



Swindon Borough Council

Sex Establishment Policy

Date:

Version Control

Version	Date Produced	Date Approved
1.1		

Contents

	Page
1. Introduction	3
2. Applying for a Licence	4
3. Consultation	5
4. Objections	5
5. Determination	6
6. The Grounds for Refusal or Revocation of Licences	7
7. Hearings	9
8. Appeals	10
9. Enforcement	11
10. Licence Duration	11
11. Waivers	11
12. Review of Policy	12
Glossary	13
Appendix A – Standard conditions	15
Appendix B - Standard conditions applying to Sexual Entertainment Venues	19
Appendix C - Standard conditions applying to Sex Shops	22
Appendix D - Standard conditions applying to Sex Cinemas	24

1. Introduction

Purpose of the Policy

- 1.1. This Policy sets out Swindon Borough Councils (the Council) approach regarding the licensing and regulation of sex establishments (sex shops, sex cinemas and sexual entertainment venues) as set out in the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2. The Council is mindful of the possible concerns of the local community and that there may be conflict between the wishes of applicants for licences and those who object to such applications. This Policy will therefore guide the Council when considering applications for sex establishment licences in balancing the needs of residents, communities, commercial interests, patrons and employees.
- 1.3. In licensing sex establishments, the Council makes no moral judgement on the activities provided and recognizes that legislation has made it lawful to operate sex establishments and that such businesses are part of the retail and leisure industries, the role of the Council is as a licensing authority to administer and ensure compliance with the licensing regime in accordance with the law.
- 1.4. The Council as the licensing authority, is committed to maintaining a safe, sustainable and thriving economy that can be enjoyed by persons of all ages and from all sections of community.

Licensing Function

- 1.5. The Authority is responsible for considering and determining applications covered under the Act and therefore relevant to this policy, including:
 - (a) Sex Shops
 - (b) Sex Cinemas
 - (c) Sexual Entertainment Venues (SEV)
- 1.6. A sex shop is any premises, vehicle, vessel or stall used to a significant degree for hiring, selling, exchanging, lending, displaying and demonstrating sex articles and/or other things intended for use in connection with, or for the purpose of stimulating, or encouraging sexual activity. This includes adult films and magazines.
- 1.7. A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of or which stimulates or encourages sexual activity, acts of force or restraint associated with sexual activity, genital organs, or urinary or excretory functions (e.g. pornographic movies). However, dwelling houses and cinemas showing films covered by the Licensing Act (e.g. a film rated by British Board of Film Classification) are excluded from this definition.

- 1.8. A sex entertainment venue (SEV) is any premises which allows live display of nudity, or, any live performance, before a live audience directly or indirectly for the financial gain of the organiser or entertainer. Such entertainment must be of a nature that can reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (verbally or otherwise). Nudity is not a necessary element of such a performance, and an audience can comprise one person. The term SEV is therefore likely to cover:
- (a) Lap dancing
 - (b) Pole dancing
 - (c) Table dancing
 - (d) Strip shows
 - (e) Peep shows
 - (f) Live sex shows

2. Applying for a Licence

Application Form

- 2.1. All applications relating to sex establishments must:
- (a) Be made on via the Council's website and search for sex establishment licence: www.swindon.gov.uk.
 - (b) Where the application is for a new premises licence, be accompanied by a clearly legible layout plan.
 - (c) Be accompanied by the relevant fee.

Advertisement of Application

- 2.2. Applications for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in Swindon no later than 7 days after the date the application is made. It is the responsibility of the applicant to arrange this and provide evidence to the Council that this has been done.
- 2.3. Where the application relates to a premises, a notice must also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning on the day the application is made. For large premises notices should be placed every 50m of the perimeter. It is the responsibility of the applicant to arrange for this notice to be displayed and to provide evidence to the Council that this has been done.
- 2.4. Both notices must state that any objections or supporting responses must be made to the Council by email; licensing@swindon.gov.uk or by post: Licensing Authority, Swindon Borough Council, Wat Tyler West Floor 5, Beckhampton Street, Swindon, SN1 2JH.

3. Consultation

- 3.1. Once an application has been received the licensing officer will consult other relevant officers of the Council, local councillors, the police and other relevant partners and stakeholders so as to gather appropriate information regarding the application.
- 3.2. The consultation period will last 28 days from the date of the application. Any person wishing to object to an application must do so in writing stating the general terms of the objection. Objections can be made to the Council by way of email; licensing@swindon.gov.uk or by post; Licensing Authority, Swindon Borough Council, Wat Tyler West Floor 5, Beckhampton Street, Swindon, SN1 2JH.
- 3.3. Following the 28-day consultation, the responses will be collated by the licensing authority and a report produced for the Licensing Sub Committee. Information to be included is the character of the relevant locality, the proposed use of the premises, and the layout, character, and condition of the premises.
- 3.4. Any decision regarding an application for a new premises will be made by the Licensing Sub Committee.

4. Objections

- 4.1. The Council will take into consideration objections for all application types including new, renewals, transfers and variations.
- 4.2. Any objections must be received by the Council no later than 28 days after the date of the application. Objections must be received by way of email; licensing@swindon.gov.uk or by post; Licensing Authority, Swindon Borough Council, Wat Tyler West Floor 5, Beckhampton Street, Swindon, SN1 2JH. The Council encourages any objector to provide full reasons for their objection and, where possible, to demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in section 8 of this Policy.
- 4.3. No weight will be given by the Council to objections made on moral grounds or that are, in the opinion of the Council, frivolous or vexatious.
- 4.4. Where an objection is received, the applicant shall be notified of the general grounds of the objection, prior to the application being determined by the Council.
- 4.5. The Council will not disclose the names or address of any objector to the applicant unless the objector has provided consent to their details being disclosed. The information will, however, be shared with Councillors sitting on the relevant sub-committee and their advisors.

4.6. Any objection must: -

- (a) Be made in writing to the local authority;
- (b) Indicate the name and address of the author of the objection (which will not be revealed to the applicant without the objector's consent);
- (c) Indicate the application to which the objection relates;
- (d) Indicate the general grounds for making the application.

4.7. Persons making objections can include individuals, residents/tenants' associations, community associations, businesses and trade associations.

4.8. Councillors and MPs can also make objections.

4.9. Ward councillors may represent objectors, where they have been requested to do so by that objector, at any hearing about the application, but may not also sit on the sub-committee determining the application in question.

Consideration of 'Late' Objections

4.10. The Council is under duty to consider any objections made within 28 days of the application. Objections will only be considered if they have been submitted in writing and not later than 28 days after the date of the application. No late objections will be considered.

4.11. In appropriate circumstances the Council may defer determination of an application to allow the applicant time to respond to any objections.

5. Determination

5.1. All new applications or any applications which receive relevant objections for sex establishments will be determined by the Licensing Sub-Committee.

5.2. All uncontested renewal and transfer applications will be determined by the Licensing Manager. The Licensing Manager can refer the decision to the Licensing sub-committee if it is felt appropriate.

5.3. Each case will be decided upon its merits but if refused, the grounds for refusal will be made clear. The Council will not apply a rigid rule for its decision making, although regard will be taken to this document, and to the relevant legislation and case law, in reaching any decision;

5.4. The absence of objections will not in itself constitute grounds for automatic approval of an application. If licensing officers believe that any of the grounds for refusal (as outlined in section 8 of this Policy) may be engaged, then they will refer the decision to the Licensing Sub-Committee for consideration.

5.5. Similarly, the existence of objections will not lead to an application automatically being refused. But rather will start a process of examination of the issues that may arise if the licence were to be granted and the decision will be made by the Licensing Sub-Committee after taking into account of all the issues raised.

6. The Grounds for Refusal or Revocation of Licences

6.1. Each application will be determined on its own merits. However, applications may only be refused on certain defined mandatory or discretionary grounds as set out below:

Mandatory Grounds

6.2. The Council must refuse an application if: -

- (a) The applicant is under the age of 18 years old;
- (b) A licence held by the applicant has previously been revoked, which would disqualify him or her from obtaining or holding a licence in the area of that authority for 12 months from the date of revocation;
- (c) The applicant, where this is an individual, is not resident in an EEA state or was not resident throughout the period six months immediately preceding the date when the application was made;
- (d) The applicant, where this is a body corporate, is not incorporated in an EEA state;
- (e) 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.

6.3. If these mandatory conditions are not met any application will be refused and not pursued further, this decision will be made by the Licensing Manager.

Discretionary Grounds

6.4. The Council may refuse an application if: -

- (a) The applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason; or
- (b) The business would be managed or carried on for the benefit of a person other than the applicant who would be refused the licence if they made the application themselves; or
- (c) The number of sex establishments, or sex establishments of a particular type, in the relevant locality at the time the application is made is equal to or exceeds the number which The Council considers appropriate for that locality; or
- (d) The grant or renewal of the licence would be inappropriate, having regard to:-
 - i. the character of the relevant locality, or
 - ii. the use to which any premises in the vicinity are put, or
 - iii. to the layout, character or condition of the premises to which the application applies.

- 6.5. The Council has a wide discretion with regard to variation application and may refuse the application if it thinks fit. Transfer applications can only be refused if:-
- (a) The applicant is unsuitable to hold the licence by reason of conviction of an offence or for any other reason: or
 - (b) The business would be managed or carried on for the benefit of a person other than the applicant who would be refused the licence if they made the application themselves.

Suitability of the Applicant

- 6.6. The Council needs to be satisfied that the applicant for a sex establishment licence is suitable to operate the business by ensuring:
- (a) that the operator is honest;
 - (b) that the operator is qualified by experience to run the type of sex establishment in question;
 - (c) that the operator understands the general conditions;
 - (d) that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. through:
 - i. managerial competence;
 - ii. attendance at the premises;
 - iii. a credible management structure;
 - iv. enforcement of rules internally, e.g. through training and monitoring.
 - v. a viable business plan, which includes sufficient demonstration they can meet the cost of employing door staff and install and maintain CCTV;
 - vi. policies for the welfare of performers (SEV only).
 - (e) that the operator can be relied upon to act in the best interests of the performers, e.g. 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 (SEV only);
 - (f) that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
 - (g) that the operator can show a track record of management of compliant premises, or that they will employ individuals who will have such a track record;
- 6.7. All applications will be considered but they are unlikely to be granted if any of the following apply:
- (a) the applicant has a criminal record. Offences that would be considered particularly relevant include:
 - i. Convictions for dishonesty
 - ii. Violence
 - iii. Sexual offences
 - iv. Drugs
 - v. Public order
 - vi. People trafficking

- (b) the applicant has previously been involved in running an unlicensed sex establishments;
- (c) if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made the application themselves.

6.8. It is anticipated that the suitability of the operator would be demonstrated through the completed application form and any accompanying submissions as part of the application process. However, The Council may also take into account any objections or oral submissions made at any hearing to determine the application.

The Location of the Licensed Premises

6.9. The Council will not grant or renew a licence for a sex establishment if, in the Council's opinion, it would be inappropriate to do so with regard to the character of the relevant locality or if the appropriate number of sex establishments/ a particular type of sex establishment, in that locality would be exceeded.

Layout, Character and Condition of the Premises

- 6.10. The Council will not grant or renew a licence for a sex establishment if, in the Council's opinion it would be inappropriate having regard to the layout, character and condition of the proposed sex establishment. Whilst not intended to be an exhaustive list, The Council will have particular regard to the following:-
- (a) the type of activity to which the application relates;
 - (b) the days and hours of operation of the activity;
 - (c) the layout and condition of the premises with particular concern for public safety, health and safety and the prevention of crime and disorder.

7. Hearings

- 7.1. With the exception of uncontested renewal and transfer applications, all applications relating to sex establishments will be heard by a meeting of the Licensing Sub-Committee. It will be the general practice of the Council to invite police and/ or others who have lodged objections to appear and be heard at any hearings in addition to the applicant. However, the Council has a discretion and can as a result decide not to invite police and/ or other objectors to hearings; in deciding whether to exercise the discretion the Council will consider the facts surrounding each particular application and will aim to act fairly at all times.
- 7.2. Officers will notify the applicant, police and objectors of the date and time of the hearing; these parties shall give notice to the Council stating:-
- (a) whether they will attend the hearing; and
 - (b) the names and addresses of any witnesses that they intend to call.
- 7.3. An agenda will be circulated prior to the hearing. This will include a copy of the application, a copy of any representations made by the police, and an anonymised

summary of any objections received. The identity of the objector/s will not be made known without their prior consent. Although information as to the general vicinity in which the objector/s live may be included.

- 7.4. Whilst additional material in support of the application or representation may be taken into account at the hearing; such material should be provided to the Council as soon as possible before the hearing. This is to allow time prior to the hearing for the committee fully consider and reflect upon said material.
- 7.5. Where there has been a failure to adhere to paragraph 9.4 above or where additional material is produced at the hearing; this will only be admitted at the discretion of the Licensing Sub - Committee. This will usually be allowed only in exceptional circumstances and if the late production does not prejudice any other party in being able to respond fully.
- 7.6. Late objections/ representations will be dealt with in accordance with paragraph 6.8 above.
- 7.7. Where a party does not attend the hearing and is not represented the Council may either adjourn the hearing or may continue with the hearing in the party's absence. If the latter option is followed the Licensing Sub-Committee will still consider any application, representation or notice submitted by the absent party in so far as it is relevant.
- 7.8. The hearing will concentrate on matters which are relevant to one or more grounds upon which a licence may be refused; see section 8.

8. Appeals

- 8.1. Appeals against decisions of the Council are generally made to the Magistrates' Court and appeals against decisions of the Magistrates may be made to the Crown Court. However, not all decisions carry a right of appeal.
- 8.2. The only persons entitled to appeal are:
 - (a) An applicant for the grant, renewal, transfer of a licence whose application has been refused;
 - (b) An applicant for the variation of the terms, conditions or restrictions of a licence whose application for variation has been refused;
 - (c) A holder of a licence who is aggrieved by any terms, conditions or restrictions on that licence;
 - (d) A holder of a licence whose licence is revoked.

However, even these persons do not have a right to appeal in every case.

- 8.3. There is no right to appeal for the following:

- (a) Objectors; or
- (b) an applicant who has been refused the grant/renewal or transfer of a licence on any one of the mandatory grounds unless they seek to show that the grounds for refusal does not apply to them; or
- (c) an applicant who is refused a licence on the grounds:-
 - i. That there are sufficient sex establishments in the locality, or
 - ii. That to grant the licence would be inappropriate having regard to the relevant locality, use to which premises in the vicinity are put, or the layout, character, or condition of the establishment.

8.4. The only means of challenge available for such persons is by way of Judicial Review.

9. Enforcement

9.1. All decisions, determinations, inspections and enforcement action taken by The Council will have regard to the relevant provisions of the Act.

10. Licence Duration

10.1. Unless there are exceptional reasons otherwise, licences will be granted for the maximum duration of one year at a time, in the interests of proportionality and to provide certainty to those operating lawful businesses.

11. Waivers

11.1. Any request for a waiver from the requirement to hold a sex establishment licence will be considered on its own merits and those merits will be taken fully into account prior to a decision being made.

11.2. The Council does not consider that it would generally be appropriate to grant a waiver from the requirement to hold a sex establishment licence in respect of a business that solely or primarily provides licensable, sex-related activities on a commercial basis (i.e. for consideration and with a view to profit).

11.3. Instead, the Council views the ability to seek a waiver as an option for businesses that provide the licensable activities as a minor, ancillary part of their overall trade, and will not make a profit directly from the provision of those activities. An example may be the use of pornographic materials as a stimulus for male subjects by a fertility clinic.

11.4. A waiver may be granted for a specific period or be open ended.

11.5. The Council will give notice to the applicant stating a waiver has been granted.

11.6. The Council may at any time give notice that a waiver is to be terminated by giving at least 28 days' notice.

12. Review of the Policy

- 12.1. This Policy will be kept under review and updated in light of any significant changes in legislation, case law or national guidance. The Council will also carry out periodic reviews of the Policy to ensure that it remains appropriate to the current operating environment.
- 12.2. The Council will consider any viable and sensible recommendations made in respect of its Policy (unless they are not in line with central or local government policy and legislation). If you wish to comment on the Policy please email licensing@swindon.gov.uk and your comments will be considered during future policy reviews.

Glossary

Term	Definition
The Act	The Local Government (Miscellaneous Provisions) Act 1982
The Council	Swindon Borough Council
Display of Nudity	In the case of a woman: exposure of her nipples, pubic area, genitals or anus; and in the case of a man: exposure of his pubic area, genitals or anus.
Licensed Premises	The premises, vessel, vehicle, or stall licensed by the Council as a sex establishment.
The Policy	The final version of this policy.
The Licensing Act	The Licensing Act 2003.
The Organiser	Any person who is responsible for the organisation or management of the relevant entertainment or the licensed premises.
Relevant Entertainment	Any live performance or any live display of nudity which is of 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).
Relevant Locality	The locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the Council to decide and will be determined on a case-by-case basis for the purpose of decision making.
Sex Establishment	A premises whereby relevant entertainment is provided, either a Sex Shop, Sex Cinema, or Sexual Entertainment Venue (SEV)
Sex Article	anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity, acts of force or restraint which are associated with sexual activity, or any article containing or embodying matter to be read at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of an such article; and to any recording of vision or sound which 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 is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.
Sex Shop	A sex shop is any premises, vehicle, vessel or stall used to a significant degree for hiring, selling, exchanging, lending, displaying and demonstrating sex articles and/or other things intended for use in connection with, or for the purpose of stimulating, or encouraging sexual activity. This includes adult films and magazines

Sex Cinema	A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures concerned primarily with the portrayal of or which stimulates or encourages sexual activity, acts of force or restraint associated with sexual activity, genital organs, or urinary or excretory functions (e.g. pornographic movies). However, dwelling houses and cinemas showing films covered by the Licensing Act (e.g. a film rated by British Board of Film Classification) are excluded from this definition.
Sexual Entertainment Venue (SEV)	any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
Waiver	A waiver may be granted from the requirement to hold a sex establishment licence on the basis of conditions agreed with the Council as the licensing authority.

Appendix A - Standard conditions applying to Sex Establishment Licences

The following conditions will attach to all sex establishment licences issued by the Council, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. In these conditions, unless otherwise stated, the following expressions shall have the following meanings:
 - (a) “Sex Establishment” and “Sexual Entertainment Venue” “Sex Shop” and “Sex Cinema” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.
 - (b) “Sex Shop” and “Sex Article” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
 - (c) “Premises” means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Schedule.
 - (d) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing and “Approve”, “Approved” and “Approving” shall be construed accordingly.
 - (e) “The Council” means Swindon Borough Council.
2. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a Sex Establishment, the special conditions shall prevail.
3. The granting of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Conduct and Management of Sex Establishments

4. Where the Licensee is a body corporate or 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 14 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 in writing within 14 days of a notice in writing from the Council.
5. The Licensee or a responsible person nominated by him or her in writing for the purpose of managing the Sex Establishment in his or her absence, and of whom details (including photographs) have been supplied to and approved by the Council, shall be personally responsible for, and present at the premises (or part of it), used as a Sex Establishment during the whole time it is open to the public.

6. The names of both the Licensee and the person nominated by him or her to be responsible for managing the Sex Establishment in his or her absence shall be prominently displayed within the Premises so as to be readily visible to any person visiting the Sex Establishment.
7. The Licensee or the person nominated by him or her to be responsible for managing the Sex Establishment in his or her absence shall maintain a daily register. It must record the name and address of the person who is to be responsible for managing the Sex Establishment that day and the names and addresses of those employed and present on that day in the premises. The register is to be completed each day within one hour of the Sex Establishment's opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
8. The Licensee shall retain control over the part of Premises used as a Sex Establishment and shall not sell, let, sub-let, licence or otherwise part with possession or occupation of any part of the Premises without notifying the Council in writing immediately of such disposal and in the event that any part of the Premises is affected by the termination of a lease or any other event affecting the Licensee's occupation or control of the premises.
9. The Licensee shall maintain good order in the Premises.
10. No person under the age of 18 years shall be admitted to the Sex Establishment and persons who appear to be under the age of 25 years shall be required to provide photographic proof of age prior to admission. A notice to this effect, of a size and in a form and position to be approved by the Council, shall be displayed at all times on the outside of the Premises.
11. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved for such access by the Council.
12. No part of the Premises shall be used by prostitutes (irrespective of gender) for the purposes of solicitation or of otherwise exercising their calling.
13. The Licensee shall ensure that neither he or she nor any other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation anywhere in the Borough of Swindon.
14. The Licensee shall comply with all applicable statutory provisions and any regulations made thereunder.

15. The copy of the licence and the copy of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence and the copy of these Regulations shall be displayed in a manner and position approved by the Council.
16. No change of use of any part of the Premises from that approved by the Council shall be made without the Consent of the Council and, for the avoidance of any doubt; a change from one type of sex establishment to another shall not be effected without the Consent of the Council.
17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - (a) Any notice of a size and in a form and position approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition or special condition of a licence granted by the Council.
 - (b) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) as shall have been approved by the Council.
18. No external loudspeakers shall be used or installed at the Premises without the approval of the Council.
19. No exterior lighting shall be used or installed at the Premises without the approval of the Council.
20. The Premises shall be maintained in good repair and condition.
21. Bright lighting in all parts of the Premises, in positions and in a form and of a level of luminance approved by the Council, shall be in operation continuously during the whole of the time the Sex Establishment is open to the public.
22. The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
 - (a) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "EXIT".

- (b) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "PRIVATE".
- (c) Save in the case of emergency, no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent to the Premises.

- 23. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting the Sex Establishment who are disabled.
- 24. Alterations or additions, whether internal or external and whether permanent or temporary, to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.
- 25. All parts of the Premises' fixtures, fittings and displays shall be kept in a clean and seemly condition to the satisfaction of the Council.

Safety

- 26. The Licensee shall take all appropriate precautions for the safety of the public and employees.
- 27. The Licensee shall ensure that CCTV is installed and maintained in working order and in use at all times to the satisfaction of Wiltshire Constabulary, and that any images are both retained for a period of at least 31 days and made available on request to a police officer or authorised officer of the Council.
- 28. The Licensee shall provide promptly copies of any documents required by a police officer or by an authorised officer of the Council in relation to compliance with this Licence.

Appendix B - Standard conditions applying to Sexual Entertainment Venues

The following conditions will attach to sex establishment licences issued by the Council in respect of sexual entertainment venues, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. Any individual employed on the Premises to conduct activities of a security operative (within the meaning of Part 1 of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
2. The Licensee shall ensure that a suitable number of trained staff are employed and present to supervise the interior of the Premises (“floor supervisors”) at all times whilst performances are being given under this licence.
3. The Licensee shall ensure that, during the hours the Sexual Entertainment Venue is open for business, every floor supervisor wears a badge of a type approved by the Council indicating his or her name and that he or she is a floor supervisor.
4. Performers shall be aged not less than 18 years. The Licensee shall maintain adequate records of the names, addresses and dates of birth of performers, including adequate identity and age checks.
5. The Licensee shall ensure to the Council’s satisfaction (including, where required, obtaining planning or building control consents) that the interior of the part of the Premises used as a Sexual Entertainment Venue is not visible from the outside of the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue. At no point may performers be visible from outside the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue.
6. Where the Council has specified a capacity figure in writing, the Licensee shall ensure that that figure is not exceeded at the premises at any time whilst sexual entertainment is taking place.
7. Performers shall only perform on the stage area, or in such other areas of the licensed Premises as may be approved in advance by the Council and shall only perform to seated customers.
8. Performers shall remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
9. Performers shall dress fully at the end of each performance.

10. Performers shall not accept any telephone number, e-mail address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or his or her representative before leaving the Premises.
11. A Performer is never to be alone in the company of a customer except in an area open to the public within the Premises.
12. The Licensee shall ensure a sufficient number of staff are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and manage customers.
13. No Performer shall perform nude or semi-nude dancing of any description unless in an approved area and with a floor supervisor present within five metres of the Performer.
14. Performers are never to be in the company of one or more customers except in an area open to the public within the Premises.
15. The Licensee shall ensure that during the performance of a table dance:
 - a) Customers are seated in an upright position against the back of the booth or seat with their hands by their sides or on a table in front of them before a Performer can start a table dance;
 - b) Customers remain seated during the entire performance of the dance;
 - c) For the purpose of restraint only, Performers only touch a customer above the customer's chest with their hands only;
 - d) Performers do not sit next to, or on, or straddle, the customer;
 - e) Performers do not place their feet on the seats.
16. The Licensee shall ensure that during performances to which this licence relates:
 - a) Performers do not perform any act that clearly simulates any sexual act;
 - b) Performers do not intentionally touch a customer any time during the performance (any contact shall only be entirely accidental or entirely due to a third party);
 - c) Performers do not use inappropriate, suggestive or sexually graphic language at any time;
 - d) Performers do not intentionally touch the genitals or breasts of another performer or knowingly permit another Performer intentionally to touch their genitals or breasts;
 - e) Performers do not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act;

17. The Licensee shall ensure that during performances to which this Licence relates:

- a) Customers do not dance at any time except in areas approved by the Council as being separate from areas for sexual entertainment;
- b) Customers remain appropriately clothed at all times.

Appendix C - Standard conditions applying to Sex Shops

The following conditions will attach to sex establishment licences issued by the Council in respect of sex shops, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

Goods available in Sex Shops

1. All Sex Articles and other things displayed for sale, hire, exchange or loan within the Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices to be charged.
2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Shop so as to be readily visible to any person visiting the Premises, provided that this condition does not require films or video films to be exhibited (played).
3. No film or video film shall be exhibited, sold, hired, exchanged or loaned unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
4. The licensee shall, without charge, display and make available in the Sex Shop such free literature on counselling on matters related to sexual problems, on AIDS and on sexually transmitted diseases as may be published by the Family Planning Association and/or by other similar organisations as may be specified by the Council. Such literature is to be displayed at all times in a prominent position adjacent to all payment points in the Sex Shop so as to be readily visible to any person at any such payment point.

External Appearance

5. A door control system shall be fitted and maintained in use at all times so as to prevent the external door and the internal (lobby) door from being opened at the same time. Guidance should be sought from the Fire Officer so as to ensure that suitable emergency access can be maintained. The entrance to the Premises shall be of a material, or covered with a material, which will render the interior of the Premises invisible to passers-by and a sample of such material shall be submitted to, and approved (which shall include approving the colour and design) by, the Council.
6. Suitable and sufficient vertical blinds shall be fitted to the interior aspect of the front windows of the Premises and shall be kept closed at all times so as to ensure that the interior of the Premises is permanently obscured from the view of passers-by. Details of the positioning, material, colour and design of such blinds, with a sample, shall be submitted to, and approved by, the Council.

7. Any facility for previewing a film, video recording or similar material shall be physically separated from the display area of the Sex Shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

8. No fastenings of any description (other than any fastening necessary to secure the facility specifically referred to in the immediately preceding condition) shall be fitted upon any booth or cubicle within the Sex Shop, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.

Appendix D - Standard conditions applying to Sex Cinemas

The following conditions will attach to sex establishment licences issued by the Council in respect of sex cinemas, pursuant to paragraph 13(1) of schedule 3 to the 1982 Act:

1. No sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
2. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
3. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
4. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect, and is a reproduction authorised by the owner of the copyright of the film or video film so certified. Any such film or video film shall comply with the Video Recordings Act 1984.