

## SEX ESTABLISHMENTS POLICY

### 1. POLICY FOR LICENSING SEX ESTABLISHMENTS

- 1.1 The Act defines a sex establishment as either a sex cinema, a sex shop or a sex entertainment venue.
- 1.2 Sex cinema means any premises, vehicle or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which:
- a) are concerned primarily with or intended to stimulate or encourage:
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity
  - b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.
- 1.3 Sex shop means any vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, encouraging, lending displaying or demonstrating:
- a) sex articles
  - b) other things intended for use with, or for the purpose of stimulating or encouraging:
    - i) sexual activity; or
    - ii) acts of force or restraint associated with sexual activity.
- 1.4 Sex articles means anything used in connection with, or for the purposes of stimulating or encouraging sexual activity, or acts of force or restraint which are associated with sexual activity and applies to any article containing matter to be read or looked at, or any recording of vision or sound.
- 1.5 A “sexual entertainment venue” means:
- Any premises at which relevant entertainment is provided before a live audience for financial gain of an organiser. For the purposes of the Act it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”
- Relevant entertainment” means:
- a) any live performance; or
  - b) any live display of nudity;
- which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). An audience includes an audience of one.
- 1.6 A display of nudity means
- a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
  - b) in the case of a man, exposure of his pubic area, genitals or anus;

- 1.7 An organiser means any person who is responsible for the organisation or management of;
- a) the relevant entertainment; or
  - b) the premises;

For the purposes of this policy relevant information is provided if, and only if, it is provided, or permitted to be provided on behalf of the organiser before and audience and involves partial or full nudity.

- 1.8 Exeter City Council being the Licensing Authority for the purposes of the Local Government (Miscellaneous Provisions) Act 1982 [the Act] have determined that the appropriate number of sex establishments for the following areas shall be as follows:
- 1. In the area co-terminus with the cumulative impact zone identified in the statement of Licensing Policy adopted by Council on the 15 December 2009 and attached at Appendix A no more than 2 sex shops and no more than one other sex establishment either a sex cinema or sex entertainment venue;
  - 2. In the remainder of the administrative area the number of sex establishments shall be nil.
- 1.9 No application under the provisions of this part of the Act will be refused unless and until the applicant has had opportunity to address the Licensing Committee and explain why he feels an exception to this policy should be made.
- 1.10 The Licensing Committee may determine and agree an application unconditionally or with reasonable conditions. Some conditions that may be appropriate are attached at Appendix B.