

SEX ESTABLISHMENT POLICY

Cannock Chase Council
Draft Sex Establishment Policy

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1. Introduction (scope and purpose of the policy)

1.1 This document sets out Cannock Chase Council's Policy (the "Policy") regarding the regulation of sex establishments and the procedure relating to applications for their licensing. The Policy was considered by the Licensing and Public Protection Committee as part of the consultation process and offered for approval by full Council on 28 September 2011. The policy will be reviewed in light of developing practice, guidance and secondary legislation. The Council has had regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales published in March 2010, in producing this Policy.

1.2 These powers are not mandatory and the provisions of Schedule 3 as amended by section 27 of the Policing and Crime Act 2009 were adopted by full Council on 16 February 2011 and became effective from 4 April 2011.

1.3 This document is intended to be the instrument by which the Council administers, executes and enforces its duties towards sex establishment licences. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishments and they now fall into three categories:

- sex shops
- sex cinemas
- sexual entertainment venues

The focus of this Policy is on Sexual Entertainment Venues however it is also intended to be relevant to sex shops and sex cinemas.

1.4 The Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009, makes provision for the control of sex establishments through licensing. The new provisions allow the Authority to take into account a broader range of considerations than the Licensing Act 2003 permits before making decisions about licences. It also gives local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

1.5 This Policy sets out the Council's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where the decision-making powers of the Council are engaged, each application will be considered on its own merits.

1.6 Procedure outlines:

- the process for making an application, and;
- the process the Council will follow in considering and determining an application for a sex establishment.

2. Consultation

2.1 Consultation extended over a 12 week period between 1 July and 19 August 2011.

2.2 Consultation took place with:

- The Chief Officer for Staffordshire Police.
- Persons who appeared to the authority to represent the interests of persons carrying or proposing to carry on the business of a sex establishment in the authority's area.
- Persons who appeared to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment.
- Persons who appeared to the Authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. These included regulatory authorities such as Staffordshire Police, the Fire Authority, Community Safety and Child Protection.
- Resident associations and trade associations and others as considered appropriate.
- Local people who live or work within the Cannock Chase district.

2.3 The full list of those consulted, comments made and their consideration by the Council is available on request from the Licensing Unit or by email to licensingunit@cannockchasedc.gov.uk.

2.4 The Policy is published via the Licensing website: www.cannockchasedc.gov.uk

Hard copies are available upon request from the Council's Licensing Unit.

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Cannock Chase District Council,
Civic Centre,
P.O. Box 28,
Beecroft Road,
Cannock,
Staffs,
WS11 1BG

3. Definitions

3.1 The Act

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

3.2 The Policy

This refers to the Cannock Chase District Council's Sex Establishment Policy.

3.3 Sex Shop

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:-

- (a) sex articles
- (b) other things intended for use in connection with or for stimulating or encouraging:-
 - (i) sexual activity
 - (ii) acts of force or restraint which are associated with sexual activity.

3.4 Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging

- (a) sexual activity
- (b) acts of force or restraint which are associated with sexual activity
- (c) anything:-
 - (i) 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
 - (ii) to any recording of vision or sound, which
 - (a) 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
 - (b) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

3.5 Sexual Entertainment Venue

A Sexual Entertainment Venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.'

This includes any vessel, vehicle or stall but not a private dwelling to which the public are not permitted.

3.6 Relevant Entertainment

is “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 (e.g. where the entertainment takes place in private booths).

Relevant entertainment includes, but is not limited to:

- lap dancing,
- pole dancing,
- table dancing,
- strip tease,
- live sex shows and similar venues.
- topless bars

3.7 Sex Cinema

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity;
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to genital organ or urinary or excretory functions but does not include a dwelling-house to which the public is not admitted.

3.8 The Organiser

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

In most cases this will refer to the manager the premises concerned but on occasion it may also refer to someone who organises the relevant entertainment on behalf of those who are responsible for the management of the premises

3.9 Display of Nudity

This means:

- 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.

3.10 Relevant Locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment.

3.11 Permitted Hours

These are the hours of activity and operation that have been authorised under a sex establishment licence. These may vary from premises to premises and will be considered on individual circumstances.

3.12 Appropriate Authority

Cannock Chase District Council is the 'Appropriate Authority' for the purposes of the sex establishment licensing regime introduced by the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and adopted by the resolution of the Council on the 16 February 2011 taking effect from the 4 April 2011.

4. Policy Considerations and Relevant Locality

- 4.1 The locality and the area that this covers is a matter for the Local Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence. The decision will be based upon the principle of reasonableness but may not be a clearly defined area or have precise boundaries.
- 4.2 In accordance with Section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effects on crime and disorder. It aims to do all it can to prevent crime and disorder in its area. The possible impact of crime and disorder are clearly relevant factors in the consideration of all applications. In giving due regard to these possible implications, Members will consider all the information available to them and any representations made by Staffordshire Police, the applicant and any objectors.

5. Strategic Vision

- 5.1 The Council aims to integrate this Policy with the objectives of the Sustainable Community Strategy and the Core Strategy so that it contributes to achieving the vision of the District. This is considered in the context of:
 - the relative size of the district taken as a whole;
 - population density and growth trends;
 - ward profiles;
 - district profile;
 - economic and health specific deprivation indices;
 - level of social housing and tenure;
 - locations of: premises attracting vulnerable people such as GP surgeries and addiction centres;
 - areas and premises attracting families such as leisure and sport facilities and play spaces and play path finders, parks and open spaces;

- premises attracting young people such as schools, nurseries and other educational establishments;
 - places of worship;
 - cumulative densities of certain types of commercial premises in any one location.
- 5.2 Working with its partners and the business and voluntary sectors, the Council will continue to ensure that it reasonably and proportionately reflects both the needs and concerns of its local communities through:
- continued meaningful consultation;
 - the promotion of a consistent and fair approach to regulation;
 - consultation with the Police and other agencies as appropriate, to establish protocols for effective enforcement.
- 5.3 The Council understands that the co-ordination and integration of policies, strategies and initiatives is important. This policy takes account of, and is supported by, other Council policies and relevant legislation mentioned below. Through partnership working, the Council will seek to secure the proper integration of its Policy with other licensing policies, local crime prevention, planning, tourism, race equality schemes and cultural strategies, and any other plans introduced for the management of town centres and the night time economy.
- 5.4 This Policy has therefore had regard to several strategies and legislation, including:-
- Cannock Chase Council's Statement of Licensing Policy (Licensing Act 2003)
 - Cannock Chase Council's Statement of Licensing Policy (Gambling Act 2005)
 - Section 17 of the Crime and Disorder Act 1998
 - The Human Rights Act 1998
 - The Disability Discrimination Act 1995
 - Town and Country Planning Act 1990
 - Town and Country (Use Classes) Order 1987

6. **General Policy**

- 6.1 Any person wishing to operate a sex establishment as defined will require a licence to do so unless the requirement for a licence has been waived by the Licensing Authority.
- 6.2 Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate. The licence may be cancelled upon the written request of the licence holder.
- 6.3 Ultimately, the decision to license premises will depend upon the content of the entertainment provided, not on what it is called. Once a premises is licensed as a sexual entertainment venue it will remain so irrespective of how frequently the relevant entertainment takes place.

- 6.4 Premises not considered to be sexual entertainment venues are sex shops and sex cinemas (these premises are controlled separately), and any premises which provides “relevant entertainment” on an infrequent basis.
- 6.5 “Infrequent” means on no more than 11 occasions in any 12 month period; is no more frequently than once a month and with each event lasting no longer than 24 hours.
- 6.6 There is also provision for the Secretary of State to exempt performances or displays by Order.
- 6.7 Where spontaneous nudity or lap dancing occurs, for example, by a customer or guest, the premises will not normally be considered to be a sexual entertainment venue by virtue of those circumstances alone. However, the organiser of the event may be considered to have provided the entertainment where he has permitted the activity to take place or permits it to continue.
- 6.8 The need for a licence may be waived by the Council in exceptional circumstance or in borderline cases such as the performance of a nude scene within a Burlesque Show.
- 6.9 It should also be noted that displays of nudity within theatre performances etc will not normally be subject to the requirement to licence.

7 Requirement for a licence

- 7.1 Specific mandatory grounds for refusal of a licence are set out in the Act.

A licence cannot be granted:

- (a) to a person under 18 years of age;
- (b) to a person who is disqualified due to having a previous licence revoked within the last 12 months;
- (c) to an individual who is not resident in the United Kingdom or EEA State or has not been resident throughout a six months period prior to the making of an application;
- (d) to a company not incorporated in the United Kingdom or a EEA State.
- (e) to a person who has been refused a new licence or renewal of licence within the last 12 months.

- 7.2 The Council may also refuse a licence where:

- (a) The applicant is unsuitable to hold a licence because they have been convicted of a criminal offence or some other reason.
- (b) If the licence were to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of another person who would have been refused the grant, renewal or transfer of the licence if he had made the application himself;
- (c) The number of sex establishments exceeds any number which the Authority considers to be appropriate for that locality;
- (d) The grant of the licence would be inappropriate having regard to the character of the locality, the use to which other premises within the vicinity are put and the layout, character and condition of the premises concerned.

- 7.3 In circumstances such as those given in 7.2(b) above, where the application for a licence to be granted, renewed or transferred and the business to which it relates would be managed or carried on for the benefit of a person other than the applicant and that person would have been refused a licence if they had applied themselves, the Local Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. Each application will be considered on its own merits and the Council shall normally take into account:-
- comments/observations of the Police and Council personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending;
 - the suitability and fitness of an applicant/operator to hold a licence;
 - the determination of the business benefit is a matter for the Local Authority to decide at the time the application is made.
- 7.4 In respect of 7.2(c) above the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality. Such determination has not yet been made however this may be subject to review.
- 7.5 In 7.2(d) above, the relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter of the Local Authority to decide at the time the application is made. Each application will be considered on its own merits and it should be noted that some localities may be considered as suitable for sex shops but not for sexual entertainment venues and vice versa.
- 7.6 In determining the character of relevant locality and the appropriate number of sex establishments in that relevant locality, the Local Authority will take into account, but not limit its determination to:-
- (a) the use to which any premises in the vicinity are put;
 - (b) the number of existing sex establishments both in total and also in respect of each type (i.e. sex shops, sexual entertainment venues and sex cinemas)
 - (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment or associated with an adult or sexual nature.
 - (d) the proximity of residents to the premises. In particular, any sheltered housing or accommodation for vulnerable persons;
 - (e) the proximity of educational establishments to the premises;
 - (f) the proximity of places of worship to the premises;

- (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- (h) the proximity to shopping centres;
- (i) the proximity to community facilities/halls and public facilities such as swimming pools, leisure centres, public parks, youth centres/clubs.
- (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
- (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated;
- (l) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
- (m) any evidence of complaints about noise and/or disturbance caused by the premises;
- (n) current planning permission or conditions on the premises;
- (o) any necessary local or national planning policy considerations;
- (p) any current permissions relating to other nearby premises in respect of licensable activities and operating hours etc.

7.7 Every application for the grant, renewal or transfer will be considered on its merits, on a case by case basis. The Local Authority will take into account representations from the Chief Officer of Police, the applicant and any person objecting. The Council shall normally take into account:

- previous knowledge and experience of the applicant and their managerial competence;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other borough;
- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant;
- that the operator is proposing a management structure which will deliver compliance with operating conditions, and policies detaining the training of staff and welfare of performers as well as means to protect the public;
- any other relevant reason.

8 **Licensing Act 2003 considerations**

8.1 Premises holding a sexual entertainment venue licence will also require a premises licence under the 2003 Act if the premises is carrying on other licensable activities, e.g. the sale of alcohol or the provision of regulated entertainment at any time.

- 8.2 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the 2003 Act.
- 8.3 However, in practice it is considered that premises which are not exclusively used as sexual entertainment venues will require both a Licensing Act 2003 authorisation and a sexual entertainment venue licence.
- 8.4 Those premises which provide adult entertainment but do not fall within the sexual entertainment venue category may provide such entertainment under a Licensing Act 2003 authorisation so long as their authorisation permits performance of dance and adult entertainment.
- 8.5 Anybody who provides relevant entertainment on more occasions or more frequently or for longer periods of time than permitted under the exemptions will be operating as a sexual entertainment venue and will have committed an offence under schedule 3 unless the requirement for a licence has been waived by the Licensing Authority.

9. Transitional Arrangements

- 9.1 The transitional period lasts for a period of 12 months and commenced on the 4 April 2011. This is the 1st appointed day. The 2nd appointed day is 4 October 2011 and the 3rd appointed day is the 4 April 2012.
- 9.2 Existing operators who have a Licensing Act 2003 authorisation and were lawfully using the premises as a sexual entertainment venue prior to the 1st appointed day will be permitted to provide such entertainment under their 2003 authorisation until the 3rd appointed day or until their application has been determined (including any appeal against the refusal to grant a licence). Those already licensed as sex shops or sex cinemas will not be affected by the 12 month transition period for sexual entertainment venues.
- 9.3 Existing operators should consider making application as soon as possible after the 1st appointed day and well before the 3rd appointed day. Applications should be made in writing to the Council's Licensing Unit. Applications may take 8-12 weeks to determine.
- 9.4 Where a sex establishment licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.
- 9.5 It should be noted that the Council in engaging its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 9.6 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested transitional applications, as described in the Act shall be referred to the Licensing & Public Protection Committee for decision.

10. The Application Process

- 10.1 New applicants who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the Licensing Act 2003, must not do so until they have been granted a sexual entertainment venue licence.
- 10.2 Any application should be made in writing to the Council's Licensing Unit. Applications may take 8-12 weeks to determine.
- 10.3 Applicants for a sexual entertainment venue licence must complete and return the application form, together with:-
- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - five sets of plans (scale 1:50) showing the layout of the sex establishment;
 - the correct fee. (please note that there is a fee payable upon application and a further fee payable should the licence be granted)
 - the Rules and Code of Conduct relating to both customers and performers.
- 10.4 Notice of all applications shall be given by the applicant to the Chief Officer of Staffordshire Police within 7 days of the application being made to the Licensing Authority.
- 10.5 As part of the application process, applicants are required to post a notice on pink A3 paper in black 20 point Times New Roman Font at the proposed site for 28 days, beginning on the date that the application is lodged with the Council, setting out the application details.
- 10.6 The notice must be posted in a prominent position on the premises for the whole of the 28 day period so that it can be easily read by passers-by. Applicants are also required to place a public notice in a local newspaper, at their own expense. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 10.7 Authorised Officers from the relevant Authority may choose to inspect the premises. This may include Council Licensing Officers, Staffordshire Police and the Fire Authority to ensure that required standards are met. If works are required to bring the premises up to standard, the applicant will be notified. Licences will not normally be issued until all required works are satisfactorily completed.

- 10.8 As part of the established procedure for dealing with applications, the Council's Environmental Protection Team will be consulted in respect of possible noise issues. If there is the possibility of noise nuisance, for example from amplified music, these officers may also carry out an inspection and recommend work which could include insulation work. Any requirements they identify must be complied with at all times that any licence is in force.
- 10.9 Applicants are advised that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which they know to be false in any material respect, or which they do not believe to be true, is guilty of an offence and liable upon summary conviction to a fine not exceeding £20,000.
- 10.10 Any licence approved does not constitute any approval under any other Acts such as the Town and Country Planning Act 1990, or Bye-Laws. The applicant should note that sex establishments fall within various planning use categories and that they must ensure that all necessary consents and approvals are obtained prior to operation.
- 10.11 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 10.12 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied.
- 10.13 Application forms, sample advertisements and site notices are available via www.cannockchasedc.gov.uk unit or on request from the Licensing Unit licensingunit@cannockchasedc.gov.uk

11 **Renewal of Licences**

- 11.1 To continue operating as a sex establishment once licensed, licence holders must make a renewal application prior to the expiry of the existing licence.
- 11.2 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

12. **Variation of Licence**

- 12.1 The application form to vary a licence, with relevant plans and fee should be sent to the Licensing Unit. Such applications are also subject to the site and newspaper notice requirements set out in statute.
- 12.2 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any change to the Licence Holder must be the subject of a transfer application.

- 12.3 All variation applications for sex establishment licences will be referred to the Council's Licensing & Public Protection Committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

13. Transfer of Licence

- 13.1 The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

14. Representations on an Application

- 14.1 Any person wishing to object to an application must submit a written representation to the Licensing Unit within the specified 28 day consultation period, setting out the grounds for objection. The Head of Environmental Health will grant the application under delegated powers where no objection is received.
- 14.2 Objections must not be frivolous, vexatious or malicious and should not be based on moral grounds/values but must be on those grounds which the Council may properly consider. These grounds are outlined at paragraph 7.1 and 7.2 of this document.
- 14.3 Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. In exceptional circumstances the Council may also consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 14.4 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Licensing & Public Protection Committee.
- 14.5 However, the grounds of any objection made on the application must be provided to the applicant prior to the determination of the application. The report to the Licensing & Public Protection Committee may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.

15. Hearings

- 15.1 Where a hearing is required to determine an application, it is the Policy of this Authority to disclose the names and address of objectors unless there are clear reasons to depart from the Policy. The Head of Environmental Health will make the final decision on whether details of objectors are to be disclosed.
- 15.2 No application will be refused before the applicant has had the opportunity to appear before the Licensing & Public Protection Committee.
- 15.3 Although the Council must consider objections made within 28 days of the application being made, there is no explicit provision for an oral hearing at which objectors may be

heard; such a hearing may take place at the discretion of the Licensing & Public Protection Committee provided that the objector made an open representation and that applicant is given the opportunity to address those objections.

- 15.4 The function to discharge the Council's duties under the Act are delegated by the full Council to the Licensing & Public Protection Committee.
- 15.5 Upon refusal of an application on one or more grounds the Licensing & Public Protection Committee will provide the applicant with reasons for the refusal in writing within 7 days.
- 15.6 Individual or standard conditions can be imposed upon any licence which is granted and these might include conditions relating to opening hours, advertising and any change of use of the premises.
- 15.7 In order to ensure their relevance and to avoid unnecessary duplication or contradiction, any condition which has been placed upon a Licensing Act 2003 authorisation will not be reproduced upon any sexual entertainment venue licence.

16. Appeals

16.1 There is no statutory right of appeal:-

- (i) against refusal of licence on the grounds set out in paragraph 7.1 above, unless an applicant seeks to show that the ground of refusal did not apply to them;
- (ii) where the refusal is based on the grounds set out in paragraph 7.2 (c) or (d) above

Where applicants are dissatisfied with the Council's decision in these instances, then judicial review is the appropriate legal remedy.

- 16.2 Any appeal to the Magistrates' Court on grounds other than in 16.1(i) or (ii) above, must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.
- 16.3 Where an appeal is lodged (other than on grounds stated 16.1(i) or (ii) above) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions being applied to a licence (which were not part of the original application), the conditions are deemed not to come into force until the determination or abandonment of the appeal.

17. Human Rights

- 17.1 In determining applications, the principles of the Human Rights Act 1998 must be taken into consideration. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the "general interest". Should it be decided to refuse or to grant an application, or to attach conditions, the rights of appeal that exist through the Magistrates' Court will ensure that the principles of the Human Rights Act are adhered to.

17.2 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right.

18 Enforcement

18.1 In general, action will only be taken in accordance with agreed enforcement procedures and principles in line with the Council's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.

19. Policy Review

19.1 This Policy will be reviewed at least every 3 years. Its contents will be revised to incorporate statute and guidance as appropriate.

20 Conditions

Cannock Chase Council will consider each application, including those for renewal and variation on its own merits.

Where an Operating Schedule or Schedule of Management Controls is provided to the Licensing Unit and the application is not contested, this Schedule will form part of the licence. Failure to adhere to the Schedule will be a breach of the licence.

Where an application is granted by the Licensing & Public Protection Committee, conditions may be attached to the licence in respect of one or more of the following:

Protection of the Public/Customers

- Clear display of any entry fee
- Rules for customers must be clearly displayed
- No films to be shown

Children and non users

- No customers or staff under 18
- Control over signage/advertisement displays
- Control over visibility into the premises

Protection of performers

- Proof of age checks prior to first employment.
- Periodic checking of employment records
- Proof of eligibility to work within the UK
- Payment/remuneration records retention.
- Interview and written confirmation with performer to ensure voluntary participation.
- Qualified 'house mother' to be employed.
- Separate changing and sanitary facilities for performers
- Code of conduct for performers
- Rules of conduct for customers
- Performers confined to stage area
- No contact between the customer and performer at any time

- No audience participation
- No photography

Prevention of crime and disorder

- Drugs monitoring
- Secure dressing rooms for performers
- Customers must be seated
- Door Supervision
- Proof of age checks before employment

Layout of premises

- CCTV coverage of all public areas
- Disabled access
- No alteration of the premises without Licensing Authority consent

Prevention of nuisance

- Control over operating hours
- Dispersal policy
- Door supervision
- Notices requesting quiet departure from the premises

Management standards

- Staff training
- Manager/ deputy manager to be present at each event
- Secure retention of CCTV material
- Specified number of door supervisors
- Maintenance of incident/refusals book

A pool of Conditions which may be applied to individual premises, as deemed necessary, is given at Annex 3 to this Policy. However, other conditions may be applied if considered reasonable, proportionate and necessary.

No conditions will be attached to a licence that duplicates primary legislation such as Health and Safety or Fire Regulations. It is expected that there will be compliance with primary legislation at all times and failure to do so will result in enforcement action.