



Exeter City Council

To the Chair and Members
of the Licensing Committee

Please ask for: Sarah Selway

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Our ref:

Your ref:

A meeting of the **LICENSING COMMITTEE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter on **TUESDAY 23 JULY 2013 at 5.30 pm** to consider the following business.

If you have an enquiry regarding any items on this agenda, please contact Sarah Selway, on **Exeter 265275**.

Pages

AGENDA

1 **APOLOGIES**

To receive apologies from Committee members.

2 **MINUTES**

To sign the minutes of the meeting held on 26 March 2013.

3 **DECLARATIONS OF INTEREST**

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4 **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 -
EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:

RESOLVED that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for item 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1

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and 2 of Part I of Schedule 12A of the Act.

Part II: Item suggested for discussion with the press and public excluded

TOWN POLICE CLAUSES ACT 1847/TRANSPORT ACT 1985, SECTION 16

- 5 **APPLICATION FOR A HACKNEY CARRIAGE VEHICLE LICENCE (MR JS)** 5 - 10

To consider the report of the Assistant Director Environment.

(Report circulated to Members)

Part I: Item suggested for discussion with the press and public present

- 6 **POLICY IN RELATION TO THE LICENSING OF SEX ESTABLISHMENTS** 11 - 100

To consider the report of the Assistant Director Environment.

(Report circulated)

Membership -

Councillors Owen (Chair), Dawson (Deputy Chair), Choules, Clark, D J Henson, Laws, Macdonald, Newby, Payne, Pearson, Ruffle, Shiel, Tippins and Winterbottom

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EXETER CITY COUNCIL

LICENSING COMMITTEE 23 JULY 2013

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 POLICY IN RELATION TO THE LICENSING OF SEX ESTABLISHMENTS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Licensing Committee's approval of the draft Exeter City Council Sex Establishment policy (attached at Appendix A).
- 1.2 The matter has been given consideration at the Licensing Committees held on 24 July 2012 and 12 February 2013 and the issue has been the subject of a widespread public consultation. Further, the Licensing Committee currently has an interim policy relating to the licensing of Sex Establishments adopted on 24 July 2012 and regard has also been had to the terms of that policy.

2. BACKGROUND

- 2.1 New provisions under the Local Government (Miscellaneous Provisions) Act 1982 were adopted in July 2012 giving the Council more powers to regulate Sex Entertainment Venues (SEVs) as Sex Establishments alongside Sex Shops and Sex Cinemas.
- 2.2 The amended legislation provides for local authorities to formulate policies on how it will deal with applications for Sex Establishment licences, including limits on the number of Sex Establishments of any type according to what is considered appropriate within Exeter.

3. CONSULTATION

- 3.1 The consultation revealed that most respondents supported the adoption of a policy in relation to Sex Establishments. Most respondents felt that there were no localities within Exeter that were appropriate for SEVs and Sex Cinemas and almost as few felt that there were no localities within Exeter that were appropriate for Sex Shops. Large majorities considered that Sex Establishments were unsuitable near specific types of premises such as schools and places of worship. An analysis of the consultation is contained in Appendix B.

4. DRAFT POLICY AND LIMIT ON NUMBERS

- 4.1 The draft policy has been prepared on the basis of the results of the consultation, official guidance and other relevant Council strategies.
- 4.2 In particular, the draft policy states that there is no place within Exeter which it could be said is situated in a locality where it would be appropriate to licence SEVs which is referred to as a nil policy.

- 4.3 The draft policy takes in to account the character and culture of Exeter as an historic regional capital and the Council's duty to preserve Exeter's reputation as such as well as the need for Exeter as a whole to promote gender equality.

5. LEGAL IMPLICATIONS

- 5.1 The law, statutory guidance and other Exeter City Council policies were taken into account in drafting the proposed Sex Establishment Policy and are outlined in Sections 2 and 3 of the draft policy.
- 5.2 There is no statutory requirement for public consultation on the draft policy but Exeter City Council has followed best practice in undertaking a consultation exercise.
- 5.3 The evidence obtained from the consultation exercise coupled with existing data fully supports the recommended policy including the statement that there is no place within Exeter which, it could be said, is situated in a locality where it would be appropriate to licence an SEV.
- 5.4 Provided the Licensing Committee's decision in adopting the draft policy is reasonable and rational, then the likelihood of successful challenge by way of judicial review is minimised.
- 5.5 An equalities impact assessment has been undertaken for the draft policy and is attached at Appendix C.
- 5.6 In essence, the draft policy provides guidance to Members, Applicants and Objectors as to how the Council will seek to exercise its statutory discretion in determining applications. The statutory discretions arise in relation to the grounds for refusal of Sex Establishment licences. The discretion of the Council can not be fettered in so far as no policy can be absolute and every case must be decided on its merits.

6. GROUNDS FOR REFUSAL OF A SEX ESTABLISHMENT LICENCE

- 6.1 There are 5 mandatory grounds and four discretionary grounds for refusal of a sex establishment licence.
- 6.2 The five mandatory grounds for refusal of an application are that the applicant:
- (a) is under the age of 18;
 - (b) is for the time being disqualified from holding a sex establishment licence;
 - (c) is not a body corporate, and is not resident or has not been resident in an EAA state for six months immediately preceding the date of the application;
 - (d) is a body corporate which is not incorporated in an EAA state;
 - (e) has in the period of 12 months preceding the date of the application 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.
- 6.3 In respect of these the aim of the policy is to set out how the legislative objectives will be furthered by the Council.
- 6.4 The four discretionary grounds for refusal of an application are that;

- (a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, 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 of such a licence if he made the application himself;
- (c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) the grant would be inappropriate having regard –
 - (i) to the character of the relevant locality;
 - (ii) to the use to which any premises in the vicinity are put;
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6.5 In respect of these the influence of the Council's policy will be pivotal.

7. NUMBER OF SEX ESTABLISHMENTS

7.1 This provision enables the Council to impose numerical control on the number of sex establishments in a particular locality. The control can also apply to the number of each kind as well. The provision gives the Council a high degree of control on particular types of sex establishment and there is no right of appeal against a refusal on this ground.

7.2 The draft policy states that the Council has been unable to identify an appropriate locality for either SEVs or Sex Cinemas. It remains open to any applicant to demonstrate to the Council that there is an appropriate locality which has not been previously identified by the draft policy. While the draft policy is closed in some aspects it will be incumbent upon any Licensing Committee determining an application to keep an open mind.

8. REGULATIONS

8.1 The legislation allows for the Council to make standard conditions in the form of regulations, regulating the operation of Sex Establishments. The proposed standard conditions are set out in Appendix 4 to the draft policy. This does not preclude the making of further bespoke conditions where necessary in relation to individual application.

9. RECOMMENDATION

9.1 It is recommended that the Licensing Committee adopts the Sex Establishment Licensing Policy as set out in Appendix A.

Assistant Director Environment

ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:

None.

Appendix A

EXETER CITY COUNCIL

SEX ESTABLISHMENT

LICENSING POLICY

Draft: July 2013

INDEX

Section 1	Introduction
Section 2	Legal background
Section 3	Policy background
Section 4	Public consultation
Section 5	Applications
Section 6	Mandatory grounds for refusal
Section 7	Discretionary grounds for refusal
Section 8	Conditions
Section 9	Waiver
Section 10	Enforcement
Section 11	Fees
Appendix	1 Application form
Appendix	2 Site notice and newspaper advertisement
Appendix 3	Standard conditions
Appendix 4	Procedure for hearing for SE licence application

1. INTRODUCTION

- 1.1. On 13 June 1983 Exeter City Council (“the Council”) adopted legislation which enables it to licence sex establishments, categorised as either sex shops or sex cinemas, within the city of Exeter, with effect from 1 September 1983. Those parts of the Act continue to have effect.
- 1.2. On 24 July 2012 the Council adopted amended legislation which further enables it to license sexual entertainment venues (SEVs) as an additional category of sex establishments, with effect from 3 September 2012.
- 1.3. The Council recognises that Parliament has made it a lawful activity to operate a licensed sex establishment and such businesses are a legitimate part of the retail and leisure industries. When undertaking its statutory function as the Licensing Authority, the role of the Council is to administer the licensing regime in accordance with the law. The Council will not exercise its duties in accordance with any moral standing and will not take in to account any unrelated considerations that would call in to question the validity of any subsequent decision made.
- 1.4. In this document, the Council sets out the policy it will adopt when making decisions under the legislation (the Policy).
- 1.5. The Policy gives guidance to prospective applicants, persons who may wish to object to or support an application and members of the Council’s Licensing Committee when making a decision in respect of an application.
- 1.6. Each application will be considered on its individual merits and the Policy is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken in to consideration when determining an application.
- 1.7. No policy will ever be considered absolute and there may be occasions where the Council may depart from the Policy having regard to the unique characteristics of any one particular application.

- 1.8. Exeter is an historic city located at the northern tip of the Exe Estuary, some 15km from the coast. It has a significant residential population, including families with children, numbering 118,500, a travel-to-work area with a population of over 280,000, a shopping catchment of over 550,000 and over two million day visitors a year. The city is one of three large urban centres within the predominantly rural county of Devon and is served by major transport infrastructure including the M5 motorway, main railway lines and Exeter International Airport.
- 1.9. Exeter has a deserved reputation as both the regional and cultural capital of the South West peninsula. The maintenance of the character of the area as a tourist and residential district of the highest quality is of regional importance. There are a number of important aspects of city life. For example, there are a large number of historic buildings which contribute both to the historic character and tourist appeal of Exeter. There are places of worship which merit respect and protection in their own right as well as a cultural heritage with the city's Royal Albert Memorial Museum being recognised nationally. There is an array of public houses and restaurants, educational establishments including the University of Exeter, with over 14,000 students. There is the business, legal and commercial aspect of the city as well as the retail districts including not only the prestigious city centre and Princesshay but a number of streets and markets attracting high quality independent retailers.
- 1.10. The Council has taken account of these aspects of city life in determining its policies in relation to the number, location and operating standards of sex establishments.
- 1.11. On 12 February 2013 the Council resolved to conduct a widespread public consultation, commencing on 4 March 2013 and concluding on June 6 2013, on the question of whether there are any, and if so which, localities in Exeter it would be appropriate to license a sex establishment.
- 1.12. In consulting widely, the Council acknowledges the important role that the regulatory authorities, licensed trade and local communities undertake and the necessity for them to contribute their views in formulating this policy.

- 1.13. The Council has had due regard to the views of those consulted on the policy proposals and in determining the Policy has given appropriate weight to comments received. The Policy has been considered and approved by the Council on 23 July 2013.
- 1.14. These considerations, among others set out below, have led the Council to the clear opinion that there is no locality within Exeter within which it would be appropriate to licence an SEV or a Sex Cinema and only two localities identified where it is appropriate to licence a Sex Shop. The Policy is intended to be strictly applied and while the merits of each individual case will be considered it is most unlikely that exceptional circumstances will be found. For the Policy to be overridden, an applicant would need to demonstrate why the objectives of the Policy would be furthered or at least not undermined by allowing the exception. Where the Council has been unable to identify an appropriate locality, for the Policy to be overridden would require the applicant to identify a previously unidentified appropriate locality.
- 1.15. If, however, a sex establishment licence were to be permitted as an exception to this policy, the Council would expect operators to observe the highest management and operational standards consistent with the location in an area of the quality and importance of Exeter. Those standards are reflected in the Regulations set out in Appendix 3 of this Policy.
- 1.16. The Policy will be subject to regular review and amendments may be made from time to time based upon any relevant government guidance, changes to legislation or local circumstances.

2 LEGAL BACKGROUND

The Local Government (Miscellaneous Provisions) Act 1982

- 2.1. Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) established a licensing regime for two categories of sex establishment, namely sex cinemas and sex shops.
- 2.2. The Policing and Crime Act 2009 amended the Act to create a new category of sex establishment known as the sexual entertainment venue. In brief, these are venues offering live performance or displays of nudity for the purposes of sexually stimulating any member of the audience. The Council adopted these provisions with effect from 3 September 2012 with the consequence that SEVs are now licensable in Exeter. The legislation does not confer “grandfather rights” on existing licensed premises. This enables the Council to take a fresh look at sex establishment licensing in Exeter, having regard to the principles in the legislation and all other material considerations.

Definitions

- 2.3. For the purpose of the Policy, the following definitions will apply, provided that any subsequent amendments to the Act will also be taken into account:

2.4. **Sex Shop**

Any premises, vessel, vehicle 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

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.

2.5. Sex Article

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 anything to which the sub-paragraph below applies.

This 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.

2.6. Sex Cinema

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.

No premises shall be treated as 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 to 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; 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 the Cinemas Act 1985

2.7. Sex Entertainment Venue

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer 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),

- a) “audience” includes an audience of one
- b) “relevant entertainment” means any live performance or any live display of nudity;
- c) “display of nudity” means—
 - i. in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
 - ii. in the case of a man, exposure of his pubic area, genitals or anus;
- d) “premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted

The following are not sexual entertainment venues for the purposes of the legislation—

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in subparagraph (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 subparagraph (i));
- (c) premises specified or described in an order made by the relevant national authority.

- 2.8. The legislation provides both mandatory and discretionary grounds for refusal. The Council's approach in relation to these grounds is set out in Sections 6 and 7 of this Policy respectively. The legislation also provides discretion to the Council to waive the need for a licence. The Council's policy in relation to waiver is set out in Section 9 below.
- 2.9. In addition, there are a number of other legal requirements which are relevant to the licensing of sex establishments and which the Council must take into account.

Provision of Services Regulations 2009

- 2.10. The services of a sex establishment are likely to amount to services within the Provision of Services Regulations 2009. The authorisation scheme provided for by a competent authority must be based on criteria which preclude the Council from exercising its licensing powers in an arbitrary manner. To this end, the criteria must be:
- (a) non-discriminatory (with regard to nationality or an EEA state),
 - (b) justified by an overriding reason relating to the public interest,
 - (c) proportionate to that public interest objective (that is to say, it must not go beyond what is necessary to attain the objective),
 - (d) clear and unambiguous,
 - (e) objective,
 - (f) made public in advance, and
 - (g) transparent and accessible.
- 2.11 Further, conditions ought not to be imposed unless they are non-discriminatory, necessary in that the condition is justified for reasons of public interest and proportionate.
- 2.12 The Council is satisfied that the decision to adopt the legislation and this Policy is fully compliant with the provisions of the Regulations.

Crime and Disorder Act 1988

2.13 The Council is obliged to exercise its sex establishment licensing functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area, including anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances. Where there is evidence that a premises is contributing to anti-social behaviour the Council has a duty to use its licensing powers to do all it reasonably can to prevent it.

2.14 The Council has had regard to this duty in formulating this Policy.

Human Rights Act 1998

2.15 This Act requires the Council to refrain from acting incompatibly with rights protected by the European Convention on Human Rights. These include:

- Article 8: protects the right to a private and family life, home and correspondence. The right is qualified in that there may be interference when this is in accordance with the law and necessary in a democratic society in the interests of (among other things) public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others.
- Article 10: protects the right to freedom of expression, including artistic expression. This right is also qualified, in that it is subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests (among other things) of public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the reputation or the rights of others.
- Article 1, First Protocol: protects the peaceful enjoyment of possessions. It states that no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law. The right is qualified in that the Council has the right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

2.16 In adopting this Policy, the Council has taken account of the human rights of operators and of local residents.

Equality Act 2010

2.17 This Act requires the Council to have due regard to the need to:

- (a) eliminate discrimination, harassment, and victimisation;
- (b) advance equality of opportunity between (among other things) persons of different race or sex and persons with and without disabilities; and to
- (c) foster good relations between persons of different race, sex or ability. In this case, those persons might be workers at or visitors to sex establishments, or those living in, working in or visiting the vicinity.

2.18 The Council acknowledges that gender equality may have an influence on decisions in sex establishment licensing. For example, it may be necessary to attach conditions to protect performers from harassment or any threat to their dignity by requiring proper supervision and facilities. By way of further example, there should be no suggestion allowed that one gender would be any more welcome than another in licensed premises.

2.19 There are no parts of Exeter which could currently be described as characterised by sex establishments. This Policy militates against such a situation arising but the Council acknowledges that such a situation might amount to discrimination where the access to the city's infrastructure by one gender might be impaired in comparison to that of another through fear of the characterisation of the location. This consideration will be taken into account in any decision making.

2.20 There are further considerations to be taken in to account in relation to religion, belief and disability which will need to be duly weighed in any decision making.

2.21 The Council has had regard to these duties in formulating this Policy.

3 POLICY BACKGROUND

- 3.1. In formulating this Policy, the Council has had regard to Home Office Guidance regarding SEVs and to complementary policies of the Council, in so far as these are relevant.

Home Office Guidance

- 3.2. The Home Office has published *Guidance in Relation to Sexual Entertainment Venues*. As to local licensing policies, the Guidance advises that these might include statements about where local authorities are likely to consider appropriate or inappropriate locations for SEVs to be. This could be set out in general terms by reference to a particular type of premises, such as a school or place of worship, or more specifically, by reference to a defined locality. The Guidance also indicates that local authorities could also use a licensing policy to indicate how many sex establishments, or sex establishments of a particular kind, they consider to be appropriate for a particular locality.
- 3.3. The Council has followed the Guidance in drawing up this Policy.

City Centre Strategy

- 3.4 A new City Centre Strategy is currently being developed, with publication of the Strategy expected in Autumn 2013. A core aim will be to deliver a vibrant, welcoming and safe evening and night-time economy. The evening and night-time economies have grown significantly over recent years and a key aim will be to ensure that the City Centre in the evening and at night is a welcoming place for a very broad cross-section of the population. The City Centre cafe culture has grown exponentially over the last decade and an aim is to see further growth for the evening and night-time period over the next 5-10 years.**

Cultural Strategy

- 3.5 The Council's is about to produce an interim Cultural Strategy. A key part of the strategy will include the aim to improve the quality of the cultural offering to a wider range of audiences, and to remove barriers in order to encourage more people to be part of the night time economy.

Local Development Framework: Core Strategy

- 3.6 Where planning permission is required for a proposed sex establishment the City Council will consider the advice in the National Planning Policy Framework, the Exeter Core Strategy adopted February 2012 and the Exeter Local Plan 1st Review adopted March 2005 as well as other material considerations.
- 3.7 One of the aims contained in the Core Strategy is to provide and enhance retail, cultural and tourist facilities in the City Centre that reflect and enhance Exeter's regional and sub-regional status and sphere of influence, that add to economic growth, that build social cohesion, and that promote vitality and viability; and continue to enhance the Quay and Canal area as a centre for tourism and recreation.
- 3.8 Completion of the Princesshay development in 2007/2008 has strengthened Exeter's retail 'offer'. It is, however, in the nature of retailing that the relative attractiveness of a shopping centre will be challenged continually by competitors from elsewhere and from out-of-town development. The Local Development Framework must, together with the City Centre Strategy, ensure that the status of Exeter as a retail destination is maintained and enhanced.
- 3.9 The Council has had regard to these broad strategic aims, so far as relevant, in the development of this Policy, and feels that the presence of SEV's and sex cinemas within the city centre is not compatible with these broad aims.

4 PUBLIC CONSULTATION

- 4.1. In developing this Policy, the Council conducted an extensive public consultation, involving an on-line survey and a postal survey. In total, there were 169 responses. The results of these surveys have helped to inform the content of the Policy.
- 4.2. The survey questionnaire dealt substantively with the requirement or otherwise for a policy for SEVs. Respondents were asked to indicate whether their answers would have differed in relation to the other categories of sex establishments and most indicated that they would not: sex cinemas (86%) and sex shops (72%). However, in relation to sex shops, there were a sizeable number of respondents who felt that the retail nature of such allowed this type of sex establishment to be viewed in a more acceptable light than those sex establishments providing entertainment.
- 4.3. The survey showed strong support for having an SEV policy, with (92%) of respondents supporting adoption.
- 4.4. There was support for SEV policies dealing with: the suitability of the applicant (76%); character of localities for the location of sex establishments (67%); and compatibility with neighbouring uses (67%). There was also support for a policy dealing with the interior layout of the venue (61%).
- 4.5. Respondents were asked whether there were any localities within the Exeter which were appropriate for SEVs. Few of those responding found that the character of any locality would be highly suitable for an SEV and in the case of each locality the majority found that the character would be highly unsuitable.
- 4.6. The consultation revealed that most respondents considered SEVs to be highly incompatible with certain neighbouring uses: educational (82%); places of worship (84%); family leisure facilities such as cinemas (82%); residential (83%); galleries and museums (73%), and youth facilities (83%). There was a more even split as to financial institutions (60%) saying incompatible; and shops (65%) saying incompatible. Respondents were more evenly split on the compatibility of public houses and bars with SEVs with 55% saying highly incompatible.

- 4.7 The issues of locality and juxtaposition were not the only issues considered to be important by respondents in deciding whether or not to grant a licence. Large majorities considered the following issues to be very or fairly important: the ability to properly manage activities off the premises such as customers entering or leaving (72%); the ability to supervise (73%); disabled access (59%), and the quality of the venue (63%).
- 4.8 The Council has taken due account of these community views, particularly where they reveal strong support for (or against) a particular position.

5 APPLICATIONS

5.1. The Council's policy in respect of applications is as follows:

POLICY 1: PROCEDURE FOR APPLICATIONS

(1) Applicants for new licences, renewals and transfers will be required to complete the application form at Appendix 1 to this Policy. If the application form is not duly completed or the fee is not paid, the application will be returned to the applicant.

(2) A site notice shall be displayed in the form set out at Appendix 2 to this policy. The site notice shall be on yellow A4-sized paper with black 16 point font. The applicant will be required to enclose a copy of the site notice with the application form. The applicant will be required to file with the Council a statutory declaration confirming display of the site notice for the period required by Schedule 3 paragraph 8(10) of the Local Government (Miscellaneous Provisions) Act 1982.

(3) The newspaper advertisement of the application shall be in the form and of the size set out in Appendix 2 to this Policy. A copy of the newspaper shall be filed with the Council as soon as practicable after publication.

5.2. The Council's policy in respect of the procedure for consideration of applications is as follows:

POLICY 2: PROCEDURE FOR CONSIDERATION OF APPLICATIONS

The Council has a responsibility to consider whether the mandatory or discretionary grounds for refusal apply whether or not there have been objections to the application. To this end it will:

(1) Require completion of a detailed application form.

(2) Consider the application form and require the applicant to supply any necessary further information.

(3) Interview the applicant. The interview will normally be conducted by a Licensing Officer.

- (4) Conduct an inspection of the premises by a Licensing Officer.**
- (5) Make such further checks and inquiries as are considered necessary.**
- (6) Convene a hearing of the Licensing Committee for the purposes of consideration of the application and any objections.**
- (7) Notify the applicant and any objectors of any information or documents they will be required to produce, whether before or at the hearing.**
- (8) Require all applicants, partners or directors, together with the proposed manager of the premises and any person for whose benefit the business will be carried on, to attend the hearing, unless notified otherwise.**
- (9) Require a report by Assistant Director Environment to be presented to the Licensing Committee, which may contain recommendations.**

A hearing will be convened for all new applications and transfer applications, whether or not there have been objections.

Applications for renewal will be decided by Assistant Director Environment unless there have been objections or there is some other reason why the matter ought to be considered by the Licensing Committee.

The procedure for hearings shall be determined by the Licensing Committee. A copy of the procedure will be published on the Council's website and is included as Appendix 4.

6 MANDATORY GROUNDS FOR REFUSAL

6.1. The Local Government (Miscellaneous Provisions) Act 1982 provides mandatory grounds for refusal. These are:

(a) that the applicant is under the age of 18;

(b) that the applicant is for the time being disqualified from holding a licence;

(c) that the applicant is not a body corporate and 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;

(d) that the applicant is a body corporate which is not incorporated in an EEA state;

(e) that the applicant has, 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.

6.2 The Council's role in relation to the mandatory grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.

POLICY 3: MANDATORY GROUNDS FOR REFUSAL

The Council will proactively investigate whether any mandatory grounds for refusal apply, by following the procedures set out in Policies 1 and 2.

7 DISCRETIONARY GROUNDS FOR REFUSAL

- 7.1. The Local Government Act 1982 provides discretionary grounds for refusal. These are:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of a criminal 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 at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality. (For this purpose, nil may be an appropriate number.)*
 - (d) that the grant or renewal of the licence would be inappropriate, having regard —*
 - (i) to the character of the relevant locality; or*
 - (ii) to the use to which any premises in the vicinity are put; or*
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.*
- 7.2 *Applications for transfer may not be refused on the grounds in (c) and (d) above. Other than that, all the policies in relation to the discretionary grounds for refusal apply to new grant, renewal and transfer applications.*
- 7.3 *The Council's role in relation to the discretionary grounds for refusal is to put itself in a position to judge whether any of the grounds apply. Its policy in this regard is as follows.*

POLICY 4: DISCRETIONARY GROUNDS FOR REFUSAL

- (1) The Council will proactively investigate whether any discretionary grounds for refusal apply, by following the procedures set out in Policies 1 and 2.**
- (2) Each discretionary ground for refusal will be separately and individually considered, having regard to Policies 5-10 below. If any ground applies, the application will be refused.**

7.4. The Council's policy for consideration of the suitability of the applicant is as follows:

POLICY 5: SUITABILITY OF APPLICANT

(1) In considering whether the applicant is suitable to hold a licence, the Council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:

(a) has convictions which are relevant to his suitability to hold the licence, the age of the conviction and any explanation given regarding the circumstances of the conviction or rehabilitation undergone. Spent convictions will be taken into account only where justice cannot be done except by admitting evidence relating to the convictions or the surrounding circumstances;

(b) is honest;

(c) is qualified by experience to run a sex establishment of the size and nature he is proposing to run;

(d) demonstrates an understanding of and willingness and ability to comply with the Council's general sex establishment licence conditions;

(e) can be relied upon to run the premises in accordance with the licence and with the requirements of the Local Government (Miscellaneous Provisions) Act 1982;

(f) can demonstrate a history of compliance in relation to this or other premises and licensing or other regulatory regimes;

(g) is proposing to run the premises himself or to employ others to do so;

(h) is proposing a management structure which will deliver compliance with licence conditions and the Local Government (Miscellaneous Provisions) Act 1982 through:

(i) managerial competence and experience;

(ii) presence of managers throughout trading hours;

(iii) a credible and effective management structure;

(iv) a system for internal enforcement of rules including through training and monitoring of staff and performers;

(v) a viable business plan providing sufficient capital and revenue to ensure that licensing and other legal obligations will be observed.

(i) demonstrates an understanding of and willingness and ability to act in the best interests of performers, including in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored;

(j) has developed a thorough written welfare policy for performers and a system of enforcement of such a policy;

(k) has a competent written system for ensuring that the performers are adults and are entitled to live and work in the UK;

(l) demonstrates a willingness and ability to protect members of the public visiting the premises, for example through transparent charging and freedom from solicitation;

(m) demonstrates an understanding of the requirements of good neighbourliness and is willing and able to engage constructively with those living or working in the locality and with relevant statutory authorities.

7.5. The Act also permits refusal on the grounds that the person who will actually be managing the business or any person for whose benefit the business would be managed, would be refused a licence, whether under one of the mandatory or discretionary grounds for refusal. The Council's policy is as follows:

POLICY 6: SUITABILITY OF MANAGER OR BENEFICIARY

(1) The Council will require the applicant to identify the proposed manager(s) or beneficiary(s) of the business.

(2) In considering whether those individuals would be refused a licence the Council will apply Policies 1-5 above, treating those individuals as though they were applicants for the licence so far as it is relevant to do so.

7.6. The Council may refuse a licence on the grounds that the number of sex establishment licences is equal to or exceeds the number which the authority consider is appropriate for that locality. The concept of "locality" is elastic, particularly in small but urbanized areas.

Hence, the Council has decided not to pre-define localities with precision for the purposes of this policy. However, in considering its policy, the Council has considered each and every part of the City of Exeter in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.

- 7.7. In deciding whether and if so what policy to adopt in relation to this discretionary ground, the Council has taken into account the matters set out in Sections 2 – 4 above. It has principally been influenced by the following considerations.
- 7.8. First, the public consultation revealed that a large majority of respondents in the City of Exeter consider that sex establishments are inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. The Council agrees that these uses are sensitive and that sex establishments are generally not appropriate near to them.
- 7.9. Second, the public consultation indicated that of 115 respondents specifying localities within the City of Exeter boundaries that are appropriate for sex establishments, 107 specified that the number in such localities should be zero. When respondents were asked to identify a locality which they considered suitable and to specify a number, no locality was named by more than 2% of respondents. The Council concludes that there is no locality for a sex establishment which is supported by more than a very small percentage of consultation responses.
- 7.10. Third, the Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2012 – 2014 Building a Stronger and Sustainable City. The Council believes that sex establishments are:
- (a) not consonant with a culturally rich and diverse City, in particular in that they tend not to be inclusive facilities, appeal to only a narrow sector of the community, and are unlikely to enhance the cultural reputation of the City of Exeter;
 - (b) are (while not excluding women) generally unattractive environments for women workers to attend and so tend to discriminate against such workers;
 - (c) inconsistent with goals of community cohesion, particularly having regard to the sensitivities of children, and the fears and sensitivities of women workers, residents and visitors.
- 7.11. Fourth, in relation to SEVs, the Council has also had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality in the City of Exeter will not advance equality of opportunity of women

workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for performers. However, it also recognizes that those working in SEVs are often peripatetic and self-employed, and so will retain the opportunity to find employment as performers at other venues or in other roles in the leisure industry. The Council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.

- 7.12. Fifth, in relation to existing sex establishments, since their opening the City Centre offering has been enhanced both in terms of the quality of its retail offering and in terms of its cultural offering
- 7.13. The Council considers that the Policy is clearly necessary, proportionate and justified within the Provision of Services Regulations 2009 and the Human Rights Act 1998.
- 7.14. The Council has disregarded any moral consideration in formulating this Policy. It has also taken account of the possibility that some of the consultation responses may have been motivated by moral considerations.

POLICY 7: THE NUMBER OF SEX ESTABLISHMENTS

The Council's Policy is that there is no locality within Exeter in which it would be appropriate to license an SEV or a sex cinema. Accordingly, the appropriate number of these categories of sex establishments for each and every locality within Exeter is nil. The Council's Policy is that there are currently two localities in which it is appropriate sex shop and these are the localities surrounding the existing licensed premises in Fore Street and Sidwell Street. Accordingly, the appropriate number of sex shops for each of these localities is one.

- 7.15. The Council may refuse a licence on the ground that it would be inappropriate having regard to the character of the relevant locality. The Council's Policy as to this ground of refusal has been formulated in particular by a consideration of the material set out in sections 2-4 above.

POLICY 8: CHARACTER OF LOCALITY

(1) The Council's Policy is that sex establishments are unsuitable uses in localities whose character is, or is significantly, one or more of the following:

- i. educational;
- ii. residential;
- iii. religious;
- iv. family leisure.
- v. late night entertainment and shopping

(2) In other cases, the question of the appropriateness of the sex establishment having regard to the character of the locality will be considered on the merits of the individual case.

(3) In considering the character of the locality, the Council will have regard to the impact of the proposed sex establishment on that character, taking account of size, presentation, location, lighting, trading name and all other material factors.

(4) In considering such impact, the Council will not grant a licence where the exterior façade of the premises includes images (whether photographic or graphic) or text indicating or referring to the nature of the proposed licensed activity, save as specifically required or permitted by licence conditions;

7.16 Will not normally grant premises operating at or whose façade is at ground floor level.

7.17 The Council may refuse a licence on the ground that it would be inappropriate having regard to the use to which any premises in the vicinity are put. In deciding upon its policy as to this ground of refusal, the Council recognises the various conflicting pressures for development and land use within the City of Exeter and has attempted to strike a balance between them. The Council's policy has been formulated in particular by a consideration of the material set out in sections 2-4 above.

POLICY 9: VICINITY

(1) The Council will not normally grant a licence where any premises within the vicinity are used for the following:

- (a) school;**
- (b) place of worship;**
- (c) family leisure;**
- (d) domestic residential buildings;**

- (e) important historic buildings;**
- (f) youth facilities;**
- (g) important cultural facilities.**

(2) In other instances, the Council will consider this ground of refusal on the merits of the individual case.

(3) The precise extent of vicinity will be determined in the light of the precise location of any application and any representations made in response thereto.

(4) In deciding whether such premises are in the vicinity of the application site, the Council will not use a pre-determined distance, but will consider each case on its individual merits, and will take account of its local knowledge where appropriate. In determining the issue, it will take account of:

- (a) distance,**
- (b) intervisibility,**
- (c) linkages between them, including whether the premises and application site are connected by well-used walking routes;**
- (d) any visual or physical barriers between them.**

(5) In considering the application of this policy to domestic residential buildings, the Council will take into account the number of such buildings, their density, their primary use, the number of dwelling units they comprise and their distance from the application site.

7.18 The Council may also refuse a licence on the ground that it would be inappropriate having regard to the layout, character and condition of the premises. In applying this ground, the Council will take into account a wide range of considerations, including the accessibility of the premises, protection of the public, prevention of crime and disorder, and maintenance of the quality, fabric and tourist and business reputation of City of Exeter. It has also taken account of the material set out in sections 2-4 above.

(1) The Council expects premises licensed as sex establishments to achieve a high quality of build, appearance, maintenance and fit out in keeping with the standards and reputation of Exeter.

(2) The Council expects applicants to give due consideration to the fear of crime, intimidation and harassment particularly among female residents and workers in the vicinity, and so provide a quality and style of built environment which protects against such fear.

(3) The Council expects all parts of the premises to be fully accessible to disabled people.

(4) The Council expects the premises to be laid out and lit so as to ensure that there is at all times proper supervision and surveillance throughout.

(5) The Council expects a digital CCTV system to operate at all times when the public are on the premises; extent and coverage to be agreed the Office of the Assistant Director Environment. All recordings shall be stored for a minimum of 31 days with date and time stamping. Recordings will be made available upon request to the police or an authorised officer of the Council in accordance with current Home Office Guidance.

(7) The Council expects dedicated, secure, private, single sex changing rooms, rest rooms and WCs for performers which are inaccessible to members of the public.

(5) The Council's policy is to refuse private booths.

In this policy "private booth" means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.

8 REGULATIONS

- 8.1. The Council has made regulations prescribing standard conditions applicable to sex establishments as set out in Appendix 3 to this Policy. In doing so, it has had particular regard to the matters set out in sections 2 and 3 above. Its policy in relation to such conditions is as follows.

POLICY 11: STANDARD CONDITIONS

(1) The Council will apply the Standard Conditions unless such conditions are expressly excluded or varied.

(2) The Council will only vary or exclude the Standard conditions in exceptional circumstances.

(3) In deciding whether the circumstances are exceptional, the Council will consider the purpose of the condition and whether that purpose would be advanced in equal manner if it were varied or excluded.

- 8.2. The Council may also add conditions in individual cases. Its policy in relation to the exercise of that power is as follows:

POLICY 12: INDIVIDUAL CONDITIONS

(1) The Council will add individual conditions where this is considered necessary and proportionate.

(2) Prior to refusal of a licence, the Council will consider whether the proposed reason for refusal may be avoided by the imposition of conditions.

(3) The Council will in general avoid adding conditions which are already conditions on a separate consent, such as a premises licence under the Licensing Act 2003 or a planning consent.

(4) Before adding conditions, the Council will notify the applicant of the proposal to add conditions and give an opportunity for the applicant and any other party to make submissions as to the proposal.

9 WAIVER

- 9.1. The Council has power to waive the requirement for a licence where it considers that to require a licence would be unreasonable or inappropriate. In deciding whether to exercise its discretion to waive the requirement for a licence, the Council will apply the following policy.

POLICY 13: WAIVER

The Council's policy is to grant waivers only when all of the following conditions are satisfied:

- (1) The waiver is sought in respect of a temporary event.**

- (2) The event does not consist of striptease, lap-dancing, pole dancing or similar activities.**

- (3) If an application for a licence were to be made, the application would not, in the opinion of the Council, be likely to attract any reasonable objections.**

10 **ENFORCEMENT**

- 10.1. The Council will conduct enforcement activities in relation to sex establishment licences according to the principles set out in the Exeter City Council Environmental Health Services Enforcement Policy. A copy of the Enforcement Policy may be obtained from the Council upon request, and is also obtainable from the Council's website.

11 FEES

- 11.1. The Council will set fee levels for grants, variations, renewals and transfers of licences. Details of such fee levels will be published on its website.

APPENDIX 1

Application Form

Application for grant, renewal or transfer of sex establishment licence pursuant to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982.

IMPORTANT NOTES

(1) All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.

(2) Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect or which he does not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

(3) Please send the completed application form to The Licensing Team Exeter City Council Civic Centre Paris Street Exeter EX1 1JN.



Exeter City Council

ENVIRONMENTAL HEALTH SERVICES

APPLICATION FOR A LICENCE FOR A SEX ESTABLISHMENT.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART II SCHEDULE 3.

All applicants are required to send with this application two plans showing the premises or part of the premises to be licensed.

The fullest possible information must be given in answer to each question.

1. Individuals and others e.g. body corporate Application is hereby made and the necessary fee enclosed (tick where appropriate).					
(a) For a Sex Cinema	Tick	(b) For a Sex Shop	Tick	(c) For a Sex Entertainment Venue	Tick
New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>	New Licence	<input type="checkbox"/>
Transfer of licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>	Transfer of Licence	<input type="checkbox"/>
Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>	Renewal of Licence	<input type="checkbox"/>

2. Individuals only

Full Names of Applicant:

Date of Birth:

Occupation:
(During preceding six months)

3. Individuals only

Permanent Address:

.....

.....

.....

Telephone No: Post Code:

<p>4. Individuals only Has the applicant been resident in the U.K. throughout the six months preceding the date of this application ?</p>	
<p>5. Individuals and others e.g. body corporate Name, description and location of premises to which this application relates. Telephone No:</p>	
<p>6. Individuals only Address(es) at which applicant has been residing during the five years preceding the date of this application</p>	
<p>7. Body Corporate/others Name of applicant body, state whether a corporate or unincorporated body.</p>	
<p>8. Body Corporate/others Address of registered or principal office.</p>	
<p>9. Body Corporate/others Full names, ages and private addresses of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment. Have the persons so named been resident in the U.K. for at least the past six months?</p>	

<p>10. Body Corporate/others</p> <p>Full names, ages and private addresses of all persons for whose benefit the business at the sex establishment is proposed to be conducted, i.e. if the applicant is a body corporate, give names and addresses of members of the body and if the applicant is an unincorporated body or an individual, give names and addresses of persons who will receive the proceeds of the business.</p> <p>Have the persons so named been resident in the U.K. for at least the past six months ?</p>	
<p>11. Individuals and others e.g. body corporate</p> <p>Name, private address and age of any other person(s) who will be engaged in managing the premises ?</p>	
<p>12. Individuals and others e.g. body corporate</p> <p>If the premises are not open between 9.00am and 4.00pm, state name, address and telephone number of persons responsible for keys to the premises.</p>	
<p>13. Individuals and others e.g. body corporate</p> <p>If only part of the building is to be licensed, give details:-</p> <p>(a) Of the use (s) to which the remainder of the premises will be put:</p> <p>(b) The names of those who are responsible for the management of the remainder of the premises:</p>	
<p>14. Individuals and others e.g. body corporate</p> <p>What hours and days do you require the licence to cover?</p>	

<p>15. Individuals and others e.g. body corporate</p> <p>Will any part of the premises be used for the exhibition of moving pictures ?</p>	
<p>16. Individuals and others e.g. body corporate</p> <p>If this application relates to a vehicle, vessel or stall, state where it is to be used as a sex establishment.</p>	
<p>17. Individuals and others e.g. body corporate</p> <p>Are the premises or the vehicle, vessel or stall to be used as a sex shop or a sex cinema or both?</p>	
<p>18. Individuals and others e.g. body corporate</p> <p>Give full details of the ownership of the premises (or the vehicle, vessel or stall) including details of leases, tenancies, mortgages, licences and any other interests.</p>	
<p>19. Individuals and others e.g. body corporate</p> <p>Give full details of the type of business to be conducted at the establishment. If it is to be a sex shop, what types of goods are to be sold ? If it is to be a cinema what types of moving pictures are to be exhibited ?</p>	
<p>20. Individuals and others e.g. body corporate</p> <p>Full name and private address of registered offices of major suppliers of goods to be sold, displayed or exhibited at the sex establishment.</p>	

<p>21. Individuals and others e.g. body corporate</p> <p>Do any persons or companies who supply articles for sale at the premises to which this application refers have any interest in the ownership or management of the business for which a licence is sought ?</p>			
<p>22. Individuals and others e.g. body corporate</p> <p>Give date and name of newspaper in which public notice of this application is to be made.</p>			
<p>23. Individuals and others e.g. body corporate</p> <p>Give the names and addresses of two referees, none of whom shall be related to the applicant, the partners, the directors, or the secretary, neither should they be a fellow director, partner or the secretary. The referees should be either an M.P., J.P., Minister of Religion, City Councillor, Lawyer, Bank Officer, School Teacher, Police Officer or other person of a similar standing.</p>			
<p>24. Individuals and others e.g. body corporate</p> <p>In respect of each of the persons or bodies whose names are given in response to questions 2, 9, 10 and 11, give details of their previous convictions and of any previous convictions of their spouses.</p>			
NAME	COURT	OFFENCE	RESULT

I/We enclose the required fee of £

(cheques should be made payable to
EXETER CITY COUNCIL).

I/We confirm that the notice of this application in the form prescribed by the Exeter City Council will be published in a local newspaper circulating in Exeter not later than seven days after the date of this application and that such notice will be displayed for the period of twenty-one days beginning with the date of this application or near the premises and in a place where the notice can be conveniently be read by the public.

I/we confirm that a copy of this application will be sent to the Chief Superintendent of Police at Heavitree Road Police Station, Exeter, after the date of this application.

I/We understand that if any of the information given above is false in any material respect, I/We may be guilty of an offence for which I/We may be liable to a fine of up to £20,000.

Applicant's Signature:

.....
(or representative of applicant body)

Date:

APPENDIX 2

SITE NOTICE AND NEWSPAPER ADVERTISEMENT

For site notices, this notice must be printed on yellow A4 paper in Black 16 point Font.

For newspaper advertisements the advertisement must be at least the size set out below.

APPLICATION FOR A SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

PART II SCHEDULE 3.

NOTICE IS HEREBY GIVEN THAT I/WE (full names)

.....

APPLIED ON (date).....

TO THE EXETER CITY COUNCIL IN RESPECT OF THE PREMISES KNOWN AS:

.....

.....

UNDER THE PROVISIONS OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART H, SCHEDULE 3. FOR A LICENCE TO USE THE PREMISES AS A SEX SHOP / SEX CINEMA./SEX ENTERTAINMENT VENUE

ANY OBJECTIONS TO THIS APPLICATION MUST BE SENT IN WRITING TO:

**ASSISTANT DIRECTOR ENVIRONMENT
ENVIRONMENT DIRECTORATE
EXETER CITY COUNCIL
CIVIC CENTRE
EXETER
EX1 1RQ**

NOT LATER THAN 28 DAYS AFTER THE DATE OF THIS APPLICATION, STATING THE GROUNDS OF OBJECTION. THE IDENTITY OF OBJECTORS WILL NOT BE REVEALED TO APPLICANTS UNLESS THE OBJECTORS SO AGREE IN WRITING.

(SIGNATURE OF APPLICANT).....

ADDRESS).....

.....

NOTE: THIS FORM IS RECOMMENDED FOR THE TEXT OF A NEWSPAPER ADVERTISEMENT FOR THE PURPOSES OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART II, SECTION 3.

APPENDIX 3

STANDARD CONDITIONS

Regulations prescribing standard conditions applicable to licences for sexual entertainment venues

Made on the

Coming in to force on the

The Council makes these regulations pursuant to Schedule 3 paragraph 13 of the Local Government (Miscellaneous Provisions) Act 1982.

Definitions

1. In these Regulations, unless the context otherwise requires:
 - a) “the Code” means the Code of Conduct required under condition 26 below.
 - b) “Council” means Exeter City Council.
 - c) “Officer” means any person authorised in writing by the Council.
 - d) “Customer” means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
 - e) “Licensable activities” means the activities permitted by the Sex Establishment licence.
 - f) “Licensee” means the holder of a Sex Establishment licence under the Local Government (Miscellaneous Provisions) Act 1982.
 - g) “Other contact of a sexual nature” means contact which can reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
 - h) “Premises” means the premises licensed as a Sex Establishment.
 - i) “Private booth” means a room, cubicle or other area used for private performance to individual paying customers or groups of customers, other than where the booth is fully and completely open on one side so that activities within it may at all times be clearly and readily supervised

from a main gangway through the premises and so that at all times activities within it are recorded by fixed and dedicated CCTV cameras.

j) "Rules for Customers" means the Rules required under condition 42 below.

k) "Sexual Entertainment Venue" shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.

l) "Staff" means all those working at the premises whether employed or self-employed, including performers and door supervisors.

m) "Unclothed" means when breasts and/or genitals and/or anus are fully or partially uncovered. For this purpose "partially uncovered" includes being covered in a transparent material.

General – Sex Establishments

2. Every Sex Establishment licence granted, renewed or transferred by the Council shall be subject to the standard conditions set out in these Regulations unless they have been expressly excluded or varied by the Council.

3. a) These conditions or any of them may be excluded or varied by the Council in any special case.

b) Any such exclusion or variation may be given unconditionally or on such terms and conditions and subject to such restrictions as the Council thinks fit.

c) If the licensee wishes any of these conditions to be excluded or varied, an application must be made to the Council pursuant to Schedule 3 paragraph 13(4) of the Local Government (Miscellaneous Provisions) Act 1982.

4. These conditions may be varied by further Regulation at any time.

5. In the event of any conflict between a condition contained in these Regulations and an individual condition contained in a Sex Establishment licence, the individual condition shall prevail.
6. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
7. The premises shall be maintained in accordance with the layout plan and front elevation plan approved by the Council and appended to the licence.
8. Private booths shall not be installed or used for sexual entertainment at any time.
9. The premises shall not be used for licensable activities before or after the hour specified in the licence for such activities.
10. The premises shall not afford public access to any other premises.
11. The licensee shall notify the Council as soon as is reasonably practicable, and in any event within ten working days, of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a licence, or its renewal or variation as the case may be.
12. The premises may not be used as any other category of Sex Establishment other than as provided for in this licence.

Management

13.
 - a) At all times that the premises are open to the public the premises shall be supervised by a manager who is present on the premises and engaged in such supervisory activities.
 - b) A notice showing the name of the manager who is supervising the premises at any particular time shall be conspicuously displayed in a position where it can easily be seen by customers or officers on entering the premises.
 - c) The licensee shall ensure through training and monitoring that the manager understands the licence conditions, including the conditions set out in these Regulations and all Codes and Rules referred herein.
 - d) The licensee shall ensure that all managers are trained pursuant to paragraph c above before they first carry out management duties at the premises.
 - e) Ongoing training shall be provided for managers as appropriate.
 - f) A written record shall be kept in relation to training and monitoring of each officer pursuant to this condition.
 - g) In this condition “manager” means a person over the age of 18 whose identity has been notified to the Council in writing at least 10 working days before engaging in supervisory activities pursuant to this condition.
16. All areas used for licensable activities shall be supervised at all times so as to ensure compliance with the conditions of the licence.

Age controls

17. No person under the age of 18 shall be admitted to any part of the premises at any time or be employed in the business of the Sex Establishment.

Exterior of premises

18. The following matters and no other shall be displayed on the outside of the premises:
 - a) The name, style or title as approved by the Council.
 - b) The words "Licensed Sex Establishment" in characters no higher than 10cm.
 - c) The opening hours of the premises.
 - d) The street number, where appropriate.
 - e) A notice stating: "No admittance to persons under 18 years of age".
 - g) Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Council.
19. The entrance and windows of the premises shall be so arranged that no person shall be able to see into the premises from outside.

Welfare of staff

20. No member of staff shall work at the premises until they have supplied:
 - i. proof of age;

- ii. evidence of a right to work in the UK;
- iii. an official proof of identity such as passport or driving licence.

21. The licensee shall copy and retain on file the documents and other evidence required by condition 30 which shall be available for inspection by police officers and Licensing Officers at all times.

Marketing of licensable activities

22. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the Council's area:
- a. personal solicitation, including on foot or from vehicles;
 - b. leafleting;
 - c. fly-posting;
 - d. handouts;
 - e. externally displayed advertisements, such as on billboards or cars.
23. No commission or gratuity whether in cash or kind shall be paid nor any other incentive offered to taxi or minicab drivers for bringing customers to the premises.

Disabled people

24. All parts of the premises which are open to the public shall be accessible to disabled people save for WC facilities where there are other WC facilities specially designated for use by disabled people.

Sex Entertainment Venues Only

Conduct of Performers and Customers

25. a) The licensee shall provide to the Council a Code of Conduct for performers and any amended Code operated by the licensee from time to time and Rules for Customers.
- b) The licensee shall ensure that all performers are trained in the Code of Conduct and the Rules for Customers before they first perform at the premises.
- c) Ongoing training shall be provided for performers, as appropriate.
- d) A written record shall be kept in relation to such training.
- e) Copies of the Code of Conduct and Rules for Customers shall be prominently displayed in the performers' rest room and changing room.
26. a) At no time may any member of a staff other than a performer be unclothed.
- b) At all times during the performance the performer must be at least 1 metre from the customer or, where more than one customer, each of them.
- c) Prior to the performance or at the completion of the performance there may only be hand to hand payment for the performance.
- d) At no time except during the performance may a performer be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking donations for a performance.
- e) No member of staff may at any time (and whether or not performing):
- i. sit or lie on the lap or any other part of any customer;
 - ii. kiss, stroke, fondle, caress or embrace any customer;

- iii. straddle any customer;
- iv. engage in any other contact of a sexual nature with any customer;

f) No performance may include:

- i. the use of sex articles or similar objects;
- ii. the touching by performers of their own sexual organs;
- iii. contact between performers;
- iv. participation by members of the audience;
- v. performance to standing customers except from a segregated, raised stage area.

27. a) No solicitation for sexual purposes shall take place on the premises.

b) The licensee shall ensure that no telephone number, residential address, email address or other information that may facilitate further contact between performers and customers is conveyed on the premises.

28. The licensee shall devise, implement and maintain a system of monitoring, recording and enforcement to ensure that the Code of Conduct and Rules for Customers are observed by performers and customers at all times. Records of such monitoring, recording and enforcement shall be maintained and disclosed to Police and Licensing Officers upon request.

29. The licensee shall devise, institute and maintain a policy for prevention of use of the premises for the taking of illegal drugs, whether by staff or customers. The policy shall include regular checks of the premises for evidence of drug use. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and records of checks and monitoring shall be available for inspection at all times by police or Licensing Officers.

30. The licensee shall maintain a record, including dates, of:
- a. Incidents at the premises.
 - b. Refusals of entry.
 - c. Persons banned from the premises.
- The record shall be available for inspection at all times by police officers and Licensing Officers.
31. The licensee shall assess all risks to the welfare of performers, including arising from their gender, and shall devise, institute and maintain a policy for the protection of their welfare while on the premises and when they leave the premises. The effectiveness of the policy shall be monitored and such revisions thereto as are necessary shall be made. The policy and monitoring records shall be available for inspection at all times by Licensing Officers.
32. Suitable changing, rest room, WC and shower facilities shall be provided for performers. The facilities shall comply with the following standards:
- a) The facilities shall be secure, private, for single sex use only and shall not be accessible by customers or, except with permission, by other members of staff or management.
 - b) The changing and rest rooms shall comprise an area or areas of a minimum of 2 sq.m. per performer engaged to perform at any one time.
 - c) The changing and rest rooms shall be located in the immediate vicinity of, but not within, WC areas.
 - d) Private and lockable storage units shall be provided for each performer for the safe keeping of valuables and clothing.
 - e) A supply of free drinking water shall be provided for all performers.
 - f) Sufficient sitting out space shall be provided for rest breaks for performers.
 - g) Adequate showers shall be provided for performers adjacent to, and directly accessible from, the changing facilities.

- h) Adequate WCs shall be provided for performers in the immediate vicinity of the changing facilities.
- i) The WC and shower facilities shall provide privacy and security from intrusion by others, and shall not be accessible or accessed by customers at any time.

33. Single sex WC facilities shall be provided for staff members other than performers. The facilities shall not be used by customers.

34. Doors and openings which lead to part of the premises to which the public are not permitted access shall have notices placed on them marked "NO ADMITTANCE".

35. Performers and customers shall not be permitted to share any external smoking area.

36. The licensee shall not fine performers for misconduct or any other reason.

37. Performers shall be afforded secure transport from the premises at the end of trading hours.

38. The licensee shall take all reasonable precautions and exercise all due diligence to prevent contact between performers and customers away from the premises.

39. The licensee shall employ a "house parent" to supervise and ensure the welfare of performers.

Protection of customers

40 . a. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices, including charges for the company of a hostess or performer.

- b. The tariff shall be:
 - i. placed in such a position that it can easily and conveniently be read by customers before paying any fee for admission to the premises;
 - ii. at each bar in the premises;
 - iii. on each customer table at the premises.
- c. The tariff shall be drawn to the attention of every customer before they have paid any fees or charges.
- d. No charge shall be made to any customer except for a service and of an amount shown on the tariff.
- e. No charge shall be made to the customer for any drink provided for a hostess or companion unless the customer has specifically ordered it, having first been made aware of the cost.

Conduct of customers

- 41. a. The licensee shall provide to the City Council its Rules for Customers.
- b. The licensee shall ensure that all performers are trained in the Rules for Customers before they first perform at the premises.
- c. Refresher training shall be provided for performers at least every six months.
- d. A written register shall be kept in relation to such training.
- e. Copies of the Rules for Customers shall be prominently displayed in the performers' rest room and changing room.
- f. The Rules for Customers shall be prominently displayed:
 - i. at each bar in the premises;
 - ii. on each customer table at the premises.

Management

- 42. a) All public parts of the premises excluding WCs shall be covered by CCTV cameras at all times.

- b) All CCTV cameras shall be set to record at all times.
- c) The CCTV system shall be of sufficiently high quality, and the premises sufficiently lit throughout, to enable clear facial recognition of individuals at all times.
- d) CCTV footage shall be retained for a minimum of 31 days and be available immediately on request by a police officer or Licensing Officer.
- e) The licensee shall at all times display clearly visible and legible notices informing members of the public that the premises are covered by CCTV.
- f) The licensee shall ensure that CCTV images are viewed only by police officers, Licensing Officers or other persons expressly authorised by him.

45. All entrances to the premises shall be supervised by door supervisors licensed by the Security Industry Authority (or any successor body) at all times that the premises are open to the public

46. The licensee shall maintain a register in a form approved by the Council recording which staff are on duty at any time at which the premises are being used for licensable activities. On their request, the register shall be produced immediately to a police officer or a Licensing Officer.

47. All staff other than performers shall be clearly identified as members of staff.

Age Control

48. The licensee shall implement and maintain a Challenge 25 policy, and a Challenge 25 notice to this effect will be posted on the exterior of the premises.

APPENDIX 4

LICENSING COMMITTEE PROCEDURE FOR HEARINGS FOR SEX ESTABLISHMENT LICENCE APPLICATIONS

1. This procedure shall apply to all hearings conducted under the provisions of the Local Government (Miscellaneous) Provisions Act 1982 (as amended) in relation to licences for sex establishments.
2. Public hearings conducted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 shall take the form of a discussion led by the Licensing Committee. Cross-examination will be permitted only when the Committee considers it to be required. The conduct of hearings shall be broadly based, subject to the discretion of the Committee, on the points set out below.
3. At the start of the hearing the Chair of the Committee will introduce himself and other Members of the Committee as well as the Licensing and other officers present. Anyone making representations will then be asked to introduce themselves and anyone accompanying them. The applicant will then do likewise.
4. The Chair will then explain the purpose of the hearing and the procedure to be followed at the hearing. The Committee will then make any rulings necessary in respect of requests for witnesses to be heard in support of any of the parties making representations or the applicant.
5. Those making representations will then be invited to present their case. Repetition will not be permitted. Equal time will be offered to the applicant and those making representations. Where there is more than one party making representations and/or calling witnesses in support, consideration should be given to having one spokesman on behalf of

all parties so as to avoid repetition. Although the use of spokesman will be encouraged by the Committee, the decision rests with those parties making representations.

6. In the event of disorder or persistent disregard of the authority of the Chair, the Chair may suspend or adjourn the hearing, or require that the person(s) causing disorder or showing disregard leave the hearing.
7. In the event that the Committee has decided that cross-examination will be permitted, the applicant will be invited to ask questions of the party(s) making representations and their witnesses (if any). The party(s) making representations and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.
8. The applicant will then be invited to present their case and call any witnesses in support of their application. The applicant will be entitled to the same period of time to present his case as those making representations were afforded.
9. In the event that the Committee has decided that cross-examination will be permitted, those making representations will be invited to ask questions of the applicant and their witnesses (if any). The applicant and any witnesses giving evidence in support will then answer any questions put to them by members of the Committee.
10. The Chair will ask all parties if there is anything else they would like to add in support of their respective cases.
11. Those making representations will then be invited to make closing submissions followed by the applicant.
12. The Committee will then retire to consider their decision. They may call for assistance by the representatives of the Town Clerk and/or the

Comptroller & City Solicitor but those persons will play no part in the decision-making process.

13. In due course, the Committee will return to announce their decision or to inform those present when the decision will be given.

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Appendix B

- Exeter City Council Sex Establishments Consultation Analysis
- Text responses to questionnaire
- Sex Establishments Questionnaire Further Analysis

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Exeter City Council Sex Establishments Consultation Analysis

1. All things considered, should Exeter City Council (the Council) have a policy covering Sexual Entertainment Venues (SEV) at all?

Answer	Percentage
Yes	92%
No	7%
Don't know	0%

2. If the Council has an SEV policy, should it include a policy regarding the suitability of the applicant and others associated with the premises?

Answer	Percentage
Yes (please go to question 3)	76%
No (please go to question 4)	9%
Don't know (please go to question 4)	4%

3. Should the policy set suitable standards of management for the premises?

Answer	Percentage
Yes	75%
No	4%
Don't know	3%

4. If the Council has a policy, should it include a policy regarding the appropriate number of premises in given localities or areas?

Answer	Percentage
Yes (please go to question 5)	83%
No (please go to question 6)	11%
Don't know (please go to question 6)	4%

6. In general, are there any localities or areas in Exeter you consider to be appropriate for Sexual Entertainment Venues?

Answer	Percentage
Yes (please go to question 7)	18%
No (please go to question 8)	71%
Don't know (please go to question 8)	8%

9. If the Council adopts a policy, should it include a policy as to the character of the localities and their suitability for Sexual Entertainment Venues?

Answer	Percentage
Yes	67%
No	15%
Don't know	6%

10. Which of the following types of character of locality are suitable or unsuitable for Sexual Entertainment Venues?

Please tick one box in each row

Answer	Percentage			
	Highly suitable	Suitable	Unsuitable	Highly unsuitable
Cultural	3%	8%	11%	72%
Educational	1%	4%	9%	84%
Residential	4%	16%	12%	66%
Family Leisure	1%	3%	9%	86%
Financial	7%	11%	18%	61%
General Business	6%	16%	15%	60%
Historic	1%	7%	16%	73%
Night Time Economy	14%	16%	16%	51%
Residential	1%	5%	9%	82%

11. If the Council adopts a policy, should it include a policy as to the compatibility of Sexual Entertainment Venues with particular neighbouring uses?

Answer	Percentage
Yes	67%
No	12%
Don't know	7%

12. Are Sexual Entertainment Venues compatible or incompatible with each of the following neighbouring uses?

Answer	Percentage			
	Highly compatible	Quite compatible	Quite incompatible	Highly incompatible
Residential	1%	6%	8%	83%
Educational	1%	5%	8%	82%
Family Leisure (e.g. cine	1%	4%	11%	82%
Financial Institutions	7%	12%	18%	60%
Galleries/Museums	3%	7%	15%	73%
Places of Worship	1%	7%	6%	84%
Pubs and bars	11%	17%	15%	55%
Shops	5%	15%	12%	65%
Youth Facilities (e.g. Yo	1%	4%	9%	83%

13. If the Council has a policy, should it include a policy regarding the layout, character or condition of proposed Sexual Entertainment Venues?

Answer	Percentage
Yes	61%
No	14%
Don't know	11%

14. How important are each of the following features in deciding whether or not to grant a licence for a Sexual Entertainment Venue?

Answer	Percentage			
	Very important	Fairly Important	Not very important	Unimportant
Disabled accessibility	41%	18%	8%	6%
The ability to properly m	62%	10%	1%	3%
The ability to properly s	66%	7%	1%	3%
The quality of the premis	42%	21%	4%	7%

15. If this questionnaire asked questions about other sex establishments would your answers differ?

Sex Cinemas

Answer	Percentage
Yes (if yes give full details below)	3%
No	86%
Don't know	6%

16. If this questionnaire asked questions about other sex establishments would your answers differ?

Sex Shops

Answer	Percentage
Yes (if yes give full details below)	17%
No	72%
Don't know	6%

Equality Monitoring Analysis

1a. What is your ethnic background?

Answer	Percentage
White British	74%
White Irish	1%
White Gypsy or Irish Traveller	0%
Black Caribbean	0%
Black African	1%
Mixed White and Black Caribbean	1%
Mixed White and Black African	1%
Mixed White and Asian	1%
Indian	1%
Pakistani	0%
Bangladeshi	0%
Chinese	1%
Arab	0%
Other	7%

2a. Do you identify as
(tick all that apply)

Answer	Percentage
Male	33%
Female	50%
Transgender	1%

4a. What was your age last birthday?

Answer	Percentage
18-25	18%
26-35	34%
36-45	17%
46-55	7%
56-65	1%
Over 65	3%

5a. Do you consider yourself to be a person with a disability?

Answer	Percentage
Yes	7%
No	76%

6a. If you answered yes to the question above, please give details:

Answer	Percentage
Physical impairment	2%
Sensory impairment	1%
Mental health condition	3%
Learning disability	0%
Long standing illness or condition (such as cancer, HIV, chronic heart disease, diabetes or epilepsy)	2%
Other	1%

7a. What is your religion?

Answer	Percentage
No religion	36%
Christian (including Church of England, Catholic, and all other denominations)	39%
Buddhist	2%
Hindu	0%
Jewish	1%
Muslim	0%
Sikh	1%
Other	4%

8a. Select the option which best describes your sexual orientation:

Answer	Percentage
Heterosexual/Straight	67%
Gay/Lesbian	5%
Bisexual	3%
Other	4%

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8. Are there any localities or areas you consider to be inappropriate for Sexual Entertainment Venues? If so, please name them.

Answer

All areas

Near school, colleges or other buildings used by minors.

Away from residential housing.

none

All areas

quay

residential areas

cathedral

Pinhoe, Monkerton, Alphington, Pennysvannia, Whipton, Whipton Barton, Countess Wear, Wonford, St. Leonards, Exeter High St, Fore St, Princesshay, Southernhay, Mount Pleasant, Beacon Heath

All areas

All High Stree and common areas used by the public as a whole, e.g. children, single women.

See previous answer.

All areas, as all locations are within short distances of schools, playgroups, nurseries, vulnerable sections of society. I want to feel that there are no NO-GO areas in my community, by allowing such establishments you will immediately be making these areas NO-GO zones for many groups of society.

Any areas other than those where these establishments already operate.

i do not believe that these esatblishments are appropriate in any venue. We have a high volume of students and forigh students in the city who are vilnerable and these establishments are inappropriate and will show the city in a poor light.

Yes, all areas.

Most areas are inappropriate. I think the City Centre was a huge mistake.

Wards which might be APPROPRIATE would be:

St Loyes (Sowton only)

Alphington (Marsh Barton estate only)

Exwick (area on the edge of the city)

Whipton Barton (area between Sainsbury's Pinhoe Rd and edge of Pinhoe)

>90% residential occupation areas

ALL

any residential area.. near schools/colleges - near stations or pubs.

ONLY A BLANK FRONTED SHOP TYPE VENUE SHOULD BE ALLOWED... ALL "ENTERTAINMENT" TYPE VENUES ARE DEEPLY INNAPPROPRIATE AND SHOULD BE HEAVILY RESTRICTED OR NOT ALLOWED IN EXETER AT ALL.

All

City Centre, East of the River Exe, West of the River Exe.

There is no appropriate place for a Sexual Entertainment Venue given that they sexualise and objectify women and create no-go areas for women. They encourage men in the belief that women's bodies are commodities for their entertainment and use, and they have been causally linked to increases in sex attacks as well as other crimes in SEV localities.

The residential areas.

ALL

Suburban areas

any area where women and girls may access

I'm against it happening anywhere at all. Sexual activity should never be entertainment.

Topsham , would rather not attract this kind of visitor

All of them.

It is wrong of you to keep implying that some areas could have these.

Yes - the City of Exeter as a whole

the Quay and City Centre

i think the 2 sites i have mentioned in exeter are enough. and NO to any other kind of SEV

All residential areas, all school and nursery areas, all areas with community or faith centres, all shopping areas.

all areas are inappropriaie

]Univrnsity area

Cathedral area

City Centre

Whatever counts as a locality in this City then it should also count not to have one of these places

EVERYWHERE!!

Any areas within and around Exeter

All localities

ALL Areas

Anywhere near the Cathedral or tourist area.

There should be no sexual entertainment venues.

All

Ex4 top of fore street.

My teenage daughter out with friends in this area at night.

bonhay road, new bridge street, st thomas

Every area, as there are no areas in Exeter where people would not be affected by them.

Residential areas

residential areas (including concentrated student residential areas)' near schools, places of worship, parks and playgrounds, community centres and youth clubs and recreational facilities.

Large residential areas

Near schools, creches etc.

All areas. Demeaning women to sexual objects for mens satisfaction is a disgrace.

Cathedral Green,

Within 1/2 mile of any First School, Middle school or High School

have already answered this

d

All of Exeter

All

Everywhere in Exeter.

The core city centre. So, from the bottom to the top of the High Street and surrounding areas, including the cathedral area, Gandy Street and Princesshay.

Please see previous answedr

Residential areas

Only in residential areas if it creates noise.

All areas of the region are inappropriate for Sexual Entertainment Venues: City Centre, West of River Exe, East of River Exe

Alphington, Cowick, Duryard, Exwick, Heavitree, Mincinglake, Newtown, Pennsylvania, Pinhoe, Polsloe, Priory, St Davids, St James, St Leonards, St Loyes, St Thomas, Topsham, Whipton Barton. All areas of Exeter

Any area that members of the public have access to

all localities and areas

high residential / low retail areas

None

All

All.

Residential areas and city centre

ALL

All

All.

All.

All

Residential

Residential areas

Schools

St Leonards

EVERYWHERE

ALL

All.

None

ALL LOCALITIES

Educational

Family Leisure

Retail

St Leonards

St James

Heavitree

None

ALL

All

Residential and near education.

No.

All predominately residential areas.

ALL AREAS

All

All

All

Near Schools, Residential areas especially near Student accommodation, places of worship.

Any area of the city cllost to or en route to a primary or secondary school.

Areas frequented by families and tourists (e.g. The Quay, City Centre)

TOWN CENTRE

dfsdfs dfsfszsa

All

Nope

ALL!

All localities

ALL

ALL

ALL

ALL

ALL
ALL
ALL

All areas are inappropriate. There should be a blanket ban on such places.

Areas which are almost totally residential, such as St Thomas, Alphington, Exwick, St James, etc.

ALL!

I do not think areas inhabited i.e. where people live, any area accessible to children and young people

All of them.

Major public thoroughfares, near schools and hospitals.

All localities are inappropriate for SEVs. Exeter is a family city that is a great tourist spot. I think the impact on the tourist industry would be enormous. Exeter would no longer attract families. However it would attract people looking for legal use of SEVs which would have an adverse knock on effect on many of the local services such as police and the NHS

All

School locality

City Centre, near schools, churches or other religious centres.

Yes all of them. Families and young access all areas of Exeter. It is a city of culture and promoting healthy living

I work with youth and they are under immense pressure sexually. Families are constantly breaking down and children and young people are always the greatest victims. SEVs do nothing to promote healthy relationships, in fact they often contribute to the breakdown of relationships.

Young people are already bombarded with sexual pressure and imagery and given a completed distraughted view.

SEVs undermine women's value and sexual equality.

Exeter is better than this.

One measure of the standing of any city is its crime statistics. Is there any evidence that sex establishments reduce or even have no effect on crime in an area? If crime is inappropriate in any area so should venues that encourage crime.

All.

ALL

Residential

ALL

ALL

ALL

Central Area

Suburban Area

Rural Area

ALL

ALL

ALL

All

All localities.

But if you want specifics, certainly anywhere near schools, or where people pass in any great number.

Each council ward in Exeter should not have any sexual entertainment venues.

residential areas, areas of crime

Everywhere.

Near schools. Near youth centres. Near Hospitals. In residential areas

I feel it is inappropriate for any locality.

Everywhere not specifically approved

Roughly outside the City Centre - see also answers to Q 10

See answer to 5

All of Exeter

I think every locality and area is inappropriate for sexual entertainment venues

Anywhere within a 2 mile radius of any school or the centre of Exeter.

All localities

All

All localities

Residential, educational.

Small, In Cathedral City

15. Would your answer for sex cinemas be different from SEVs?

The responses for those who would answer differently for sex cinemas

SEX CINEMAS cannot be discrete - ie advertising the films shown. To allow cinemas, lap dancing clubs or any of these "active" participation clubs in Exeter is to LOWER our standards and open the doors to a completely different type of behavior/type of persons which does NOT enrich our city -only panders to a lower moral standard.

Sexual Entertainment Venues of whatever nature are all about promoting women's bodies as men's sexual service stations. They lower men's respect for women generally and make harassment, abuse and rape more likely by normalising men's 'entitlement' to women's bodies. They have been linked to increases in rape near venues and they make no go areas for women and children. Given that women make up just over half of the population this is totally unacceptable.

Where the actual exploitation and nudity was not taking place on the premises then the location of the premises becomes less relevant.

They are just as bad

No reason to exist due to modern technology

No sex cinemas or any service that promotes violence against women

I perceive sex entertainment venues as perpetuating the image of women as sex objects and I am also concerned that the presence of these venues has been implicated in an increase in the number of incidents of rape or sexual violence toward women in the vicinity. I don't think the Council should license them at all. Sex cinemas potentially show films which may not perpetuate this - e.g. gay porn, films directed by and aimed at women as well as at men.

I see no need for a sex cinema in such a small town as Exeter. An establishment and two shops are more than enough, along with all the sexual images we get bombarded with daily (by the media et al).

I strongly request that a more fundamental question is addressed, which is why SEVs of any type are desirable at all. Please declare what interests are behind this process

I strongly request that a more fundamental question is addressed which is why SEVs of any type are desirable at all. Please declare what interests are behind this process.

My concern is whether there is evidence that if there are no such establishments in an area, is there an increase in sexual violence against women?

There should be no tolerance policy

NO

WE DO NOT WANT SEV's IN EXETER

NO PREMISES SHOULD BE ALLOWED
ARE DEMEANING TO WOMEN

Sex establishments are devoted to stimulating sexual behaviour. This is only appropriate in ones own home and with consenting adults. Statistics will show that these establishments by nature reduce inhibition and increase sexual activity in public places as well as the likelihood of sexual crime. There cannot be any improvement to an area of any kind by intrtroducing sex establishments.

NOT OK

I do not agree with 'Sex Establishments'. I feel that they depict women in a negative light and encourage abusive demeaning treatment and comments towards them from men as this is seen as 'normal ' behaviour.

The problem with question 15 is that they are in many ways the tip of the iceberg. Harmless in themselves (usually) but implying by their presence that other forms of adult entertainment will be available. Generally speaking my point of view is that this is a small city (a cathedral city) with a very large student population. We should not need to name sex entertainment establishments herer, Bristol and Plymouth are easily accessible. I am aware that you are unable to impose a blanket ban but serious restrictions sufficient to discourage applications for licences could only benefit the reputation of Exeter. The prepondeneuce of young people here, with many on the streets late at night is a worry for many parents we speak to. We are not Manchester or Glasgow and maybe it would be good to be able to underline the difference, but discreetly.

15b. Would your answer for sex shops be different from SEVs?

The responses for those who would answer differently for sex shops

Sex shops are shops. What's wrong with Ann Summers?

Sex shops sell items that help people's private sex lives.

Those that do so should be allowed.

Shopping is a private activity and it is better than buying off the internet because you can get more of an idea about what you're buying

Only sex shops with a very DISCRETE frontage would be acceptable. the existing one on the high street is ok. but another more "blatent" frontage is offensive.

Please see answer to question 16. While I have no objection to most of the contents of sex shops, they all too often sell pornography which has been linked to the abuse and rape of both women and children. Indeed, adult pornography is often used by paedophiles to groom children into believing that what is happening to them is normal and natural. The adult pornography industry also depends on women and girls having been abused as children for their fodder. They need people who are easily manipulated and with low self esteem, and who better than a child abuse survivor?

I am surprised this is even in the same consultation.

Suitable in a discrete location in a retail environment. Not suitable in a residential or family entertainment location.

We never needed sex shops in my day

2 sex shops in the City is enough

Everything is available online - shop would be superfluous

Sex shops (provided they are discrete) should be in busy main shopping areas, not down some back street.

Do we really need them in this day and age of the internet?

Close down all sex jobs

Nothing

What people do and enjoy with other consenting adults is entirely their own affair and if sex shops supply things/books/info for sale which may enhance whatever 'floats your boat' then I see no harm in that - happy people tend to be nicer to other people than unhappy people.

It's not interactive with real people. Things sold in sex shops are personal and for personal use. It is not exploiting someone else.

Has been one in (not readable) for 25 years

Does Ann Summers qualify as a sex shop? It sells many of the paraphernalia sold in other establishments, yet has high street visibility and respectability.

I believe sex shops ought to be treated in the same way as other retail stores, within reason

People should be able to purchase 'equipment to use in sexual practices with other consenting adults

These establishments are less of an issue with regard to the exploitation of vulnerable women.

Ann Summers should be considered a sex shop, as it fits in with the description and meaning of a 'sex shop'

There should be no tolerance policy

Sex shops (if done right) have the opportunity to allow for sexual experimentation, if these are 'banned', we become more sexually repressed, leading to badness

YES

ann summers

WE DO NOT WANT SEV's IN EXETER

Are demeaning to women

Shops do not sell the sexuality of human beings, only artefacts relating to that. I am concerned that any policy will consider events and venues and so on, but will fail to charter high standards for the employment and welfare of any workers in such venues (for example, low wages subsidised by 'tips') and for the protection of such workers; for the artistic content (and therefore explicit or subtle power-relations/issues regarding exploitative sexuality).

See above

Although I don't have a major problem with there being a limited number of sex shops in the city in theory, in practice I felt that it was inappropriate that my children read sex shop adverts/billboards/hoardings when walking down Sidwell Street and ask what words and phrases mean that are not appropriate for their age.

Shops are okay, as long as there is an age limit and nothing is on show in the windows.

Shops might be acceptable in specific locations

ARE OK

I think these can operate within normal retail hours and in a discrete way. I would like them to sell relational aids, rather than

Our society is meant to be one of equal rights and it is far from this. It should not be allowed for behaviour to be promoted where women are seen as lesser persons than men.

Non-exploitative sex shops should have licensing conditions. Sex shops encouraging/promoting exploitation should not be permitted.

5. Please identify any localities or areas which you believe ought to be named in the policy and what number of premises you believe should be specified.

N.B. The City of Exeter as a whole is not a locality.

N.B. The appropriate number may be any number, including nil.

Please identify any locality or areas, and the number of premises that should be specified

St James

The City of Exeter - nil

However many localities ??? in Exeter, none of them would be OK for this degrading 'entertainment'

There should be zero premises permitted in any part of Exeter

town centre

residential areas

nil

Pinhoe / Monkerton Nil

Alphington Nil

Pennsylvania Nil

Whipton / Whipton Barton Nil

Wonford /St Leonards Nil

Countess Wear Nil

I think all localities should be named in the policy to ensure any unnamed ones are not run illegally or abusing any vulnerable people.

I feel no establishments like this is the best option. With Jimmy Saville in the news, Sex crimes, rape and child abuse so prevalent, also the girls (mainly girls) are often there against their will, trafficking etc. and also drugs are generally in the mix, with the girls having to perform to pay for a drug habit. Establishments like this fuel the minds of the perverted and unstable. Ypu and I may be able to take it all in our stride, but thousands of others can't, as proved by the rise in sex crimes while other crimes are tending to lower.

It would not be appropriate to have any such establishments within the shopping areas of Exeter ie, Fore Street, High Street, Sidwell Street, North Street, South Street, Paris Street and city centre sub streets, as these are all frequented by unsupervised minors. Extreme care needs to be exercised when giving consent to such establishments. Exeter is a city which can pride itself that minors are relatively safe to roam and be independant, I feel that these establishments will make parents far less likely to allow their children this liberty, due to the risk of patrons of these establishments seeking satisfaction from those in the vacinity of the venue.

There should be no expansion of the area in which these establishments already operate. I understand there are some in the Fore Street area which must be very unpleasant for anyone who lives there - but they shoyuld certainly not be permitted elsewhere. The appropriate number is indeed nil but if this is not possible, the very minimum shoud be the objective.

Residential - 0

City Centre - 0

Fore Street - 0

High Street - 0

Sidwell Street - 0

Queens Street - 0

South Street - 0

The city centre, particularly High St, Fore St, Sidwell St and surrounding streets. Ideally, none.

I am not wholly in favour of the present policy of locating premises in the city centre, since (a) however discreet they are they will be brought to the attention of young and impressionable people and (b) they would present an image of Exeter to visitors which I think most citizens would not wish to project. (In a larger city such establishments may not be noticed; in a small centre of population such as Exeter, they are hard to avoid.) People who want this kind of facility are usually prepared to travel a distance for it, and I would favour a policy such as is employed in similar historic tourist cities such as Salzburg: position the "red light" establishments, of whatever kind, in industrial areas on the edge of town, where people who wish to patronize them can easily find them, but where the population as a whole will be unembarrassed by their presence. In our case this might mean Marsh Barton or Sowton.

Number of premises: I believe the present number is fine. I would not like to see us excluding completely a legal activity, which smacks of undue censorship, and can see that sex shops may supply legitimate needs (which is why more than one may be acceptable). I can see no case for increasing the number, given the level of sex-related crime in our society, and the recent revelations about abuse. As a teacher of 11-18s, I am well aware of the sexual experimentation of some of my charges, and dread the easy availability of sex-entertainment facilities which might encourage them to treat sex as even more of a dehumanized source of gratification. You might say they wouldn't be allowed in; but the presence of such places at the heart of the community normalizes them, and makes them more acceptable; and resourceful 17-year-olds can get themselves into some very unexpected places!

City Centre - NIL
East of river Exe - NIL
West of River Exe - Nil

City Centre - NIL,
East of the River Exe - NIL,
West of the River Exe - NIL

city centre - one only (for the whole area)

Nil: for any and every area

City Centre - nil
East of the River Exe - nil
West of the River Exe - nil

Just areas where noise might be a problem for residents and mindful of families.

City centre

NIL
Given that women and girls should have access to all parts of the city, in safety and comfort, NIL

I'm filling this out because I think there should be no SEVs whatsoever. So in my view, 1 in any area is already too many.

Topsham NIL premises

None anywhere. No matter how many locations there are, not one of them should be wrecked by having one of these ghastly places in it

Exeter City - NIL

The city of Exeter as whole is not a locality

I think the 2 sex shops on sidwell street and fore street is enough

all residential areas, all school and nursery areas, all areas with community or faith centres, all shopping areas - nil

City Centre
Cathedral area
University area

NIL in the City Centre
NIL east of the River Exe
NIL west of the River Exe

I believe that we shouldn't have any premises in Exeter as they degrade women and usually 'employ' desperate woman that could be given more respect in life.

City Centre - NIL

West of River Exe - NIL

East of River Exe - NIL

All localities - Nil
All localities - Nil
All localities - Nil

There should be NO SEV's across the City

Fore Street & Sidwell Street for Adult shops (that already exist but no more)

Nil for Sex Entertainment venues.

All- none

Ex4

Always a load of men hanging about outside.

Mainly residential areas nil
City centre 7

Personally I don't believe any premises should be specified for this... our country is troubled enough with rape and child abuse and allowing sexual gratification without love and relationship is compounding the problem. Drug abuse is never far from such activity, due to the girls needing it to be able to exist in the job, and it also increases the possibilities of trafficking and abuse.

The only concern of the owners of these establishments is to make money, NOT the welfare of those working there. I will be very sad if Exeter Council allows them to make money out of other peoples misery.

reasons which will become clear later.

So nil
All localities, except the City Centre, should have nil
nil in residential areas, near schools, places of worship, parks, playgrounds community centres, youth clubs and recreational area

An appropriate limiting of the number of licenses for given locality of the area...or where the having regard for the character of the area.

max 2 per ward, 1 per street or group of streets

Zero lap-dancing or other sexualised activity based venues.

Licensed sex shops limited to shopping centre locality, with no late night opening, but NO advertising of products in the shop window, including Ann Summers/underwear shops.

Ban all Newsagents and shops selling newspapers/magazines from displaying media with sexualised content on its front cover.

Nil establishments

Put none anywhere any local place

There should be no SEV's in Exeter, at all.

One is enough.

None in St James. There is already enough in Sidwell Street.

The historical centre of the City

Residential areas

Commercial premises within 500m of a school or a place of worship

The only appropriate number in all localities or areas of Exeter is nil:

City Centre: Nil, East of River Exe: Nil, West of River Exe: Nil

I do not believe there should be any sex establishment premises in Exeter. All wards should be named: Alphington, Cowick, Duryard, Exwick, Heavitree, Mincinglake, Newtown, Pennsylvania, Pinhoe, Polsloe, Priory, St Davids, St James, St Leonards, St Loyes, St Thomas, Topsham, Whipton Barton. All should have nil premises.

No suitable locality Exeter City or surrounding areas

Nil in all locations

0 premises in all localities

None

All.

I'd rather not see any at all.

City Centre

Marsh Barton, Sowton

None

East Devon

All.

Nil

City centre

Central Exeter

City Centre

St Leonards

Nil.

A zero tolerance policy

No premises, so no applicants

The appropriate number of premises should be zero!

None

ALL LOCALITIES

None

Educational

Residential

Family Leisure

Exeter is too small to support a city to support a SEV at all!

Nil

ALL LOCALITIES

ALL LOCALITIES - why is this not an option? You are presenting misleading questions.

None

City Centre

Nil

Policy should be specific regarding areas in and around the city centre and suburbs to allow for specific limits and controls as thought best at the time and as experiences arise or circumstances change.

Number of different types of premises should be specified for areas according to the nature of the area and the type of establishment. This should be upto the Council to decide but it should be flexible to allow increases or decreases according to future experiences and not set rigidly - pragmatism rather than dogma.

NONE

None

None

None

I would prefer no Sex Establishments any where in the City and therefore consider no localities suitable.

Please see Q8 below.

STOKE HILL, WONFORD

Willand 10

Central Exeter

NONE!

All localities and none

NIL NIL NIL

0

The current interim policy seems to me a good one, so to "restrict the number of sex establishments in Exeter to 2 sex shops and one other type of sex establishment. Furthermore it restricts the location of any sex establishment to the city centre, and limits the number of sex establishments outside of the city centre to nil."

The first four questions are double edged! Surely if there is no SEV, suitability is not evening in questions! PLEASE REWORD THE QUESTION

NONE PLEASE

NONE PLEASE

NONE PLEASE

Exeter City Centre - NIL.

East of River Exe - NIL.

West of River Exe - NIL.

Nil

When you say named, do you mean as potential sites for such premises?

In which case 0.

When you say specified, do you mean allowed to operate?

In which case 0.

I do not believe Exeter needs any SEVs. Therefore the number is NIL

Use council wards. All should be nil

The Quay

Town Centre

St Davids Station

St James

nil

I don't think Exeter should have any.

Your own definition of a sex establishment states that it is a place whose purpose is to "sexually stimulate and/or encourage sexual activity". Are there any areas in the city where this is a good idea?

City Centre

Rest of city/outside centre

NONE

City Centre

None 0

None 0

None 0

Central area

Suburban area

Rural area

NONE

Exeter City Centre should have none: NIL

I think the appropriate number is nil

Each council ward within the city of Exeter should have NIL premises.

Any residential areas. Any areas identified as being vulnerable to high levels of crime. city centre.

No more than one premises

Not near schools or hospitals. Not in city centre. Not in residential areas.

Appropriate number is NIL

City centre Maximum 4

City Centre

4 maximum

Areas where there are shops, cafes, pubs etc. Not residential areas. The density should be kept low in any one area - one does not want Exeter to become a SW mecca.

I believe the number of premises in Exeter should be nil

Nil

NIL

Nil

Sidwell Street, Fore Street 2/3 Residential 0

Sidwell Street Nil, Fore Street Nil, City Centre Nil

7. Which localities or areas are appropriate for Sexual Entertainment Venues?

N.B. The City of Exeter as a whole is not a locality, but a ward area could be.

Which localities or areas are appropriate for SEV's?

No areas are suitable. Such entertainment always results in direct misuse of women, either by trafficking or abuse. As a city we have an excellent record of respect and care for the vulnerable, this entertainment always results in the vulnerable being involved either as workers or punters. A direct result is low respect for women and relationships in general. We have a big problem of child abuse and rape in our nation, please do not let us feed this appetite for gratuitous sex without love and commitment. Another by-product of this trade is drug abuse which most women involved have to take to be able to exist in the business. Please in this city let us never have commerce made on the misery of others.

fore street

No area of Exeter is suitable for such venuse of any kind

See above. Industrial areas on the edge of town.

Central and shopping districts, commercial prmeises

NONE

city centre only

Central areas, where the clubs are etc

Near canal and University, St James Park, shopping centres, Queen Street, Princesshay area

Why are you asking twice? You already asked this in Q5

none

none

Clubbing areas in general

NONE

Sowton & Marsh barton which are quiet at night so disturbance would be minimized .

None

city centre

High Street, City Centre

some commercial, business and and areas with appropriate retail and entertainment premises.

City centre inc quayside, St Thomas, Heavitree

Fore St., Exeter

Same answer

Not on the highs street.

City centre, industrial estates and quayside area

Any area in the centre, commercial locations.

none

city centre

None

Marsh Barton, Sowton

None

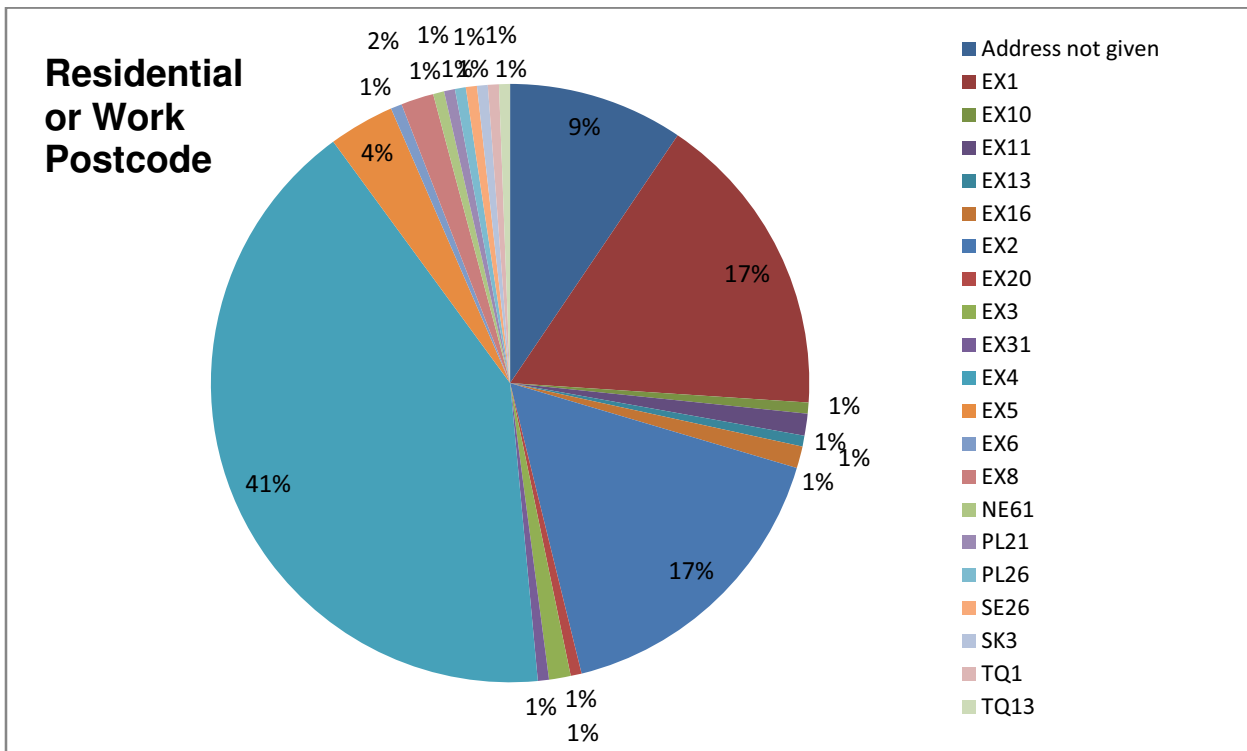
City centre

Centre
City Centre
ALL WARDS.
None
Fore Street in city centre.
None
None
None
I do not believe there are any areas or localities suitable for Sexual Entertainment Venues.
Frankly, I don't see the need for any of them. So-called sex aids are available on the internet and do not require retail outlets.
MARSH BARTON
dfsdfsdfsdfsdf
City Centre
NONE!
None
NONE
NONE
NONE
NIL
The City Centre
NONE!
The non-commercial privacy of consenting adult's own homes.
As Q5
see comments above
NONE
None
None
None
Exeter should not be home to such places.
NONE
NONE
NONE
NONE
NONE
NONE
NONE
City Centre
None
?
City Centre commercial area. Commercial area of St Davids
City Centre (part of St David's Ward?)
See answer to 5
I don't think any locality or area is appropriate for a sexual entertainment venue.
Small, In Cathedral City

Sex Establishments Questionnaire Further Analysis

Q19.3 Residential or work address/post code

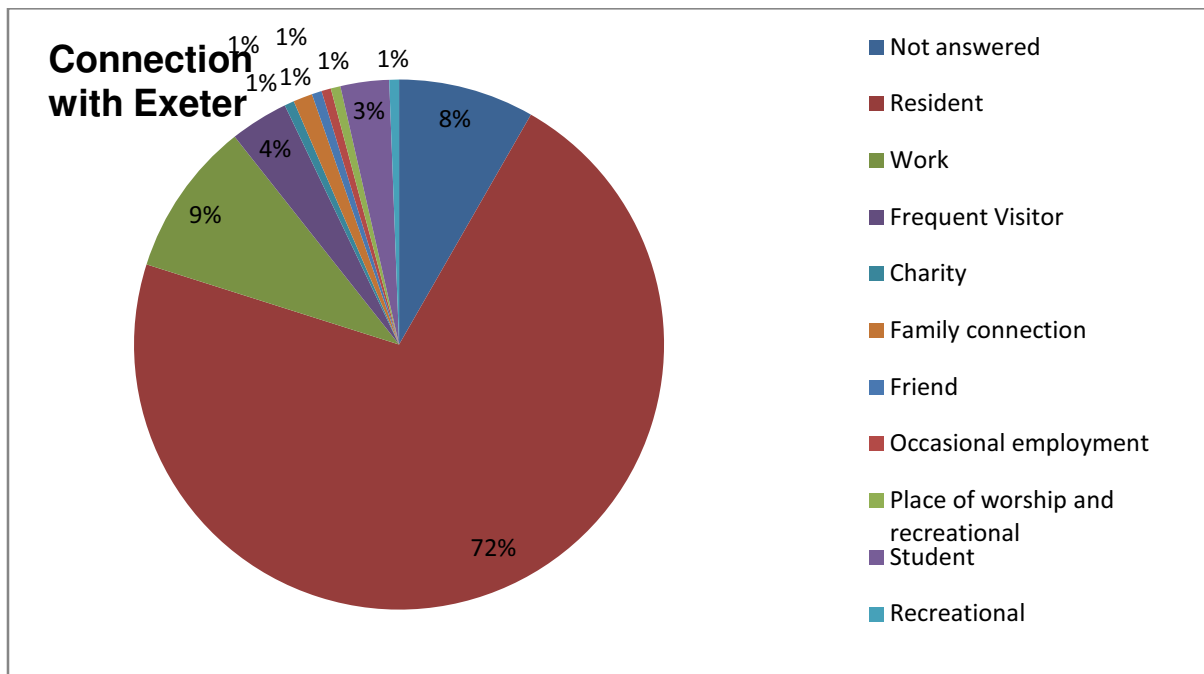
Address not given	16
EX1	28
EX10	1
EX11	2
EX13	1
EX16	2
EX2	28
EX20	1
EX3	2
EX31	1
EX4	70
EX5	6
EX6	1
EX8	3
NE61	1
PL21	1
PL26	1
SE26	1
SK3	1
TQ1	1
TQ13	1
Total responded	169



Sex Establishments Questionnaire Further Analysis

Q19.4 Your connection with Exeter

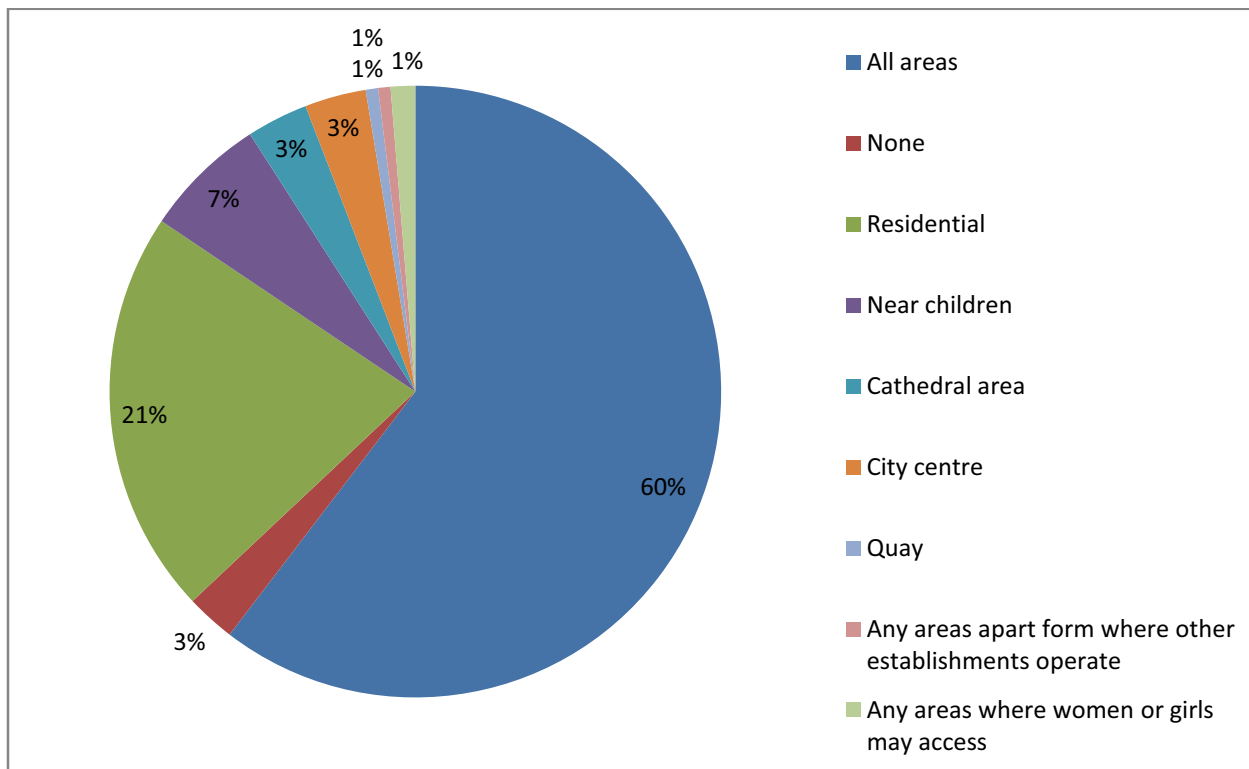
Not answered	14
Resident	121
Work	16
Frequent Visitor	6
Charity	1
Family connection	2
Friend	1
Occasional employment	1
Place of worship and recreational	1
Student	5
Recreational	1
Total responded	169



Sex Establishments Questionnaire Further Analysis

Q8 Are there any localities or areas you consider to be inappropriate for Sexual Entertainment Venues

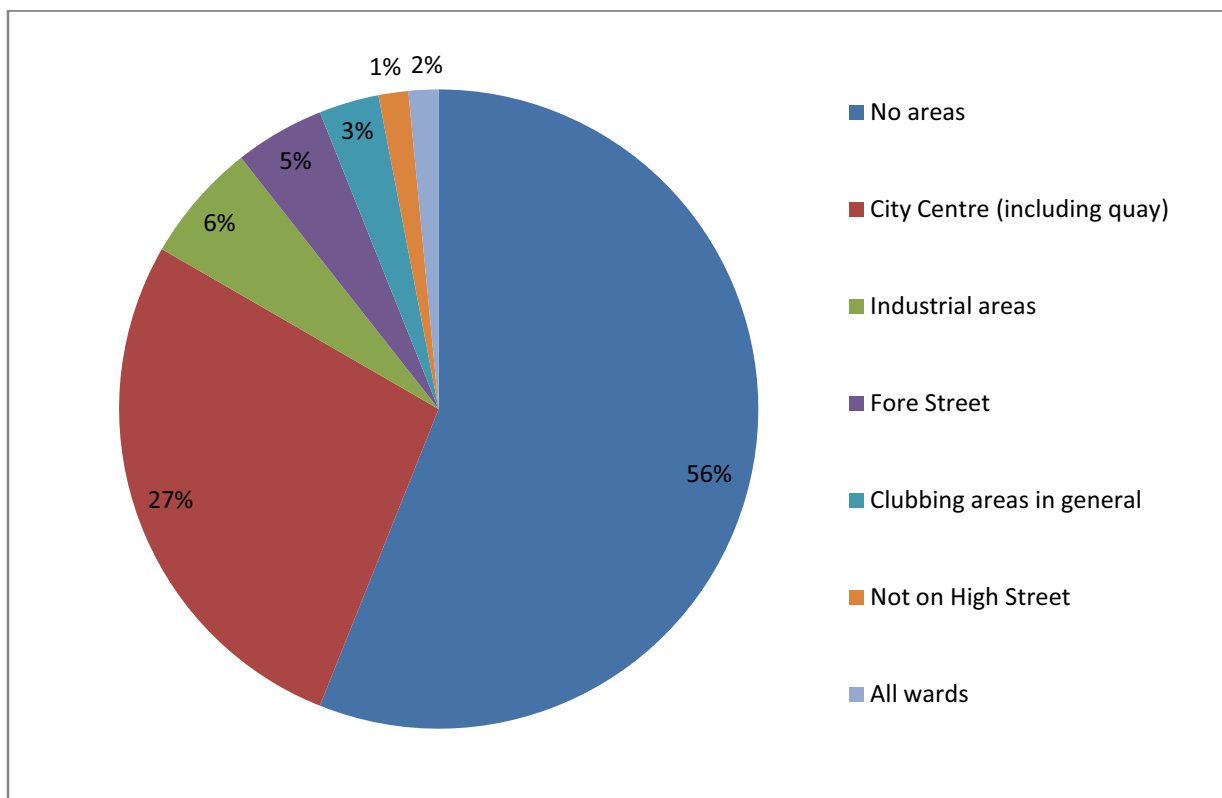
All areas	93
None	4
Residential	33
Near children	10
Cathedral area	5
City centre	5
Quay	1
Any areas apart form where other establishments operate	1
Any areas where women or girls may access	2
Total	154



Sex Establishments Questionnaire Further Analysis

Q7 Which localities or areas are appropriate for Sexual Entertainment Venues

No areas	37
City Centre (including quay)	18
Industrial areas	4
Fore Street	3
Clubbing areas in general	2
Not on High Street	1
All wards	1
Total	66

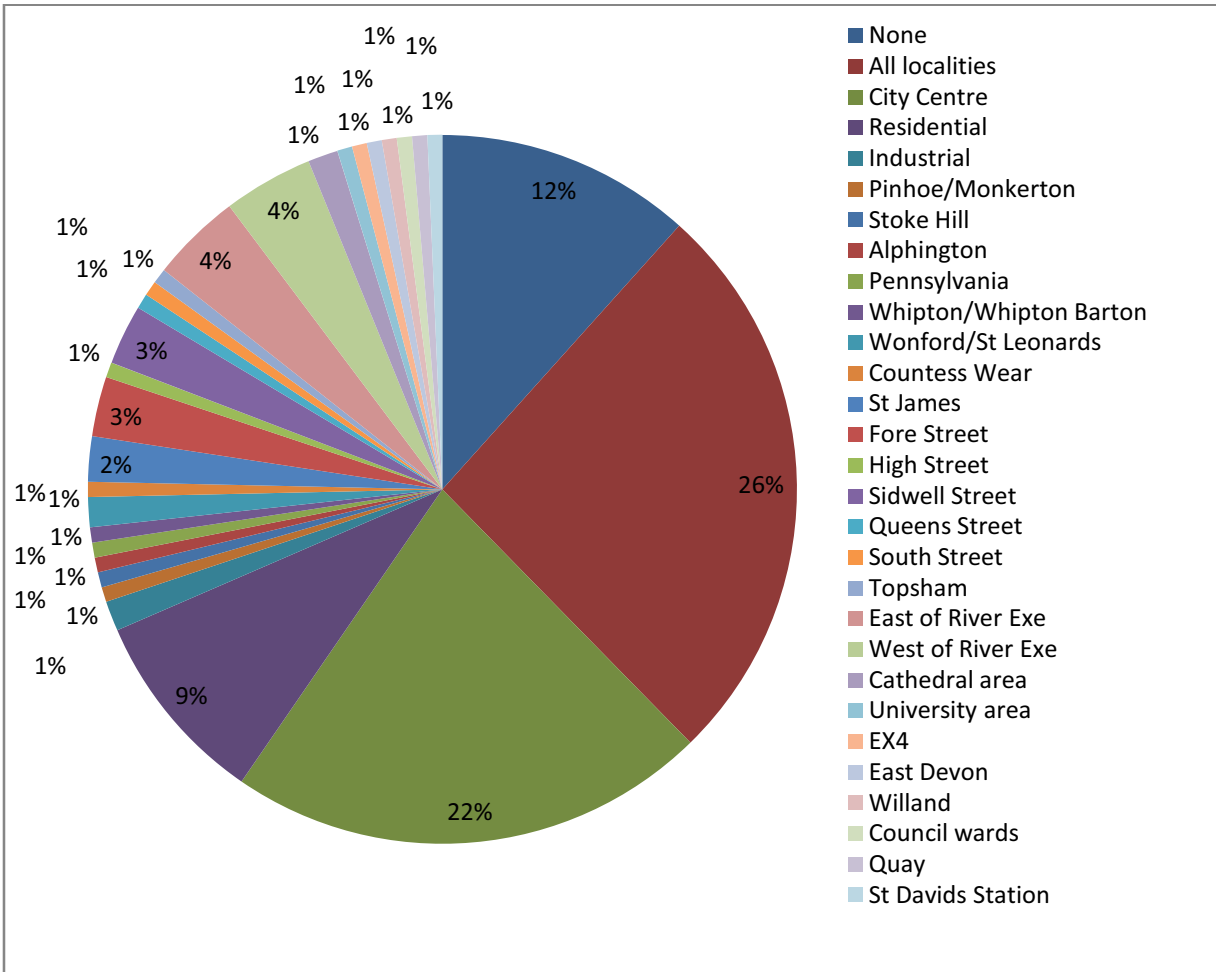


Sex Establishments Questionnaire Further Analysis

Q5 Please identify any localities or areas which you believe ought to be named in the policy and what number of premises you believe should be specified. This chart also represents 115 responses nominating localities. 107 specified zero, 3 specified one, 2 specified two, 2 specified four and 1 specified 7.

None	17
All localities	38
City Centre	32
Residential	13
Industrial	2
Pinhoe/Monkerton	1
Stoke Hill	1
Alphington	1
Pennsylvania	1
Whipton/Whipton Barton	1
Wonford/St Leonards	2
Countess Wear	1
St James	3
Fore Street	4
High Street	1
Sidwell Street	4
Queens Street	1
South Street	1
Topsham	1
East of River Exe	6
West of River Exe	6
Cathedral area	2
University area	1
EX4	1
East Devon	1
Willand	1
Council wards	1
Quay	1
St Davids Station	1
Total	146

Sex Establishments Questionnaire Further Analysis



Appendix C

Equality Impact Assessment – Sex Establishment Policy Licensing Committee 23 July 2013

Introduction

This Equality Impact Assessment (EqIA) relates to the proposed adoption of a policy for licensing sex establishments (sexual entertainment venues [SEV], sex cinemas and sex shops).

Broad affects of policy

The policy introduces a limit on the number of such premises, and proposes that there is no locality within Exeter that is appropriate for either a SEV or sex cinema. It goes on to establish a limit of one sex shop in each of two localities within the city centre.

It also introduces regulations to control the management, supervision and design of such premises, and allows additional conditions to be fashioned by the Council dealing with any application, variation, renewal or review.

Impact on target equality groups

In terms of gender, the policy has a positive impact by helping to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers and controlling the external appearance, advertising and solicitation associated with such premises.

The Council recognises that a nil per locality policy may reduce the employment opportunities for performers. However, it also recognises that those working in SEVs are often peripatetic and self-employed, and so will retain the opportunity to find employment as performers at other venues or in other roles in the leisure industry. The Council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.

The policy holds that sex establishments are inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children, faith groups and minority faiths groups.

The policy has a positive impact on disabled people as all parts of any premises open to the public shall be accessible to disabled people save for WC facilities where there are separate WC facilities specially designed for use by disabled people.

The policy is deemed to have a neutral impact on the following groups – men, transgender, all races, lesbians, gay men and bisexuals, older people and those of no faith.

Conclusion

In conclusion, this policy is not deemed to have a negative impact on any target equality group. It is deemed to have a positive impact on a number of groups, but this positive impact is not deemed to be high.

R. Norley
Assistant Director Environment

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