Sexual Entertainment Establishment

Statement of Licensing Policy

2026 - 2031

March 2026 (Revised)

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1. Introduction and Scope

1.1 Warwick District Council ("the Council") has an agreed vision for Warwick District. This is encapsulated by the following statement:
To make Warwick District a great place to live, work and visit by improving lives and our environment.

1.2 The Council believes that the control of sex establishments via licensing supports and contributes to this vision and helps to create and maintain safe strong and healthy communities for people to live and work in.

1.3 The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") in July 1982. This enabled the Council to regulate premises classed as sex shops and sex cinemas. In September 2010 the Council re-adopted Schedule 3 of the Act following amendments made by section 27 of the Policing and Crime Act 2009. This amendment to the Act made provision for the licensing of sexual entertainment venues (for example venues which provide pole dancing, lap dancing and strip clubs or similar). The Council can prescribe terms, conditions or restrictions on licences and charge a fee for the licence application. Sex shops, sex cinemas and sexual entertainment venues are collectively known as sex establishments.

1.4 The Act also enables the Council to refuse a licence where it considers that the number of sex establishments or sex establishments of a particular kind is equal to or exceeds the number that the Council considers is appropriate for that locality. In March 2014 the Council carried out a public consultation in relation to the number of sexual entertainment venues that the public believed were appropriate in various localities within Warwick District. The consultation focused on the town centre areas of Royal Leamington Spa, Warwick, Kenilworth and Whitnash as these are areas most associated with the night time economy and believed most likely to attract applications for sexual entertainment venue licences. A majority of respondents stated that they believed that a nil limit would be appropriate for these areas of the District.

1.5 A public consultation took place in 2015 prior to the original adoption of this policy with:

- The Chief Officer of Warwickshire Police
- Elected members of Warwick District Council
- Town and Parish Councils
- Current licence holders
- Residents (via the Council website and social media)

- Warwick District Council Community Safety
- Warwick District Council Environmental Protection
- Warwickshire Fire Authority
- Public Health

Policy Review

1.6 This Policy will be kept under review and a full consultation exercise carried out when major changes are made to it. It is anticipated that major reviews of the Policy will take place every 5 years.

1.7 The Policy will be regularly evaluated and may be changed at any time to reflect minor, administrative or legislative changes or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any major changes will be agreed by full Council.

Examples of 'major changes' are changes that are:

- likely to have a significant financial effect on licence holders
- likely to have a significant procedural effect on licence holders
- likely to have a significant effect on the community
- likely to have a significant effect on any person involved in the sex establishment industry.

Contacting the team

1.8 If after reading this policy you require further information you are welcome to seek assistance from the Licensing Team.

Email: Licensing@warwickdc.gov.uk

Address: Licensing, Community Protection, Warwick District Council, Town Hall, Parade, Royal Leamington Spa, CV32 4AT.

2. Statement of General Principles

2.1 Any person who wishes to use any premises, vehicle, vessel or stall as a sex establishment within Warwick District must obtain a licence from the Council. In addition, any person who wishes to renew, vary, or transfer an existing sex establishment licence must apply to the Council.

2.2 This Statement of Licensing Policy ("the Policy") aims to provide clear guidance for applicants, existing license holders, those who want to object to an application and Members of the Licensing and Regulatory Committee when making a determination. This Policy replaces all previous sex establishment policies issued by the Council and it is intended that it will apply to all applications for sex establishments received after the date on which it is approved by the Council. The Policy will be reviewed every three years.

2.3 The Council does not take a moral stance in adopting this policy and recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as Licensing Authority to regulate such premises in accordance with the law.

2.4 In adopting this policy the Council has had regard to the Regulators Code and the Councils own Enforcement Policy. The Code stresses the need for regulation and its enforcement to be proportionate and flexible. The Policy aims to help and encourage regulated sex establishments to understand and meet the regulatory requirements.

2.5 Policy making and licensing decisions under the Act are made by the Council with regard to the relevant provisions of the following legislation:

- **The Crime and Disorder Act 1998**: The Council must use its powers as a licensing authority to do all that it can to reasonably prevent crime and disorder, anti-social behaviour and the misuse of drugs and other substances.
- **Provision of Services Regulations 2009**: The refusal of a licence or the imposition of any condition on a licence must be non-discriminatory, necessary and proportionate. The Council will apply these three tests when refusing a licence or imposing conditions.
- **Equality Act 2010**: This policy is underpinned by an Equality Impact Assessment. When making decisions the Council will consider and give due weight to the views and needs of protected groups with the aim of eliminating discrimination, harassment and victimisation and advancing equality of opportunity and fostering good relations between different people.
- **Human Rights Act 1998**: The rights that are potentially engaged in sex establishment licensing are likely to include Article 10, the right to

freedom of expression and Article 1, the protection of property. These rights, together with any other that may apply, will be considered by the decision maker.

- **Modern Slavery Act 2015***:* The Council has regard to the need to prevent exploitation and trafficking. Where relevant, the Council will consider safeguarding and welfare matters when assessing the suitability of applicants and the operation of licenced premises.

2.6 The Council will work in partnership with neighbouring authorities, the Police, South Warwickshire Community Safety Partnership (CWCSP), Warwickshire Safeguarding Adults Board (WS*A*B) and those involved with protecting adults from the risk of harm to promote the common objectives of safeguarding vulnerable people.

2.7 The Act permits the Council to set a reasonable fee for each application. Fees are reviewed annually and set at a level appropriate to recover the costs of carrying out the licensing functions under the Act. In setting fees, the Council has regard to legislation, any relevant guidance and case law.

2.8 The grant of an application under the Act does not constitute approval under any other acts (for example Town and Country Planning Act 1990). The applicant must ensure that all the necessary consents and approvals are obtained prior to operation.

2.9 Every application for the grant, renewal or transfer of a sex establishment licence will be considered on its own merits on a case by case basis. The Council will not apply rigid rules to its decision making although regard will be had to this document together with Home Office guidance and to the relevant legislation and case law in reaching any decision.

2.10 The Council will give full and clear reasons for its decisions.

2.11 In order to protect and safeguard those employed in (and customers of) relevant premises, all persons working in the premises, including performers, must be aged over 18 years of age, and legally entitled to work within the UK before they perform at or work in relevant premises. The Licensee will be required to maintain a record of the names, addresses and dates of birth of performers and employees, including details of relevant identity checks. This record must be retained at the premises and made available upon request, for inspection by the police and authorised officers.

2.12 It will be a condition of each SEV licence issued that the licence holder ensures no dancers are trafficked, exploited or controlled for another's gain.

2.13 In the case of all relevant premises, licence holders will be expected to safeguard performers, employees and customers by ensuring compliance

with the conditions attached to their licence. This can include the provision of CCTV, engagement of security staff and the implementation of codes of conduct, setting out clear expectations and standards for all those present at such premises.

3. Types of Sex Establishments

3.1 Sex Establishments can be a premises, vehicle, vessel or a stall. A private dwelling to which there is no public admission would not be classed as a Sex Establishment.

3.2 There are three types of Sex Establishment defined in the Act. These are a Sexual Entertainment Venue, a Sex Shop and a Sex Cinema.

Sexual Entertainment Venues

3.3 Sexual Entertainment Venues are defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

3.4 "Relevant entertainment" is defined as "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

3.5 The Council considers that the following forms of entertainment will generally be deemed to fall within the definition of relevant entertainment:

- Lap dancing
- Pole dancing
- Table dancing
- Strip Shows
- Peep Shows
- Live sex shows
- Burlesque shows
- Exhibition of sexual activity
- Other types of sexual recreational venues or activities

The above list is not exhaustive and decisions as to whether entertainment or an activity would fall within the definition of relevant entertainment will be made by the Council on a case by case basis and shall depend upon the nature and content of the entertainment and not the name it is given.

3.6 Premises which provide relevant entertainment on no more than 11 occasions in any 12 month period, with each occasion lasting no more than

24 hours and separated from another occasion by at least a month are exempt from the need to be licensed as sex establishments.

Sex Shops

3.7 Sex shop means any premises, vehicle, vessel, or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated therewith. Sex articles are defined at paragraph 4 Schedule 3 of the Act.

3.8 The term "significant degree" is not defined in legislation. When deciding whether a business is selling or otherwise dealing in a significant degree of sex articles and requires a licence the Council will consider:

- The ratio of sex articles and associated items to other aspects of the business
- The character of the remainder of the business
- The nature of the displays in the business
- Turnover generated by sales of sex articles and associated items
- The nature of literature, publicity or advertising materials
- Any other factor which appear to be materially relevant

3.9 A licence is not required for the sale supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

Sex Cinemas

3.10 Sex cinema means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures by whatever means produced which are concerned with the portrayal of, primarily deal with or relate to or are intended to stimulate or encourage sexual activity, acts of force or restraint associated with sexual activity or relate to genital organs or urinary or excretory functions.

4. Applying for a Sex Establishment Licence

Applications for grant, renewal or transfer

4.1 Applications for the grant, renewal or transfer of a sex establishment licences must be made on the prescribed forms available on the Council's website and submitted to the Council *at* www.warwickdc.gov.uk/licensing.

4.2 A template notice for public advertisement is attached as **Appendix B** or can be obtained via the Council's website.

4.3 Applications must be accompanied by the appropriate fee which can be found on the Council's website. The fee must be paid in full at the time of the application and the application fee is non-refundable.

4.4 In accordance with the legislation, a licence can be granted for a maximum period of 1 year, although the Council may grant a licence for a shorter period where it thinks fit. It may, for example, be appropriate to grant a licence for a shorter period of time where the applicant requires a licence for a specific purpose, for example an exhibition or a trade show. Applicants should note that the fee will remain the same even though the duration of the licence may be reduced.

4.5 Provided that an application for the renewal or transfer of a licence is made prior to the date of expiry, the licence is deemed to continue until the application is withdrawn by the applicant or determined by the Council.

4.6 Tacit authorisation, the process by which an application is deemed to be granted if an authority fails to determine it within certain time periods does not apply to sex establishment licences. This means that the licence will not be granted, renewed, transferred or varied until the Council makes a determination.

Variation

4.7 Sex establishment licences can be varied on application. Applicants can apply to vary the terms, conditions or restrictions on, or subject to which the licence is held. Applicants must complete the prescribed form and follow the guidance notes available on the Council's website. The Council may make such variations as it considers fit. There is no requirement to advertise a variation application so applicants are advised to contact the Council's licensing team to discuss whether a variation is appropriate or whether a new application would be more suitable.

Waivers

4.8 The Act contains provisions where a licensing authority can waive the requirement for a sex establishment licence in circumstances where a licence would be unreasonable or inappropriate.

4.9 A waiver can be for a specific period that the Council thinks fit or it can be open ended. An open ended waiver can be terminated by the Council with at least 28 days' notice.

4.10 Whilst the Council will consider any request for a licence waiver individually and on its own merits it considers that waivers are only likely to be appropriate in exceptional cases. Examples may include cases where the

requirement for a licence under the Act is borderline or the activities are a minor or ancillary part of the business and are not carried out for profit.

4.11 To apply for a waiver applicants must contact the Council's licensing team who will advise as to the information that should be provided. The application will then be determined by the Licensing and Regulatory Committee. Where a waiver is granted the applicant will be given a waiver notice. Where a waiver is refused the applicant will be notified and invited to apply for a sex establishment licence.

4.12 In accordance with legislation the grant of a waiver does not need to be advertised or consulted upon.

Conditions

4.13 The Council has prescribed standard conditions that will apply to every licence granted, varied, renewed or transferred unless they have been expressly excluded or amended. The conditions can be found at **Appendix C.**

4.14 Applicants who want to exclude or amend any of the standard conditions from a licence must include this request and the reasons for it within their application. It may also be appropriate for the Council to add specific, non-standard conditions to individual licences in some circumstances.

4.15 The Council will seek to avoid duplicating licence conditions where a premises holds licences under both the Licensing Act 2003 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

4.16 The Council will endeavour to avoid imposing conditions on either licence that contradictory to one another.

5. Making Objections or Commenting on an Application

5.1 Any person wishing to object to an application must submit a written objection by post or email to the Council within the specified 28 day consultation period.

5.2 Objections must be made in writing (email is acceptable) and must include the following:

- the name and address of the person or organisation making the objection
- the premises to which the objection relates
- the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated above).

5.3 Any Petitions made in respect of an application (in support or against) must meet the following minimum requirements:

- It must be clear to which premises/application the petition relates
- The petition must relate to one or more of the four licensing objectives
- Objections relating to the impact of a new business or a change to a new business on existing trade cannot be taken into account
- Each page must include information as to the purpose of the petition (so it is clear signatories were aware of what they were signing)
- Full names and addresses must be supplied, in a legible manner
- It should show the date the signatures were collected on each page
- It should be made clear to all signatories that a copy of the petition, containing their details may be passed to the applicant and contained within the Committee papers, which, in the event of a hearing may become public documents
- The first named respondent is taken to be the instigator of the petition, and will be used as first point of contact in terms of any queries about the petition
- The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Council will not contact each signatory as if they were making individual representations
- The Council reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate

  Electronic petitions can also be accepted. Please see our petitions guidance on the Council's website for further information.

5.4 The Council must be confident that those signing the petition were aware what they were signing for; in the interest of clarity for those signing best practice would be able to have the objection at the top of each page, especially where several people are involved in collecting signatures. The Committee will decide on the merits of the case and weight to be given to objections raised through petitions.

5.5 It should be noted that submissions to the Council may also be in support of an application. These should also contain the same information as stated above.

5.6 The Council will notify applicants of any objections made within the prescribed period. The names and addresses of objectors will not be disclosed to applicants, or published in public reports, without the consent of the person making the objection, in accordance with Paragraph 10 (17) if Schedule 3 to the Act.

6. Determining Applications

6.1 In all cases, the Council will consider each application on its own merits for all types of applications.

6.2 When determining applications, the Council will have regard to:

a) the Local Government (Miscellaneous Provisions) Act 1982
b) other relevant statutory considerations including those specified at paragraph 1.4 above
c) this statement of Licensing Policy
d) any relevant guidance or case law

6.3 Where the Council has received valid objections to the grant, renewal, transfer or variation of a licence the application will be determined by the Licensing and Regulatory Committee at a hearing. The hearing will be conducted in accordance with normal hearing procedures for the Committee.

6.4 If no valid objections are received then the application will be determined by an Officer of the Council in accordance with delegated powers.

6.5 In the case of an application for the renewal of a licence, the Council is not bound to make the same determination and will consider the matter afresh. The Council will, however, give due weight to the fact that a licence has previously been granted when making its decision.

7. Grounds of Refusal

Mandatory Grounds for Refusal of an Application to Grant, Renew or Transfer

7.1 Applications for the grant, renewal or transfer of a sex establishment licence must not be granted where one or more of the following apply:

a) the applicant is under the age of 18 at the date of determination
b) the applicant is for the time being disqualified from holding a sex establishment licence
c) the applicant is not a body corporate, and is not resident or has not been resident in an EEA state for 6 months immediately preceding the date of the application
d) the applicant is a body corporate which is not incorporated in an EEA state
e) the applicant 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

Discretionary Grounds for Refusal of an Application to Grant Renew or Transfer

7.2 Applications for the **grant or renewal** of a sex establishment licence may be refused on the following grounds:

a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons

b) 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/she made the application himself/herself

c) the number of sex establishments, or of 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 the locality

d) 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

7.3 The only discretionary grounds upon which the Council may refuse an application to **transfer** a sex establishment licence are those stated at 7.2 a) and b) above.

Suitability of an Applicant

7.4 When determining the suitability of an applicant the Council will consider such matters as it considers to be relevant including, but not limited to whether the applicant:

a) has no criminal conviction of a nature that deem him/her unsuitable
b) is honest
c) is qualified by experience to run the type of sex establishment in question or will employ suitable individuals with the relevant experience
d) clearly understands the conditions that may be attached to the license.
e) has a suitable management structure and business plan which delivers compliance with the conditions
f) has demonstrated compliance with other regulatory and taxation schemes

7.5 The Council will require an applicant to identify the proposed manager and beneficiary of the business to establish whether grounds of refusal at 7.2 b) apply. In considering the suitability of these persons the Council will apply the principles at paragraph 7.4.

Appropriate number of Sex Establishments

7.6 As set out in 7.2 c) above the Council may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in a relevant locality is equal to or exceeds the number which the authority considers is appropriate for that locality.

7.7 The term relevant locality is not defined in the Act. The Council will consider it to be the locality where the premises are located or the locality where a vehicle, vessel or stall is to be used as a sex establishment. The relevant locality will be decided by the Council on a case by case basis.

7.8 When determining applications for **sex shop** or **sex cinema** licences the Council will, once the relevant locality has been established, consider, in each case, what the appropriate number of sex establishments in that particular locality is. In determining this, the Council will have regard to the general character of that locality and any other considerations that are deemed relevant and appropriate. Where the Council decides that granting the application would result in the number of sex establishments equalling or exceeding the number that they deem to be appropriate in that particular locality they may refuse the application.

7.9 The Council has determined that a limit of nil is appropriate for the number of **sexual entertainment venues** within localities falling within the areas shown outlined on the maps on the Council website. Both sides of any road which borders the outlined areas shown on the maps are deemed to be included within it. The Council has not set a limit in relation to sex shops and sex cinemas. This limit has been set following a consultation that focused on the town centre areas of Kenilworth, Leamington Spa, Warwick and Whitnash and in which most respondents supported a nil limit. The Council does not believe that there are any localities within these areas in which it would be appropriate to licence a sexual entertainment venue.

7.10 The determination that a nil limit is appropriate within these areas does not prevent any person from applying for or renewing a sexual entertainment venue licence and each application will be considered on its merits.

7.11 There are areas of the District which are not subject to the nil limit. This does not mean that the Council considers that these areas are more suitable than the areas specified in Appendix C for the location of sexual entertainment venues. Applications for sexual entertainment venue licences in these areas will be decided on their individual merits.

Character of the Relevant Locality and Use of Premises in the Vicinity

7.12 As set out in 7.2 d) above the Council may refuse an application if it is satisfied that granting or renewing a licence would be inappropriate having

regard to the character of the relevant locality, or the use to which any other premises in the vicinity are put.

7.13 When considering whether an application should be refused on the grounds that it would be inappropriate having regard to the character of the relevant locality the Council will determine the relevant locality in each case and then have regard to the following together with any other factors deemed relevant in assessing the character of the locality:

a) the proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
b) The proximity of educational establishments to the premises
c) The proximity of places of worship
d) Access routes to and from schools, play areas, children's nurseries, children's centres or other premises catering for vulnerable people
e) the presence of shopping centres
f) the presence of community facilities for example halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs
g) On-going regeneration of the locality
h) the presence of other sex establishments
i) the views of residents, owners and occupiers of businesses and other organisations within the locality
j) The presence of licensed premises and their activities, uses and hours of operation

7.14 When considering whether an application should be refused on the grounds that it would be inappropriate having regard to the use to which other premises in the vicinity are put the Council will have regard to the following factors together with any others deemed relevant:

- the proximity of premises used as educational establishments, leisure facilities, community centres, places of worship, youth clubs or women's refuges
- the proximity of residential accommodation and other accommodation for vulnerable people
- evidence of complaints of noise or disturbance from other premises in the vicinity that are either caused by the applicant premises or are likely to increase as a result of granting an application
- the view of the occupiers or owners of premises in the vicinity

7.15 When considering the vicinity, the Council considers the vicinity to be the area immediately surrounding the premises.

8. Refusal of licences

8.1 The Council will not refuse to grant, renew or transfer a licence without first giving the applicant the opportunity of appearing and making representations before the Council's Licensing & Regulatory Committee.

8.2 Where an application for grant renewal or transfer is refused the Council will give the applicant a statement in writing of the reasons for their decision.

9. Revocation of a licence

9.1 The Council can revoke a sex establishment licence at any time on one of the mandatory refusal grounds set out at 7.1 above or on either of the discretionary refusal grounds set out at 7.2 a) and b).

9.2 The Council will not revoke a licence without first giving the licensee the opportunity of appearing before and being heard by the Council's Licensing and Regulatory Committee.

9.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of the reasons for the decision within 7 days of the decision.

9.4 Where a licence is revoked, its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

9.5 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

10. Cancellation of a licence

10.1 The Council may at the written request of the licence holder cancel the licence. No refund of the fee will be made in these circumstances.

11. Death of the Licence Holder

11.1 If a licence holder dies, the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death, unless previously revoked, and will then expire. The representatives must comply with the conditions of the licence and should not be someone who not normally be granted a licence in their own right.

11.2 The Council can, however, on the application of the licence holder's personal representatives, extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

12. Right of Appeal

12.1 Only the applicant or licensee has the right to appeal the Council's decision to the Magistrates Court and only on limited grounds. There is no right of appeal for persons who have made representations or statutory authorities.

12.2 The decisions against which a right of appeal lies are refusals of grants, renewals, variations or transfers, the imposition of conditions and revocation.

12.3 Appeals can only be made against refusals or revocations made on the mandatory grounds on the basis that the mandatory ground does not apply to the Appellant. The only discretionary grounds of refusal that can be appealed are those set out at 7.2 a) and b) above which relate to the suitability of the applicant, the manager or the beneficiary of the operation. There is no right of appeal against refusals made on the grounds set out at 7.2 c) and d) above.

12.4 Appeals must be made to the Magistrates' Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.

13. Enforcement, Compliance and Monitoring

13.1 The Council expects licence holders to ensure proper and adequate monitoring and supervision of the activities which take place at premises which benefit from a sex establishment licence.

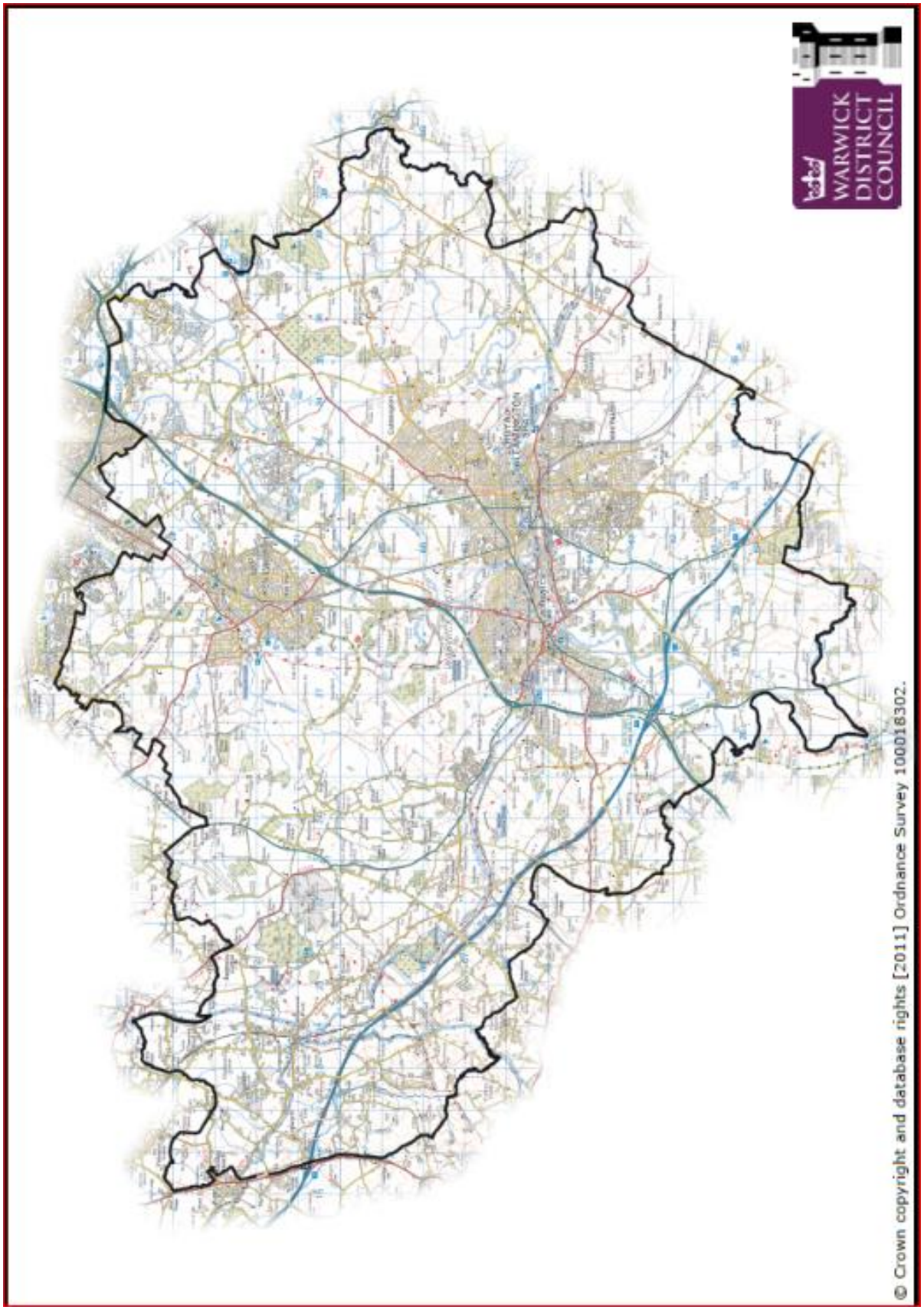
13.2 The Council will adopt an intelligence led and risk-based approach to its monitoring and inspection regime. In general, this will involve carrying out inspections of premises normally once a year unless exceptional circumstances require otherwise. The Council also reserves the right to conduct random spot checks from time to time as it sees fit.

13.3 It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations and therefore may require more frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.

13.4 The Council's approach to enforcement is set out in the Council's Enforcement Policy and is available on the Council's website. The Council will also have regard to the Regulator's Code.

13.5 Breach of conditions or legislative requirements may result in formal action being taken by the Council which can include revocation of, or a decision not to renew a licence. The Council may also prosecute in respect of serious offences.

Appendix A: Map of Warwick District



Appendix B: Specimen Public Notice

Local Government (Miscellaneous Provisions) Act 1982
Sex Establishment Licence
Public Notice

[*Name of person applying for licence*] is applying to Warwick District Council for a [*sex cinema/sex shop/sexual entertainment venue*] licence at [*name and address of premises].*
Any person wishing to make representations in relation to this application may do so by writing to the Licensing Authority:

Warwick District Council
Town Hall
Parade
Royal Leamington Spa
Warwickshire CV32 4AT

Representations may be made for 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed *by appointment* Monday to Thursday 9.00am to 5pm, and 9.00am to 4.30pm on Fridays, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the Standard Scale.

[Date] – This must show the day after the day that the application was received by the Licensing Authority.

Appendix C:

Sex Establishment Licensing Standard Conditions

Explanatory Note
There are three types of sex establishment that can be licensed by the Council under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. These are:

- Sexual Entertainment Venues
- Sex Cinemas
- Sex Shops

The following standard conditions shall apply to licences granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

"Sex Establishments", "Sex Cinemas", "Sex Shop", "Sex Article", "Sexual Entertainment Venue", "relevant entertainment" shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Part 1
Sex Establishment General Conditions.

The following Conditions apply to all Sex Establishments licensed by the Council.

1. General

1.1 The Licence or a clear copy of it shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

1.2 A copy of the conditions that apply to the Licence shall be retained at the premises in a clear and legible condition and provided to any person using the premises on request.

1.3 The premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence.

1.4 The Licence Holder shall retain control over all areas of the premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the premises is affected by the termination of a lease or other event affecting the License Holder's control of the Premises.

1.5 The Licence Holder shall ensure that members of the public are not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.

1.6 The premises shall be maintained in accordance with the lay out plan attached to the Licence. Amendments to the layout of the premises and/or any structural or physical alteration must be approved by the Council by way of an application for variation of this licence unless otherwise agreed in writing by the Council.

1.7 Where the Licence Holder is a corporate body or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within fourteen days of such change and such written details as the Council may require in respect of any new Director Secretary or Manager are to be furnished within fourteen days of a request in writing from the council.

1.8 No person under the age of 18 shall be admitted to any part of the premises and the Licence Holder shall adopt the Challenge 25 policy on admissions. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport. There must be adequate, regular and documented training on admissions for staff and records of that training will be provided to Authorised Officers of the Council and police on request.

1.9 A warning notice of not less than 600 mm by 300 mm comprising white letters on a dark background, such letters to be at least 25 mm high, shall be exhibited in a prominent position on each entrance to the premises. The warning notice must contain the following words and no others:-

WARNING

Persons passing beyond this notice may find material of a sexually explicit nature on display. No admittance to persons under 18 years of age.

(ii) The word **"WARNING"** must appear as a heading.
(iii) No pictures or other matter shall appear on the notice.
(iv) The notice must be situated so that no person could reasonably gain access to the premises without being aware of the notice and it must be easily legible by any person gaining such access.

2. Conduct and Management of Premises

2. Management and Staffing of the Licensed Premises

2.1. A written record shall be kept of anyone refused admission to the premises or refused service. Details contained in this record shall show:

- the basis for the refusal;
- the person making the decision to refuse; and,
- the date and time of the refusal

This record shall be retained at the premises for at least one year from the date of refusal and shall be made available for inspection and copying by the Police and Authorised Officers of the Council immediately upon request.

2.2 The Licence Holder or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and present at the premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by authorised officers of the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision. The person in charge shall be conversant with these licence conditions.

2.3 The Licence Holder shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the Sex Establishment in the Licensee's absence and the names and addresses of those employed or self-employed in the Sex Establishment. The Register is to be completed each day within thirty minutes of the Sex Establishment being opened for business and is to be available for inspection by the police and by authorised officers of the Council.

2.4 Persons working at the premises must be aged over 18 and the Licence Holder must undertake adequate identity checks to ensure that they are 18 years or over and have the right to work in the UK. Copies of all documents used to verify identities together with name address, photograph, National Insurance Number and date of birth must be securely retained for inspection by the Police or authorised officers of the Council on request.

2.5 A bound and sequentially paginated incident and accident book shall be kept to record all instances of crime, disorder, damage to property and personal injury at the premises. This book shall be made available for inspection and copying by the Police and authorised officers of the Council immediately upon request and all such books shall be retained at the premises for at least 1 year from the date of the last entry.

2.6 The Licence Holder shall as soon as reasonably practicable provide copies of any documents reasonably required by an authorised officer of the Council to prove compliance with this Licence.

2.7 The Licence Holder shall ensure that no part of the premises is used for the purposes of soliciting for prostitution.

2.8 The Licence Holder shall maintain good order on the premises and ensure that the Police are notified where criminal behaviour is suspected to have taken place. In particular the Licence Holder shall ensure that the Police are notified immediately of the unlawful possession or supply of illegal drugs or acts of violence taking place on the premises.

2.9 The Licence Holder shall inform the Council in writing within 14 days if he, a person responsible for managing the premises is arrested, convicted or cautioned for any offence.

2.10 The Licence Holder shall inform the Council in writing if a person working at the premises is arrested, convicted or cautioned for a criminal offence of a violent or sexual nature.

2.11 There must be no activities designed to obtain custom for the licensed premises by means of personal solicitation, touting, or distribution of flyers, handouts or any like thing.

2.12 The use of cruising cars by the premises to solicit for custom or to transport people to or from the premises is prohibited.

2.13 Where the Council has given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

Part 2

Sexual Entertainment Venue Standard Conditions

The Sex Establishment Standard Conditions in Part 1 will apply to a Sexual Entertainment Venue licence in addition to the conditions set out below.

The following conditions are standard conditions that will apply specifically to the type of Sex Establishment known as a Sexual Entertainment Venue.

1. Conduct and Management of Premises

1.1 Notices will be displayed at the entrance to the premises advising customers that random searches will be carried out and admission will be refused to customers who do not give their consent to being searched.

1.2 The Licence Holder shall ensure that during the hours the Sexual Entertainment Venue is open for business every employee who is not a performer wears a badge of a type to be approved by the Council.

1.3 The premises shall subscribe to an approved radio system and radios shall be operational at all times the premises is open to the public.

1.4 The prices for entrance and any compulsory purchases within the venue shall be clearly displayed on the interior of the premises at the entrance of the premises.

1.5 All charges for products and services shall be clearly displayed in prominent areas within the premises, and at each customer table and in the bar area.

2. Security

2.1 SIA registered door staff shall be employed at the premises, both inside and outside, at all times that the premises are open to the public. The number of door staff required shall be agreed with the Police. Appropriately trained staff shall supervise the admissions desk and all dance and entertainment areas at all times.

3. Premises

3.1 Any person who appears to be drunk or intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

3.2 Any person found to be in possession of illegal drugs upon entry shall be denied entry and the Police shall be notified. Any persons found using illegal drugs on the premises shall be removed from the premises and the Police notified.

3.3 No films may be shown at the premises unless they have been passed by the British Board of Film Classification or the Licensing Authority. No films classified as R18 shall be shown on the premises.

3.4 No sex articles or other items intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be used, displayed, sold, hired, exchanged, loaned or demonstrated at the premises.

4. CCTV

4.1 Except in accordance with the requirements for CCTV, no photographs, films or video recordings shall be taken of the performances. Electronic

transmissions of a performance shall not be shown outside of the premises except for the purpose of remote management of the premises and in those circumstances, the licensee shall ensure that only managers nominated in writing shall view any photograph, film or recording.

5. Performers

5.1 A designated dressing room area shall be provided for performer's exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be sufficient to enable performers to change privately. Only performers and staff authorised by the Licence Holder shall be permitted in to the changing rooms.

5.2 A member of staff will be available to escort performers from the premises to secure transport, or safe place at the end of their working day if requested to do so.

5.3 No performers shall be allowed to work at the premises if they are under the influence of intoxicating liquor or drugs.

5.4 Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be clearly stated in writing and prominently displayed within the changing area.

5.5 Performers who are not performing shall not be in any public area in a state of undress (which includes the displaying of naked female breasts).

5.6 There shall be no physical contact between performers and customers at any time, either before, during or after a performance except for the placing of money or tokens in an item of clothing worn by a performer or into the performer's hand before or at the end of the performance and a customary kiss on the cheek of the patron by the performer at the conclusion of the performance. Customers may be led by the hand and escorted to an appropriate area for the dance.

5.7 Performers must never intentionally touch the genitals, anus or breasts of another performer or to knowingly permit another performer to intentionally touch their genitals, anus or breasts.

5.8 Performers must not simulate any sexual act.

5.9 Performers must not use any sexually graphic language during a performance or in the public areas of the premises.

5.10 Performers must not sit on or straddle a customer or place their feet on seats.

5.11 The Licence Holder must adopt and implement a code of conduct for performers and a code of conduct for customers. The terms must be approved by the Council and any amendments must be approved by the Council.

5.12 The Code of Conduct for Customers shall be displayed in prominent positions throughout the licensed premises so that it is visible to all patrons.

5.13 All management and staff (including security staff) must be aware of and familiar with the content of the Code of Conduct for Customers and shall ensure it is complied with at all times.

5.14 On any occasion whereby a customer breaches the Code of Conduct, such details shall be recorded in the incident log.

5.15 Any customer who has previously been asked to leave the premises and again breaches the Code of Conduct shall be banned from the premises.

5.16 The Licence Holder shall ensure that all performers performing at the premises have signed a declaration to confirm that they are aware of, have understood and will abide by the code of conduct. The Licence Holder shall retain this declaration until such time as the performer ceases to perform at the premises.

5.17 Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.

5.18 No performer will exchange personal information or contact details with a customer or arrange to meet any customer outside of the premises.

5.19 Performers must not perform unless in a supervised area and within sight of a member of staff or a member of security.

5.20 Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.

6. Performances

6.1 The Licence Holder must ensure that during a performance:

(a) customers are seated in an upright position against the back of the booth or seat with their hands by their sides

(b) customers must remain seated during the entire performance

6.2 Performers will stop immediately and move away from any customer who is offensive or attempts to touch them during a performance and shall report such behaviour and any other inappropriate behaviour or breach of house rules to the management.

6.3 At the end of a performance the performer should be able to leave the stage area without the need to walk through the audience.

7. Customers

7.1 Customers must remain fully clothed at all times.

Part 3
Sex Cinema Standard Conditions

The Sex Establishment Conditions in Part 1 will apply a Sex Cinema licence in addition to the conditions set out below:

The following conditions are standard conditions that will apply specifically to the type of Sex Establishment known as a Sex Cinema.

The premises shall be conducted primarily for the purpose of the exhibition of moving picture.

1.1 No film shall be exhibited at the premises unless it has been passed by the British Board of Film Classification as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or

1.2 No film shall be exhibited at the premises:-

(1) which is likely:-
  (a) to encourage or to incite to crime; or
  (b) to lead to disorder; or
  (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
  (d) to promote sexual humiliation or degradation of or violence towards women.

(2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or

(3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the Licence Holder is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

1.3 The Licence holder shall give at least 28 days' notice in writing to the council of any proposal to exhibit any film which has not been classified as specified above. Such a film shall only be exhibited if consent has been obtained from the council in writing and subject to any terms or restrictions contained within such written consent.

1.4 No other indication as to the nature of the business carried on at the licensed premises may be displayed on the external area of the premises other than the wording "ADULT CINEMA".

1.5 No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Cinema, nor shall more than one person (including any

employee) be present in any such booth or cubicle at any time except for maintenance or security reasons.

1.6 Neither Sex Articles nor other things intended for use in connection with, or the purpose of stimulating or encouraging sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Part 4

Sex Shop Standard Conditions

The Sex Establishment Conditions in Part 1 will apply a Sex Shop licence in addition to the conditions set out below:

The following conditions are standard conditions that will apply specifically to the type of Sex Establishment known as a Sex Shop.

1.1 The Licence Holder shall produce a list of all stock carried at the premise and shall make it available to a police officer or authorised officer of the Council on demand in respect of a sex shop.

1.2 All printed matter, DVD, video and other formats capable of storing readable/viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect is to be prominently displayed inside the Sex Shop. (This regulation does not require that films or video films be exhibited (played) to customers).

1.3 No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

1.4 The licensee shall retain control over all parts of the premises and shall operate the designated area of the premises exclusively as a sex shop as stated in the licence unless otherwise agreed in writing by the Council.

1.5 The licensed premises shall be used only for the purposes of a sex shop, as defined by Paragraph 4 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this Licence is granted.

1.6 The licensed name of the premises may be displayed, unless the Council determines that the name is of a profane or sexual nature or gives other cause for concern.

1.7 No other indication as to the nature of the business carried on at the licensed premises may be displayed on the external area of the premises other than the wording “PRIVATE SHOP” or “ADULT SHOP”.

1.8 No external loudspeakers may be installed.

1.9 External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

1.10 Lighting shall be in operation continuously during the whole of the time that the Sex Shop is open to the public.

1.11 No film, video film, record or tape shall be exhibited, sold or supplied in, at or from the licensed premises unless it is a reproduction authorised by the owner of the copyright of the film, video film, record or tape.

1.12 No charge shall be made to any member of the public or visitor for admission to the premises in respect of which a licence is granted, nor for admission to any part thereof.