority will give full clear reasons for its decisions.
- 7.16 The Authority will, unless there are exceptional reasons otherwise, grant licenses for the maximum duration of one year to provide certainty to those operating businesses. The licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.17 When issuing a Sex Establishment Licence the Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued. In addition to this the Authority has the power to make standard conditions applicable to all licenses for sex establishments. The Authority may grant to any applicant or renew any licence for the use of any premises as a sex establishment on such terms and conditions as may be specified.

8. Conditions

- 8.1 The Authority will attach *standard conditions* (as specified in Appendices B-D. to this Policy document) to all sex establishment licenses.
- 8.2 Additional conditions may be added in the following circumstances:
- When offered by the applicant as part of the application
 - Voluntarily following recommendations made by any relevant Authority, Police etc.
 - By the Licensing Committee following receipt of an objection and a hearing.
- 8.3 Applicants who wish to be exempt from the requirements of any of the *standard conditions* should state, with full reasons why they should be so exempted, when making an application.
- 8.4 It is an offence to breach the conditions and the penalty for this is a fine not exceeding £20,000.

9. Refusal of licences

9.1 Except where the Authority are prohibited from granting, renewing, varying or transferring a licence, the Authority 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 Committee

9.2 As stated above, in accordance with Paragraph 12(1) of Schedule 3 to the Act the Authority **must refuse** to grant or transfer a licence in certain mandatory cases and these will be deemed invalid applications.

9.3 In accordance with Paragraph 12(2) of Schedule 3 to the Act the Authority **may refuse**:

- an application for grant or renewal of a licence on one or more of the grounds shown below
- an application for transfer of a licence on either or both grounds shown at a and b below

9.4 The grounds for refusal are:

- (a) that the applicant is unsuitable 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 him/herself
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined, is equal to or exceeds the number which the Authority considers is appropriate for that locality
- (d) that the grant or renewal of the licence would be inappropriate having regard to:
 - The character of the relevant locality
 - The use to which any premises in the vicinity are put; or
 - The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

In considering the first ground above, Applicants and Licence Holders and all readers of this Policy are advised that the factors the Authority may consider include the following:

- relevant experience
- relevant criminal convictions
- whether the person has committed relevant offences
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)

- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers
 - ensure the proper protection of the public
 - ensure the suitability of employees, performers and others using the venue
 - prevent performance by or for those who may thereby be harmed, including minors
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators

10. Revocation of licence

10.1 The Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Act.

- any of the mandatory grounds which are detailed in section 7 above or either of the grounds in respect of (a) or (b) detailed at section 9 above, namely that the licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.

10.2 The Authority will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Committee. They may call a hearing, without requiring a third party to request such a hearing and give the licence holder an opportunity to appear before them.

10.3 Should the Authority revoke a Sex Establishment licence then full reasons for the revocation will be provided to the licence holder within seven days of the decision.

10.4 Revocation of a Sex Establishment licence would disqualify the licence holder from holding or obtaining another Sex Establishment licence in the Authority's area for a period of 12 months. However, this does not prevent the licence holder from holding a licence in another Licensing Authority's area.

11. Cancellation of Licences

11.1 The licence-holder may surrender the licence at any time and may request in writing to the Authority to cancel the licence.

11.2 In accordance with Paragraph 15 of Schedule 3 to the Act, 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 three months from the date of death, unless previously revoked. The representatives must comply with the conditions of the licence and should not be someone who would not normally be granted a licence in their own right.

11.3 Where the Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence holder, and that no other circumstances make it undesirable, it may extend or further extend the period in which the licence remains in force.

12. Right to Appeal a Decision

- 12.1 If an application is refused (including a refusal to renew a licence), or if a licence is revoked following a hearing, the applicant or licence holder will be informed of the decision and whether there is any right of appeal. Appeals must be made to the Magistrates' Court within 21 days, starting from the date the applicant or licence holder is notified of the Authority's decision in writing. It should be noted that a fee may be payable to the magistrates to lodge such an appeal. Applicants or licence holders can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed. Please note there is no appeal against the Authority's decision if the application was refused on the grounds that:
- the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; or
 - that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 12.2 The Magistrates Court will determine the appeal application. Applicants who do not agree with the decision made by the Magistrates Court can appeal to the local Crown Court. The decision made by the Crown Court will be final. The Authority must comply with a decision made by the Magistrates or Crown Court.

13. Compliance monitoring and enforcement

- 13.1 The Authority will adopt an intelligence led and risk-based approach to its monitoring and inspection regime. In general, this will involve carrying out inspections of premises normally once a year unless exceptional circumstances require otherwise. The Authority also reserves the right to conduct random spot checks from time to time as it sees fit.
- 13.2 It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.
- 13.3 The Authority's approach to enforcement is set out in enforcement policies which are available on request. The Authority will also have regard to the Regulator's Code.
- 13.4 Breach of conditions or legislative requirements may result in formal action being taken by the Authority which can include revocation of, or a decision not to renew a licence. The Authority may also prosecute in respect of serious offences.

14. Data Protection

- 14.1 To undertake our functions and responsibilities under the Act as regards processing applications, dealing with objections and undertaking compliance and enforcement activity, it is necessary for the Licensing Authority to collect and hold personal information.

- 14.2 To aid in the detection and prevention of criminal acts, we may also collect information from and share with other Council departments, Responsible Authorities under the Act, government agencies and departments, and other parties. More information is available on the Licensing Privacy Notice which can be found on the Council's website.

15. Equality and Diversity

- 15.1 This Policy supports the Council's commitment to eliminate discrimination and to actively promote equality of opportunity for everybody who lives, works in, or visits Breckland. More information can be found on the Council's website.
- 15.2 Applicants and Licence Holders should familiarise themselves with their responsibilities under the Equalities Act 2010 and relevant guidance for businesses, which can be found on the Equality and Human Rights Commission website.

16. Modern Slavery/Human Trafficking

- 16.1 Modern slavery is a crime and a violation of fundamental human rights and can take many forms. The Modern Slavery Act 2015 includes the following under the offence of modern slavery:
- Slavery, where ownership is exercised over a person
 - Servitude, where a person is obliged to provide services imposed by coercion
 - Forced or compulsory labour, which involves work extracted under the menace of penalty and for which the person has not offered himself/herself voluntarily
 - Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them
- 16.2 Modern slavery operates in plain sight and can affect businesses without them even knowing. It is important that licensed premises and the employees who work there understand how they might be affected so that they can take steps to reduce the risk.
- 16.3 Readers are encouraged to report something suspicious you spot to the Police or other authorities – it could be at a licensed premises where you work, where workers seem reticent to engage, not appropriately dressed for their work or increasingly ill fed or unkempt, or a young person repeatedly being brought to a hotel by another person for short periods of time.
- 16.4 If there is an immediate danger to the suspected victim or you think the suspected victim is under 18, inform the Police and call 999 as a matter of urgency.
- 16.5 The Modern Slavery and Exploitation Helpline (0800 0121 700), which is open 24 hours a day, can provide support to anyone who has a suspicion, and would like some guidance on the next steps. Further information can be found at <https://www.modernslaveryhelpline.org>.

17. Counter Terrorism

- 17.1 Crowded places, such as pubs, nightclubs, concerts and festivals have been the target of terrorist activity in the UK. Applicants and Licence Holders are strongly encouraged to read the guidance and training produced by the National Counter Terrorism Security Office and the Government for operators of venues and crowded places about how to

reduce the threat of an attack.

When considering how to reduce the risk of a terror attack, the threat level must always be taken into consideration, especially when:

- Events or festivals are taking place which attract large numbers of visitors to the area
- National and International sporting events are taking place and are televised in licensed premises.

18. Child Sexual Exploitation

- 18.1 The Licensing Authority must consider the need to protect children from sexual exploitation when undertaking its licensing functions. If members of the public have concerns about child sexual exploitation in connection with premises licensed under the Act, then they should contact the Police in the first instance also notifying Norfolk Safeguarding Children Partnership.

19. Crime and Disorder Act

- 19.1 Under section 17 of the Crime and Disorder Act 1998 the Council is required to promote the prevention of crime and disorder within its area.
- 19.2 The Licensing Authority looks to the Police as the main source of advice on crime and disorder. The Authority also works with the Norfolk Community Safety Partnership.

20. Exchange of Information

- 20.1 The Authority may from time to time exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its statutory objective of reducing crime in the area.

21. Changes to the Policy

- 21.1 The policy will be regularly reviewed and monitored by the Authority's officers to ensure that it reflects current legislation, is effective, up to date and achieves a responsible regulatory framework for Breckland Council.
- 21.2 This will be achieved by monitoring the outcome of hearings, appeals through the Magistrates courts, developments in legislation, by having regard to stated cases, local needs and economic impacts.
- 21.3 Where it is necessary to make minor and non-material changes to this Policy (e.g. to update website links, correct misspellings, update contact information) this may be done without consultation by the Manager of the Licensing Team. A record of any changes made will be kept and made available upon request at any reasonable time.
- 21.4 Where new legislation, new or revised local policy or developments affecting the local area impact on the relevance or application of this Policy, we will consult with the parties outlined in Paragraph 1.11, prior to making any changes.

21.5 Where revisions are made to the Act, other impacting Acts of Parliament, or to the Home Office guidance, the Licensing Authority will determine whether revisions should be made to this Policy at that time, or whether they may be integrated at the time the Policy is due to be reviewed.

22. Glossary and definitions (as described in the Act) and bibliography

Sex Shop

- "(1) 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 articles

- "(3) (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; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies –
- (a) to 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) to any recording 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 Cinema

- "(1) 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
 - (b) 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 as a sex cinema by reason only -
- (a) if they are licensed under Section 1 of the Cinemas Act 1985, of their use or purpose for which a licence under that section is required; or
 - (b) of their use for an exhibition to which Section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of Section 6(6) of that Act."

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—
- (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 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.

(4) to (12) omitted as they refer to other matters

- (13) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.

- (14) In this paragraph—

“audience” includes an audience of one;

“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; 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.”

Significant Degree and Sex Articles

Licences for sex shops are required where 18R rated films are being sold, or where there is a “significant degree” of “sex articles”. It should be noted that in respect of Mail Order premises the Video Recordings Act 1984 states at section 7 (b) & (c) that no video recording that may only be viewed by persons aged 18 or over is to be supplied other than in a licensed sex shop. Case law precludes the sale of 18R rated films by Mail Order premises which holds a Sex Shop licence because the supply of the film to a person aged 18 or over cannot be confirmed; such supply would fail to ensure that the age controls are properly enforced.

The phrase “sex articles” is defined in the Act, but the phrase “a significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, the Authority will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business

- (5) turnover
- (6) other factors which appear to be materially relevant.

Relevant Entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

“Relevant entertainment” is defined in schedule 3 of the Act (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or 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 an audience (whether by verbal or other means).” An audience can consist of just one person, e.g. in a private booth.

Nudity

Section 27 of The Policing and Crime Act 2009 defines the “display of nudity” as: -

- (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.

Form of Notice – Indecent Displays (Control) Act 1981 section 1(4)(e):

The Authority’s Standard Conditions require that a warning notice be displayed in accordance with the above legislation. The legislation states:

- (a) The warning notice must contain the following words, and no others:

“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.”

- (b) The word “WARNING” must appear as a heading
- (c) No pictures or other matter shall appear on the notice
- (d) The notice must be so situated that no one could reasonably gain access to the shop or part of the shop in question without being aware of the notice and it must be easily legible by any person gaining such access

Bibliography and further guidance

- Copies of the Acts of Parliament and regulations can be viewed at www.legislation.gov.uk
- Home Office guidance issued in March 2010 entitled “Sexual Entertainment Venues – Guidance for England and Wales.”
- Home Office guidance issued under section 182 of the Licensing Act 2003 in January 2024

Appendix A

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

I/we
.....

hereby give notice that I/We have applied to Breckland Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended for a licence to use the premises referred to below as a Sex Shop / Sex Cinema / Sexual Entertainment Venue* as detailed below.

Premises Name:

.....

Address of premises

.....

.....

.....

Proposed hours of opening/operation

.....

.....

.....

Any person wishing to make representations about the application should make them in writing to the Licensing Team, Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE within 28 days of the date of the application which was [INSERT DATE].

Signed:

Date:

Notes:

1. Enter full details of the application on this form, including the name of the premises being requested as "the premises name" and proposed opening hours, or hours of operation in the case of Mail Order Premises.
2. Affix a copy of the completed Notice on the premises to which the application relates, in a prominent position that may be easily read by the public on the day of making the application. You must ensure that this Notice remains in position for 21 days.
3. The content of this Notice, as completed, must be published in a local newspaper within seven days of making the application.

* Delete as applicable

Appendix B

Standard Conditions for Sex Establishment Licence

Breckland Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

The following conditions apply to all Sex Establishments.

Management of the Premises

1. The licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for, and be present on the premises, at all times the premises are open to the public.
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 Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall, at all times, be displayed in a conspicuous position on the premises to be available for inspection by the police, the fire authority, and authorised officers of the Council.
4. 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 within the premises throughout the period during which he is responsible for the conduct of the premises.
5. The licensee shall retain control over all areas of the premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
6. The licensee shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.
7. No person under the age of 18 shall be admitted to the premises and a notice to this effect, in accordance with condition 18, shall be displayed on the outside of the premises.
8. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.
9. The licensee shall ensure that during the hours that the premises is open for business, every employee wears a badge of a type approved by the Authority indicating his/her name and that he/she is an employee.
10. The licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence and the names and addresses of those employed in the sex establishment. The register is to be completed each day within thirty minutes of the sex establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Authority.

Opening of the Premises

11. The premises shall not, without the written consent of the Authority, be opened and used for purposes for which the licence is granted except during the following hours:

Monday to Saturday 09:00 to 18:00

12. The premises shall not, without written consent of the Authority, be opened and used for the purposes for which the licence is granted on Sundays, Good Friday or Christmas Day.

Conduct of the Premises

13. No change from a sex cinema to a sex shop or sex shop to a sex cinema shall be made without the written consent of the Authority.
14. No sex articles or other things intended for 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, loaned or demonstrated in a sex cinema.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. 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.
17. No moving picture shall be provided or displayed at the licensed premises unless it is that of an advertising DVD on a loop system or allowing a prospective purchaser a short preview, being no longer than three minutes in length, of films upon request.

External Appearance

18. The holder of a sex establishment licence may exhibit on the outside of the premises the name of the business and a notice, capable of being enclosed by a rectangle one square meter in area or such other size as agreed with the Authority, consisting of the words "Licensed Adult Establishment".
19. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle one square meter in area, the times of opening and of the words "No person under the age of 18 allowed. Persons over the age of 18 but under the age of 25 will be required to show proof of their age".
20. No other words, advertisement, letter, model, sign, placard, notice, board, sign, device, representation, drawing, writing, display or any other matter, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in conditions 18 and 19, or otherwise approved by the Authority in writing.
21. No external loudspeakers may be installed.
22. The windows and openings of the premises shall be of a material or covered with material that will render the interior of the premises invisible to passers-by.

State, Condition and Layout of the Premises.

23. Notwithstanding the licensee's duties under the Health and Safety at Work etc. Act 1974 and related legislation and his/her obligations under any lease or other agreement for the use of the premises, he/she shall maintain the premises in good repair and condition.
24. External doors shall be closed but not locked at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide their automatic closure, and such devices shall be maintained in good working order.
25. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
26. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises. The notice must also include a statement that proof of age may be requested.
27. Lighting shall be in operation continuously during the whole of the time that the sex establishment is open to the public.
28. Alterations or additions, either internal or external, shall not be made to the premises without prior written consent from the Authority.
29. 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.
30. No fastenings of any description shall be fitted upon any booth or cubicle within a sex establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.

Safety and Security

31. The licensee shall submit details of the steps to be taken, for the approval of the Authority, to check the age of customers entering the shop who appear to be between the ages of 18 and 25 to ensure they are not younger than 18. The licensee shall ensure that the approved steps are implemented.
32. The licensee shall ensure that a closed-circuit television system (CCTV) is installed internally and externally to the satisfaction of the Authority.

Goods Available in Sex Establishments

33. All sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and other items displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show persons who are inside the sex shop the respective prices being charged.
34. All printed matter, films and video films offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect must be prominently displayed inside the sex establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

35. The licensee shall, without charge, display and make available in the sex establishment such free literature concerning counselling on matters related to sexual problems as may be published by the FPA (formerly the Family Planning Association) and by such other similar organisations, and particularly any such materials related to HIV and AIDS. Such literature is to be displayed in a prominent position approved by the Authority adjacent to all cash collection points in the sex establishment.

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Appendix C

Conditions for Sexual Entertainment Venues

Breckland Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

The standard conditions for Sex Establishments are applicable alongside the following conditions:

1. No persons under 18 will be admitted to the premises.
2. The premises must operate a 'Challenge 25' scheme, whereby anyone who appears to be aged 25 or younger is asked for photographic ID proof of age.
3. The only ID that will be accepted are passports, a driving licence with a photograph or Portman Group proof of age cards bearing the 'PASS' mark hologram. The above list of acceptable proof of age limits may be extended to other forms of ID in the future with advance written agreement of the police without the need to review the actual licence.
4. The 'Challenge 25' scheme and the stipulated forms of acceptable age verification must be clearly stated both on the premises website and on all membership applications, booking forms, customer contractual documents and promotional literature etc.
5. The licensee must provide a photographic identification system for all entrants to the premises with recordings to be provided to the police at their request.
6. No under 18's events will be hosted anywhere on the premises at any time.
7. Whilst striptease entertainment is taking place, no customer under 18 shall be on the premises and clear notices shall be displayed at the entrance to the premises in a prominent position so that it can easily be read by persons entering the premises in the following terms:

NO PERSONS UNDER 18 TO BE ADMITTED

ENTERTAINMENT WITHIN THESE PREMISES INVOLVES A FORM OF NUDITY

IF YOU ARE LIKELY TO BE OFFENDED, PLEASE DO NOT ENTER
8. Alcohol must not be supplied for consumption off the premises.
9. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the district, any advertisements (except for any registered trademark, trading name or trading symbol that has been provided to the Authority and approved) that indicate or suggest that any form of Relevant Entertainment takes place on the premises.
10. Only the performers and entertainers shall give the approved striptease entertainment with no audience participation permitted.
11. There shall be no physical contact between the customer and the dancer, with the exception of shaking hands with a customer and/or leading a customer by the hand from a seated area to a booth for a private dance.
12. With the exception of the above, there shall be no deliberate physical contact between the customer and the dancer, either immediately before, during or after a dance.

13. Dancers shall only perform on the stage area or at a tableside to seated customers.
14. All booths must have adequate lighting to ensure the safety of the dancer and to ensure that both the member/guest/audience and the performer are adhering to Club Rules at all times.
15. A Security Industry Authority (SIA) licensed door supervisor must have full and unrestricted views of any dancer performing in a booth at all times.
16. There must be no physical contact between performers and dancers whilst performing.
17. Dancers must not give out personal information, including telephone numbers, email addresses or other contact details to audience members.

Dancers must not accept any telephone numbers, addresses, business cards or any other information from any customer.
18. There shall be no private booths or private performing areas provided on the Premises (unless specifically permitted in writing by the Council).
19. Where the use of private booths is permitted (and approved by the Council in writing), they must be designed in such a way that there can be no curtain or other visual barrier that can be pulled across the entrance, thus concealing activities inside the booth area.
20. The booths must be designed in such a way that the supervisors/security staff can see into the booths to ensure the safety of the dancers performing inside and to ensure the club rules are being strictly adhered to at all times.
21. All dancers/performers must be aged over 18 years of age and legally entitled to work in the UK before they perform at the Club.
22. Copies of performers/dancer's files must be made available to the police for inspection upon request.
23. The licence holder must ensure no dancers are trafficked, exploited or controlled for another's gain.
24. Where possible, all dancers will be escorted from the premises at the end of each evening to their transport (e.g. taxis) to ensure their personal safety and security.
25. Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers.
26. The licensee must ensure that there is no display outside the premises of photographs or other images that indicate or suggest that striptease or similar entertainment takes place on the premises.
27. Any promotional website for the premises must comply with the Advertising Standards Agency (ASA) regulations and will not display photographs or other images of topless or nude performers or show photographs or other images that may reasonably be construed as offensive.
28. The premises website must include a clear requirement for compliance with the Challenge 25 proof of age scheme.
29. Any promotional literature circulated outside of the premises must not display photographs

or other images of topless or nude performers or show photographs or other images or words that may reasonably be construed as offensive.

30. All promotional literature must include clear statements as to the requirements of the Challenge 25 proof of age scheme.
31. An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:
 - a) Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use
 - b) The location of such room(s), must be marked on the plan of the premises
 - c) Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority
 - d) Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment
 - e) Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and
 - f) Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority
32. Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
33. A digital CCTV system shall be installed and be maintained in good working order, shall record at all times when the premises is open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.

Appendix D

Conditions for Mail Order Premises

Breckland Council reserves the power to alter, modify or dispense with these conditions as it sees fit at any time.

The standard conditions for Sex Establishments are applicable alongside the following conditions:

1. The licensee shall ensure that the public is not admitted to any part of the premises. No person under the age of 18 years will be admitted to the premises at any time, for whatever reason or purpose.
2. All persons working in the premises must be 18+ years of age. The licensee must maintain adequate records of the names, addresses and dates of birth of persons working in the premises including adequate identity checks.
3. The sex establishment shall be used exclusively for 'mail-order' purposes only.
4. All advertisements, catalogues. Sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state 'MAIL ORDER ONLY'.
5. All deliveries/dispatches of parcels shall be in plain wrapping not identifying what is inside.

External Appearance

6. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building or from other units within the building or from common parts of the building.
7. The exterior design of the building shall be such that the interior of the premises are not visible to passers-by.
8. The windows and openings of the premises shall be of material or covered with a material which will ensure the interior of the premises is not visible to passers-by.
9. No items should be stored on the premises so that they can be viewed from any external window or door.
10. No film, DVD, or video recording (or computer game or other formats capable of storing readable/viewable material) 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.
11. No 18R rated films may be sold or supplied by Mail Order premises (even those with a Sex Establishment licence), in accordance with Section 7 (b) and (c) of the Video Recordings Act 1984 and case law.