

# **THE LICENSING OF SEXUAL ENTERTAINMENT VENUES IN THE BOROUGH OF DARLINGTON**

## **APPENDIX 1**

### **PROCEDURES FOR ADOPTING THE NEW LEGISLATION**

1. The Council must pass a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009, as authorised by Section 2 of The 1982 Act to apply within the borough of Darlington. The date that this shall come into force must be specified and this date must be more than one month after the day on which the resolution was passed. NB this is not an executive function and therefore requires the decision to be made by full Council.
2. The council must publish a notice stating that such a resolution has been passed. This notice must appear in two consecutive weeks in a local newspaper, circulated in the Council area. The first notice must appear not later than 28 days before the day specified for the resolution to come into force.
3. The notice must also state the general effect of the resolution
4. The notice will appear in the name of the Borough Solicitor.

### SEX ENTERTAINMENT VENUES PROPOSED GUIDANCE AND STANDARD CONDITIONS

#### GUIDANCE

1. All references to 'The Council' shall mean Darlington Borough Council.
2. 'Sexual Entertainment Venue' means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (ie a person who is responsible for organisation of management of the entertainment or the premises).
3. 'Authorised officer' means an officer employed by Darlington Borough Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982 ("The 1982 Act").
4. 'Premises' includes any vehicle, vessel, or stall but does not include any private dwelling to which the public is not admitted.
5. 'Special Conditions' shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 of the 1982 Act.
6. 'Licence' means any Sexual Entertainment Venue ("SEV") licence.
7. 'Licensee' means the holder of a SEV licence.
8. Relevant entertainment means any live performance; or any live display of nudity of such a nature that, ignoring financial gain, is provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). The following are **not** SEVs for the purpose of this Schedule:
  - sex cinemas and sex shops;
  - premises at which relevant entertainment has been provided no more than 11 times during the preceding 12 months; on no occasion lasting more than more than 24 hours; and
  - on no occasion less than one month since the previous relevant entertainment.
9. Display of nudity means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area, genitals or anus.
10. If a licensee wishes any of the terms of his licence to be varied, an application must be made to the Council.
11. The Council may dispense with, add to or modify any terms, restrictions or conditions of a licence in any special case.
12. Applications for a SEV licence should be accompanied by a set of "House Rules" which specify the behaviour required of both the performer and patrons. These House Rules must be approved by the Council and will form part of any grant of licence.

13. When considering an application for a SEV licence the Council will take into consideration the locality of the premises and the number of similar establishments within the locality. Applications for licences close to residential areas, schools, places of worship and similar relevant venues may be unlikely to succeed or may face restrictions on opening hours etc however every case will be decided on its own merits.
14. All applications must be accompanied by the relevant licence fee. Where payment is made by cheque and payment is not honoured the application will be returned and any subsequent application shall be subject to a £15 additional fee and payment by means other than cheque.
15. The Council shall make enquiries to ensure that applicants/managers are suitable to operate a SEV. Such checks will include the person's honesty, experience, understanding of the legislation and conditions, record of compliance and management skills

### **GENERAL CONDITIONS**

- (a) The licence and conditions (or a clear copy) shall be prominently displayed on the premises at all times so as to be readily and easily seen by all persons using the premises, and also the police, the fire authority and authorised officers of the Council.
- (b) A copy of the "House Rules" shall be prominently displayed on the premises.
- (c) A notice shall be displayed at the main entrance(s) warning patrons that the performance includes unclothed male and/or female dancers and that no person under the age of 18 years shall be admitted.
- (d) No other words or signs, photographs, displays or advertisements, shall be displayed on the outside or in the vicinity of the premises (NB this shall not apply to proper press advertisements). The issue of leaflets or flyers is not permitted.
- (e) External doors and windows shall be closed at all times other than for access and egress.
- (f) A CCTV system approved by the Council and Police shall be installed on the premises covering all of the licensed area. It shall be maintained in good working order and shall operate at all time when the premises are open.
- (g) The licensee, or a named responsible person nominated, in writing by the licensee for the purpose of managing the sexual entertainment venue ('the Manager') shall be present on the premises at all times whilst relevant entertainment is taking place.
- (h) Except with the written consent of the Council, the premises shall not remain open to the public outside the licensed hours.
- (i) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal soliciting or touting from the premises.
- (j) All performers, patrons and staff must be over 18 years or over.
- (k) Photography or recording of any kind within the premises (excluding CCTV recording required by condition on licence) shall be prohibited.
- (l) Performances by topless females or nude males/females shall not be visible from outside of the premises.

- (m) Relevant entertainment shall only be provided by the performer. There must be no audience participation.
- (n) Performers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.
- (o) Performers may only dance for seated patrons.
- (p) Patrons must remain fully clothed at all times.
- (q) There shall be no physical contact between performers and patrons before, during and after the performance except for the transfer of money or token to the hand of the performer either immediately before or after the performance. Notices to this effect shall be clearly displayed at each booth/table and at each entrance.
- (r) There shall be a minimum distance of one metre between the performer and any patron during any performance.
- (s) Sex toys must not be used and penetration of the genital area or any other orifice by any means shall not be permitted.
- (t) Any performance shall be restricted to dancing and removal of clothing. There must not be any other form of sexual activity.
- (u) At the end of a performance the performer must be provided with access to a changing room without the need to pass unclothed through an audience.