

## **APPENDIX B**

### **Regulations prescribing standard conditions applicable to licences for sexual entertainment venues**

**Made on the 23 July 2013**

**Coming in to force on the 3 September 2013**

**Revised 1 August 2015**

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:
  - “the Code” means the Code of Conduct required under condition 23 below.
  - “Council” means Exeter City Council.
  - “Officer” means any person authorised in writing by the Council.
  - “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;
  - “Licensable activities” means the activities permitted by the Sex Establishment licence.
  - “Licensee” means the holder of a Sex Establishment licence under the Local Government (Miscellaneous Provisions) Act 1982.
  - “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.
  - “Premises” means the premises licensed as a Sex Establishment.
  - “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.

- “the Rules” means the Rules for Customers required under condition 23 below.
- “Sexual Entertainment Venue” shall have the meaning ascribed to it in the Local Government (Miscellaneous Provisions) Act 1982.
- “Staff” means all those working at the premises whether employed or self-employed, including performers and door supervisors.
- “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.
- “New Psychoactive Substances” means ‘Psychoactive drugs which are not prohibited by the United Nations Drug Conventions but which may pose a public health threat comparable to that posed by substances listed in these conventions.’

### **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.
  - a) 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 of the licence 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.
13. The premises shall not sell New Psychoactive Substances

### **Management**

14. 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.

- a) 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.
  - b) 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.
  - c) The licensee shall ensure that all managers are trained pursuant to paragraph c above before they first carry out management duties at the premises.
  - d) Ongoing training shall be provided for managers as appropriate.
  - e) 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.
15. 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**

16. 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**

17. 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.
- b) The opening hours of the premises.

- c) The street number, where appropriate.
  - d) A notice stating: “No admittance to persons under 18 years of age”.
  - f) Any notice required to be displayed by law, by these regulations and by any condition of a licence granted by the Council.
18. 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**

19. 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.
20. 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**

21. The availability of the licensable activities shall not be marketed or advertised in any of the following ways in the Council’s area:
- personal solicitation, including on foot or from vehicles;
  - leafleting;
  - fly-posting;
  - handouts;
  - externally displayed advertisements, such as on billboards or cars.
22. 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**

23. 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

24. 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.
- a) The licensee shall ensure that all performers are trained in the Code and the Rules before they first perform at the premises.
- b) Ongoing training shall be provided for performers, as appropriate.
- c) A written record shall be kept in relation to such training.
- e) Copies of the Code and the Rules shall be prominently displayed in the performers' rest room and changing room.
25. 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.
- e) 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.
26. 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.
27. The licensee shall devise, implement and maintain a system of monitoring, recording and enforcement to ensure that the Code and the Rules 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.
28. 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.
29. 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.

30. 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.
  
31. 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 square metres 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.
  
32. Single sex WC facilities shall be provided for staff members other than performers. The facilities shall not be used by customers.

33. 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".
34. Performers and customers shall not be permitted to share any external smoking area.
35. The licensee shall not fine performers for misconduct or any other reason.
36. Performers shall be afforded secure transport from the premises at the end of trading hours.
37. The licensee shall take all reasonable precautions and exercise all due diligence to prevent contact between performers and customers away from the premises.
38. The licensee shall employ a "house parent" to supervise and ensure the welfare of performers.

#### **Protection of customers**

39.
  - 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**

- 40.
  - a) The licensee shall provide to the City Council the Rules.
  - b) The licensee shall ensure that all performers are trained in the Rules 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 shall be prominently displayed in the performers' rest room and changing room.
  - f) The Rules shall be prominently displayed:
    - i. at each bar in the premises;
    - ii. on each customer table at the premises.

### **Management**

- 41.
  - 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.
  - b) CCTV footage shall be retained for a minimum of 31 days and be available immediately on request by a police officer or Licensing Officer.
  - c) The licensee shall at all times display clearly visible and legible notices informing members of the public that the premises are covered by CCTV.
  - d) The licensee shall ensure that CCTV images are viewed only by police officers, Licensing Officers or other persons expressly authorised by him.

42. 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
43. The licensee shall maintain a register in a form approved by the Council recording which staff who 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.
44. All staff other than performers shall be clearly identified as members of staff.

#### **Age Control**

45. 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.

