



# **LICENSING COMMITTEE (LICENSING ACT 2003)**

**Monday, 14th July, 2014**

**At the rising of the Licensing  
Committee**

**Town Hall, Watford**

**Publication date: 4 July 2014**

**CONTACT**

If you require further information or you would like a copy of this agenda in another format, e.g. large print, please contact Jodie Kloss in Democracy and Governance on 01923 278376 or by email to [legalanddemocratic@watford.gov.uk](mailto:legalanddemocratic@watford.gov.uk) .

Welcome to this meeting. We hope you find these notes useful.

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## **RECORDING OF MEETINGS**

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# COMMITTEE MEMBERSHIP

Councillor J Brown (Chair)

Councillor P Jeffree (Vice-Chair)

Councillors I Brown, J Connal, K Crout, G Derbyshire, K Hastrick, M Hofman, A Khan, H Lynch, B Mauthoor, M Mills, G Saffery, D Scudder and S Williams

## AGENDA

### PART A - OPEN TO THE PUBLIC

1. **APOLOGIES FOR ABSENCE/ COMMITTEE MEMBERSHIP**
2. **DISCLOSURE OF INTERESTS (IF ANY)**
3. **MINUTES**

To submit for signature the minutes of the meeting held on 18 March 2014.

4. **LICENSING SUB-COMMITTEE MINUTES AND UPDATE**

Since the last Committee the following Licensing Sub-Committee hearings have taken place:

**D&S Food and Wine** (25 March 2014) Councillors Crout (Chair), I Brown and Mills

**The Flamingo** (28 April 2014) Councillors Derbyshire (Chair), Jeffree and Meerabux

**Jazz in the Park** (11 June 2014) Councillors Crout (Chair), Lynch and Mills

**The Nascot Arms** (19 June 2014) Councillors J Brown (Chair), Connal and Jeffree

Licensing Sub-Committee minutes are available to view on the Council's website:  
<http://watford.moderngov.co.uk/ieListMeetings.aspx?Committeeld=133>

The respective Chairs will be asked to approve and sign the minutes.

5. **REVIEW OF SEX ESTABLISHMENT LICENCE POLICY** (Pages 1 - 24)

Report of Head of Community and Customer Services

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## PART A

**Report to:** Licensing (Licensing Act 2003) Committee  
**Date of meeting:** 14 July 2014  
**Report of:** Head of Community and Customer Services  
**Title:** Review of sex establishment licence policy

### 1.0 SUMMARY

- 1.1 The Council has powers in relation to sexual establishments (“sex shops”) and sexual entertainment venues (such as lap-dancing clubs). The Committee has adopted a non-statutory policy about these licences, which is due for review.

### 2.0 RECOMMENDATIONS

- 2.1 The policy at appendix 1 be re-adopted for a further three years.

**Contact Officer:**

For further information on this report please contact: Jeffrey Leib (Licensing Manager) on telephone extension: 8476 or email [jeffrey.leib@watford.gov.uk](mailto:jeffrey.leib@watford.gov.uk).

**Report approved by:** Alan Gough, Head of Community and Customer Services

### 3.0 DETAILED PROPOSAL

- 3.1 The Council has powers under the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to licence “sex shops” and lap-dancing clubs. There are currently one of each type in the Borough, located in The Parade and Market Street, respectively.
- 3.2 In October 2010 the Licensing Committee adopted a non-statutory policy, setting out its approach to dealing with applications for these types of licences. The policy particularly sets out the number of sex establishment premises that the Committee thought appropriate within defined localities, and in many cases that number is nil. It is

open to applicants to argue that they should be considered an exception to the policy.

- 3.3 On 15 June 2011 the Committee agreed to reduce the number of sexual entertainment venues from one to nil in The Parade. This followed the closure of one of the two sexual entertainment venues that were then trading.
- 3.4 Officers are of the opinion that the policy only needs minor amendments rather than significant change. For this reason no public consultation exercise has been conducted or proposed. No representations have been received during the current edition of the policy that it ought to be amended.
- 3.5 Although the sole sexual entertainment venue is within the vicinity of the proposed redevelopments to the Intu Watford centre, historically it does not generally generate crime or anti-social behaviour and does not usually open until mid-evening. There has been a sexual entertainment venue from those premises for some years. It is recommended that this policy be reviewed again in 2017 after the works to the Intu have been completed.
- 3.6 For ease of reference, the following amendments have been made:

Para 1.4	Include the dates of this revision
Para 1.6	Insert new paragraph to confirm that no further consultation has been conducted on this version of the policy
Para 1.7(b)	Amend the reference from the Regulators' Compliance Code to the Regulators' Code which has replaced it
Para 2.1	Update the current mid-year estimated population figure
Paras 2.2 – 2.3	Updated references to catchment areas and transport links
Para 2.5	Include a reference to the Purple Flag status of the town
Para 2.7	Update the number of premises licensed under this policy
Para 2,8	Amend the reference to the Community Plan to the Corporate Plan
Para 5.1	Amend the reference to the Local Better Regulation Office to the Better Regulation Delivery Office which replaces it
Para 7.6	Update the reason for limiting the number of SEVs in The Parade from one to nil on 11 August 2011 in accordance with the decision of the Committee on 15 June 2011

#### 4.0 **IMPLICATIONS**

##### 4.1 **Financial**

- 4.1.1 The Shared Director of Finance comments that there are no financial implications arising from this report.

##### 4.2 **Legal Issues** (Monitoring Officer)

- 4.2.1 The Head of Democracy and Governance comments that there are no additional legal implications arising from this report.

### 4.3 Equalities

4.3.1 No additional equalities assessment has been conducted due to the very minor changes to the policy, and the fact that it only directly affects two businesses in the Borough.

### 4.4 Potential Risks

Potential Risk	Likelihood	Impact	Overall score
Legal challenge through not adopting a policy	1	1	2
More licence applications arising from lack of any policy	1	2	2
Legal challenge due to wrong application of policy	1	4	4

#### Background Papers

No papers were used in the preparation of this report.

#### File Reference

Sex establishments

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## SEX ESTABLISHMENT LICENSING POLICY

JULY 2014 – JULY 2017

Comments are invited on this document to:

Licensing  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Tel: 01923 278476  
Fax: 01923 278627  
Email: [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)

## **SEX ESTABLISHMENT LICENSING PART A**

### **1. Preface**

- 1.1 Watford Borough Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the Borough. In this policy, we refer to these as “sex establishments” unless we say otherwise.
- 1.2 We do not take a moral stand in adopting this policy. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.
- 1.3 The 1982 Act and the 2009 Act can be viewed at [www.legislation.gov.uk](http://www.legislation.gov.uk).
- 1.4 We consulted on this policy between 7 July 2010 and 21 September 2010 and it was approved by our Licensing Committee on 11 October 2010. It was revised by the Committee on 15 June 2011 and reviewed on 14 July 2014.
- 1.5 Initial consultation was conducted with local residents; existing and future potential holders of sex establishment licences in the Borough; the statutory responsible authorities under the Licensing Act 2003; and holders of premises licences under the Licensing Act 2003 in the Borough.
- 1.6 As each licence under this policy is subject to annual renewal and public consultation, and no significant changes have been recommended, further public consultation on the current edition of the policy was not undertaken.
- 1.7 In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under
  - (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
  - (b) the Regulators’ Code (set out under the Legislative and Regulatory Reform Act 2006) to carry out our activities in a way that supports those we regulate to comply and grow and particularly consider the impact of regulations on small businesses; and
  - (c) the Provision of Services Regulations 2009 to ensure requirements are:
    - (i) non-discriminatory
    - (ii) justified by an overriding reason relating to the public interest
    - (iii) proportionate to that public interest objective
    - (iv) clear and unambiguous
    - (v) objective
    - (vi) made public in advance, and
    - (vii) transparent and accessible.

## **2. The Borough of Watford**

- 2.1 Watford Borough Council is situated in the county of Hertfordshire, which contains ten district councils in total. The council area has a population of 90,700 (2012 census mid-year estimate) making it one of the smallest in the county in terms of population.
- 2.2 Watford Borough was granted a Royal Charter in 1922. Traditionally a market town, it has developed into an attractive sub-regional shopping centre and important centre for cultural and recreational facilities. Watford is at the centre of a sub-region serving approximately 500,000 people, living within a 20 minute travelling time and approximately 5,000,000 people living within a 45 minute travelling time' (Watford Borough Council Economic Development Strategy 2010-15).
- 2.3 Situated in the South West of Hertfordshire, Watford has several locational advantages due to its excellent communication links. The M1 motorway, with direct links to the town centre, and the London to Glasgow railway pass through the Borough. London Euston can be reached in 20 minutes, while the nearby M25 motorway has enhanced road access to the major airports at Heathrow, Gatwick, Stansted and Luton. It is the fifth-best connected local authority in the county (Local Futures, January 2013).
- 2.4 Watford has major A-road links to adjoining areas and is also connected to the underground rail network with the Metropolitan Line terminus adjacent to Cassiobury Park. A branch line railway serves St. Albans Abbey.
- 2.5 The Borough covers an area of 2,142 hectares (8.3 sq. miles). Watford is a major town in the region. It is a sub-regional shopping destination, centered around the Intu Shopping Centre in the town centre, and has one of the most vibrant night-time economies in Hertfordshire. It has been awarded Purple Flag status by the Association of Town Centre Managers for its management of the night-time economy. In June 2014 it started a three-year programme to regenerate the town centre with an innovative culture programme. It was traditionally a centre for the printing industry and now boasts the headquarters of a number of nationally known firms. Unemployment figures are well below Great Britain's average. However there are pockets of deprivation, characterised by a high concentration of minority ethnic groups, single parent families, low income households and a high incidence of long term health problems.
- 2.6 Potential operators should however refer to the Local Development Framework (through our Development Control Team or on our website at [www.watford.gov.uk](http://www.watford.gov.uk)) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.
- 2.7 At the time of adopting this policy, the Council licences one sex shop under the 1982 Act. Another venue is authorised under the Licensing Act 2003 to provide entertainment which would require licensing as a sexual entertainment venue.
- 2.8 Further information about the Borough is contained in the 2014 – 2018 Corporate Plan, which can be obtained from the Council's offices or at

### **3 Commenting on licence applications**

- 3.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The police are a statutory consultee for all applications.
- 3.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act.
- 3.3 We take the following approach to deciding applications:
  - (a) each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making;
  - (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
  - (c) we will give clear reasons for our decisions.
- 3.4 We will not consider objections that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason. A report will be made to our committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.
- 3.5 A vexatious objection is generally taken to be one which is repetitive, without foundation or made for some other reason such as malice. A frivolous objection is generally taken to be one that is lacking in seriousness.
- 3.6 Objections will be considered by a Licensing Sub-Committee of three Councillors. We give both applicants and objectors an equal opportunity to state their case in accordance with our protocol which is available on our website at [www.watford.gov.uk](http://www.watford.gov.uk) or from our licensing team.
- 3.7 Objections should ideally:
  - be made in writing (preferably in duplicate, unless submitted electronically)
  - be in black ink on single sides of A4 paper
  - indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)
  - indicate the premises to which the objection relates

- indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
- clearly set out the reasons for making the objections.

#### **4. Exchange of Information**

- 4.1 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 4.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 4.3 The names and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act. Such details will be made available to Councillors on the Licensing Committee.

## **5. Compliance and Enforcement**

- 5.1 We will keep informed of developments as regards the work of the Better Regulation Delivery Office and other central government bodies in its consideration of the regulatory functions of local authorities.
- 5.2 We recognise that sex establishments are not generally a source of crime or disorder. We will adopt a light touch inspection regime, carrying out simple inspections of premises no more than once a year unless exceptional circumstances require otherwise.
- 5.3 Our approach to enforcement is set out in our enforcement policies which are available on request.

## PART B

### 6. SEX SHOPS

#### 6.1 Significant degree

Licences for sex shops are required where 18R films are sold, or where there is a “significant degree” of “sex articles” for sale. The phrase “sex articles” is defined in the 1982 Act as:

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

- (i) sexual activity; or
- (ii) acts of force or restraint which are associated with sexual activity; and

(b) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

(b)to any recording of vision or sound,

which—

- (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

6.2 The phrase “a significant degree” is not defined. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover generated by sales of sex articles
- (6) the format of any literature, publicity or advertising materials
- (7) other factors which appear to be materially relevant.

#### 6.3 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

6.4 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
- (2) 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
  - (ii) to the layout, character or condition of the premises.

6.5 We recognise that different parts of our Borough have different characteristics, and numbers of sex shops appropriate for a locality are set out below:

Locality	Number of sex shops	Reason
The Parade, High Street and Market Street between High Street and Exchange Road	1	This consists of primary retail frontage and is suitable for this type of activity
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and the use of premises as a sex establishment would otherwise deprive the community of a retail facility

6.6 This table is not exhaustive and we would consider representations from applicants as to why our view should be changed about any particular locality.



Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

- (1) residential accommodation
- (2) parks and children's play areas
- (3) other retail units (and their uses)
- (4) schools
- (5) communal buildings
- (6) alcohol or entertainment licensed premises
- (7) bus stops.

**6.7 Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

**6.8 Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by our full Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).

**6.9 Application form**

We have a standard application form, including public notices, which are available on request from our licensing team.

**6.10 Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix I. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

**6.11 Fees**

Our fees are set each year and details are available from our licensing team and on our website at [www.watford.gov.uk](http://www.watford.gov.uk).

## PART C

### 7. SEXUAL ENTERTAINMENT VENUES

#### 7.1 Relevant entertainment

Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.

7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) 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, eg in a private booth.

7.3 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:

- (1) lap dancing
- (2) pole dancing
- (3) table dancing
- (4) strip shows
- (5) peep shows
- (6) live sex shows

Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.

#### 7.4 Relevant localities

There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.

7.5 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality;
- (2) 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
  - (ii) to the layout, character or condition of the premises.

7.6 We recognise that different parts of our Borough have different characteristics, and numbers of sexual entertainment venues appropriate for a locality are set

out below:

Locality	Number of SEVs	Reason
The Parade, High Street	0 [1]	The previous SEV-licensed premises in The Parade stopped offering "relevant entertainment" under the Act and begun to offer more in the way of live entertainment, which is in support of the council's family-friendly agenda.
Market Street between High Street and Exchange Road	1	This locality is characterised by a number of retail premises, food premises and, for a number of years, a lap dancing club.
Market Street between Exchange Road and Cassio Road	0	Although adjacent to the town centre, there are residential premises in and very close to Market Street, as well as other community premises such as religious buildings, charity enterprises, doctor's surgeries etc
Queens Road	0	This is a densely-built area with both retail activity and residential premises and the use of one retail unit would make one less retail unit available for other local needs
Lower High Street	0	There are a number of sheltered accommodation units in the Lower High Street which would make this area inappropriate
Local shopping areas	0	Local shopping areas serving local residents, and entertainment premises of this nature would be an inappropriate facility in a retail area
Kingswood Leisure Park	0	The leisure park has a cinema, restaurants and bowling alley; a sexual entertainment venue would be inappropriate given the family-orientated nature of these premises

7.7 This table is not exhaustive and we would consider representations as to why our view should be changed about any particular locality. Where this is likely to affect existing licence-holders, we will give at least two months' notice in which they may make representations. In considering the characteristics of a locality we shall particularly take account of the density and proximity of:

<sup>1</sup> Amended on 11 August 2011 following public consultation: see the minutes of the Licensing Committee of 15.06.11.

- (1) size of neighbourhood
- (2) impact of thoroughfares
- (3) residential accommodation
- (4) parks and children's play areas
- (5) other retail units (and their uses)
- (6) schools
- (7) communal buildings
- (8) alcohol or entertainment licensed premises.

**7.8 Length of licence**

We will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time to provide certainty to those operating businesses.

**7.9 Waivers**

We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.

**7.10 Application form**

We have a standard application form, including public notices, which are available on request from our licensing team.

**7.11 Licence conditions**

We have adopted standard conditions for the operation of sex shops that are set out at appendix II. Where it is reasonable and necessary to do so, our Licensing Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.

**7.12 Fees**

Our fees are set each year and details are available from our licensing team and on our website at [www.watford.gov.uk](http://www.watford.gov.uk). We charge separate fees for applying for a licence, renewing a licence, and for making major and minor variations to a licence.

7.13 Should you have any comments as regards this document please send them via e-mail or letter to:

Jeffrey Leib  
Licensing Team  
Community and Customer Services  
Watford Borough Council  
Town Hall  
Watford  
Hertfordshire  
WD17 3EX

Email: [licensing@watford.gov.uk](mailto:licensing@watford.gov.uk)

**APPENDIX I  
STANDARD CONDITIONS FOR SEX SHOPS**

**Standard Conditions for Sex Establishment Licence**

Management of the Premises

1. The Licensee or some responsible person nominated by him ("the manager") shall have personal responsibility for and be present on the Premises at all times the Premises are open to the public.
2. Where the Licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the licensing authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
3. A copy of the licence and any special conditions attached shall at all times be displayed in a conspicuous position on the Premises, so as to be available for inspection by the police, the fire authority, and authorised officers of the Council or the local trading standards authority.
4. The name of the person responsible for the management of the Premises, whether the Licensee or the manager, shall be displayed in a conspicuous position within the Premises throughout the period during which he is responsible for the conduct of the Premises.
5. The Licensee shall retain control over all parts of the Premises and shall not let, licence or part with possession of any part. The Council must be immediately notified in the event that any part of the Premises is affected by the termination of a lease or other event affecting the Licensee's control of the Premises.
6. The Licensee shall ensure that the public is not admitted to any part of the Premises that has not been licensed.
7. No person under the age of 18 shall be admitted to the Premises and a notice to this effect, in accordance with condition 19, shall be displayed on the outside of the Premises.
8. Neither the Licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the Premises.
9. The Licensee shall ensure that during the hours that the Premises are open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee.

10. The Licensee 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 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.

#### Opening of the Premises

11. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted except during the following hours:  
Monday – Saturday 9 am – 6 pm  
Sunday 11 am – 4 pm
12. The Premises shall not, without the written consent of the Council, be opened and used for the purposes for which the licence is granted on Christmas Day or Good Friday.

#### Conduct of the Premises

13. No change from a sex cinema to a sex shop or a sex shop to a sex cinema shall be made without the written consent of the Council.
14. 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.
15. A sex shop shall be conducted primarily for the purpose of the sale of goods by retail.
16. All sex articles and other things displayed for sale, hire, exchange or loan within the Premises shall be clearly marked to show the price being charged.
17. All printed material offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be displayed in a conspicuous position within the Premises.
18. No film or video recording (or computer game) 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.

### External Appearance

19. The holder of a sex establishment licence may exhibit on the outside of the Premises the name of the business and a notice, capable of being enclosed by a rectangle one square metre in area or such other size as agreed with the Council, consisting of the words 'Licensed Adult Establishment'.
20. The holder of a sex establishment licence shall exhibit on the outside of the Premises a notice, capable of being enclosed by a rectangle one square metre in area, of the times of opening and of the words 'No person under the age of 18 allowed. People who appear to be under the age of 21 will be required to show proof of their age.'
21. (a) No other words or signs, or any displays or advertisements, shall be displayed on the outside of the Premises or in the vicinity of the Premises, except those mentioned in conditions 18 and 19 or otherwise approved by the Council in writing;  
(b) No external loudspeakers may be installed.
22. The windows and openings of the Premises shall be of a material or covered with a material, which will render the interior of the Premises invisible to passers-by.

### State, Condition and Layout of the Premises

23. Notwithstanding the Licensee's duties under the Health and Safety at Work etc Act 1974 and related legislation and his obligations under any lease or other agreement for the use of the Premises, he shall maintain the Premises in good repair and condition.
24. 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.
25. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the Premises or any of the contents of the Premises shall be visible when persons are entering or leaving the Premises.
26. No access shall be permitted through the Premises to any other Premises adjoining or adjacent except in the case of emergency.
27. Lighting shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
28. Alterations or additions, either internal or external, shall be not be made to the Premises without prior written consent from the Council.



29. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
30. 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.

#### Safety and Security

31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall institute steps to check the age of customers entering the shop who appear to be between the ages of 18 and 21 in order to ensure that they are not younger than 18.
33. The Licensee shall ensure a closed-circuit television system is installed internally and externally to the satisfaction of the Council.

#### Goods Available in Sex Establishments

34. All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a Sex Establishment shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
35. All printed matter, films and video films 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 Establishment. (This regulation does not require that films or video films be exhibited (played) to customers).
36. The Licensee shall without charge display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations from time to time and in particular any such material related to AIDS. Free literature relating to the prevention of sexually transmitted diseases shall be given to each customer after purchase of a Sex Article. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

**APPENDIX II**  
**STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES**

1. The Licensee must remain in personal control of the Premises at all times or nominate an individual in writing over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the Premises to conduct a security activity (within the meaning of section paragraph 2(1)(a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") whilst performances are being given under this licence.
4. No children under the age of 18 shall be admitted to the Premises. Customers who appear to be under the age of 25 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the Premises to this effect.
5. Performers shall be aged not less than 18 years. The Licensee must maintain adequate records of the names, addresses and dates of birth of performers including adequate identity checks.
6. (a) The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful or offensive manner.  
  
(b) Where the Council have 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.  
  
(c) The Licensee shall not permit the display outside of the Premises of photographs or other images which indicate or suggest that striptease or similar entertainment takes place on the Premises and which may be offensive.  
  
(d) The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises, and that the exterior is maintained to a satisfactory level of decorum. At no point may dancers be visible from outside of the Premises.
7. The Licensee shall ensure that no more members of the public shall be present on the Premises at any time whilst sexual entertainment takes place to which this licence relates where the Council has specified a number in writing on the grounds of public safety, public nuisance or crime and disorder.
8. Performers shall only perform on the stage area, to seated customers or in such other areas of the licensed Premises as may be agreed in writing with the Council.

9. The Licensee is to implement a policy to ensure the safety of the Performers when they leave the Premises after a period of work.
10. Performers must 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.
11. Performers must dress fully at the end of each performance.
12. Performers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or their representative before leaving the Premises.
13. Performers must never be alone in the company of a Customer except in an area open to the public within the Premises.
14. The Licensee is to ensure a sufficient number of door supervisors are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and Customers.
15. Performers must not perform a nude table dance unless in a supervised area or within five metres of a floor supervisor.
16. Performers are never to be in the company of a customer except in an area open to the public within the Premises (excluding the toilets).
17. The Licensee must ensure that during the performance of a table dance:
  - (1) customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance;
  - (2) customers must remain seated during the entire performance of the dance;
  - (3) for the purpose of restraint only, Performers may only touch a customer above the customer's chest with their hands only;
  - (4) Performers must not sit or straddle the customer;
  - (5) Performers must not place their feet on the seats.
18. The Licensee must ensure that during performances to which this Licence relates:
  - (1) Performers may not perform any act that clearly simulates any sexual act;
  - (2) Performers may not intentionally touch a customer any time during the performance unless absolutely accidentally or due to a third party;
  - (3) Performers may not use inappropriate, suggestive or sexually graphic language at any time;
  - (4) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts;
  - (5) Performers must 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;
  - (6) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

19. The Licensee must ensure that during performances to which this Licence relates:
  - (1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment.
  - (2) Customers must remain appropriately clothed at all times.
  
20. The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of Hertfordshire Constabulary, and that any images are (a) retained for a period of at least 31 days and (b) made available on request to a police officer or authorised officer of the Council.
  
21. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council in relation to compliance with this Licence.