



**Notice of a public meeting of
Gambling, Licensing & Regulatory Committee**

- To:** Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden, Crisp, D'Agorne, Funnell, Gillies, Gunnell, Hayes, Hunter, Mason, Mercer, D Myers, Orrell and Richardson
- Date:** Tuesday, 13 September 2016
- Time:** 4.00 pm
- Venue:** The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 1 - 6)

To approve and sign the minutes of the meeting held on 11 July 2016.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Monday 12 September 2016.**

Filming and Recording of Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

**4. Renewal of Sex Establishment Licence for (Pages 7 - 50)
Black Orchid (1st Floor Tokyo), 3-5 Toft
Green, York**

Members are asked to determine an application for the renewal of a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid (1st floor, 3-4 Toft Green, York, YO1 6JT).

**5. Licensing of Sex Establishments - Review (Pages 51 - 106)
of Licensing Policy**

This report seeks Members' approval to formally consult on a proposed revised Licensing Policy which relates to the licensing of sex establishments within the authority area.

6. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jayne Carr

Contact Details:

Telephone – (01904) 552030

Email – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Gambling, Licensing & Regulatory Committee
Date	11 July 2016
Present	Councillors Douglas (Chair), Boyce (Vice-Chair), Aspden (minute 4 and 6 only), Gillies, Hayes, Crisp, Funnell, Mason (minute 4 only), Mercer, D Myers and Richardson
Apologies	Councillors Hunter, D'Agorne, Gunnell and Orrell

Part A - Matters Dealt with under Delegated Powers

1. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on the agenda. None were declared.

2. Minutes

Resolved: That the minutes of the meeting held on 25 April 2016 be approved and signed as a correct record.

3. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

4. Safety at Sports Advisory Group - Policies and Procedures and Terms of Reference

Members considered a report that sought their approval for the Policies and Procedures, and Terms of Reference for the Safety at Sports Advisory Group.

Members' attention was drawn to the function and membership of the Safety Advisory Group (SAG). Although there was no statutory requirement for local authorities to set policies and procedures, and terms of reference for their SAG, this was a best practice recommendation from the Sports Grounds Safety

Authority. The proposed Policies and Procedures were included as Annex 1 to the report and the Terms of Reference were included as Annex 2.

Members expressed their disappointment that there had been no responses to the consultation that had taken place on the Policies and Procedures and the Terms of Reference. Officers explained that the documents had been discussed at the SAG meetings and there had been no adverse comments.

Discussion took place regarding the differing safety requirements for sporting events and the factors that had to be considered when putting in place the relevant safety certificates, including equalities issues.

Members considered the following options:

Option 1: Approve the Policies and Procedures, and Terms of Reference

Option 2: Approve the Policies and Procedures, and Terms of Reference with alternative wording agreed by Members

Option 3: Take no further action

Resolved: That the Policies and Procedures, and Terms of Reference (Annex 1 and Annex 2 of the report) be approved.

Reason: To assist the Council in its statutory duty under the Safety of Sports Grounds Act 1975 (as amended) and Fire Safety and Safety of Places of Sport Act 1987.

Part B - Matters Referred to Council

5. Hackney Carriage and Private Hire - Delegation of Enforcement Powers

Members considered a report which sought their support to amend the scheme of delegation in relation to enforcement powers under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, and recommend to Full Council the approval of these amendments.

Members noted that Licensing Officers had been working with the licensing services of the Combined Authority (West Yorkshire Authorities and City of York Council) to establish some common licensing standards and processes. Members' attention was also drawn to the relevant provisions relating to taxi licensing in the Deregulation Act 2015 which came into force on 1 October 2015 and which allowed for a licensed private hire operator to sub-contract a private hire journey from within one licensed authority area to another licensed operator who may be based anywhere in England and Wales. Members noted that private hire sub-contracting presented significant difficulties for the Council in conducting its enforcement activities, and potentially to the public in terms of service standards and safety, as detailed in paragraph 15 of the report. Officers were informed that the issue was particularly evident on race days.

The proposed cross authority delegation of taxi and private hire licensing enforcement functions was intended to tackle these concerns. Initially it was proposed that the cross authority delegations would only apply to the West Yorkshire authorities although, if this proved to be successful, discussions could be entered into with North Yorkshire to ascertain if they wished to consider the same arrangement.

Members noted that the current functions delegated to licensing officers in City of York Council were set out in the Council's Delegation Scheme under Section 3 of the Constitution. The proposal was for City of York Council Licensing Officers to retain the sub-delegation of these functions but the same functions would also be delegated to the West Yorkshire authorities. Only the enforcement functions would be delegated and each authority would retain the ability to grant and renew licenses. Other authorities' enforcement powers would be delegated to City of York Council. Officers clarified that it would be the home authority that would take the enforcement action and which would incur the associated costs. The authority within which the alleged offence had taken place would provide the relevant evidence to the home authority.

Members queried whether there was parity in the standards required by the West Yorkshire authorities. Officers stated that there had been some differences in vehicle standards and a common set of standards had been agreed to enable a shared checklist to be drafted. Members were informed that the West

Yorkshire authorities had already agreed to their participation in the scheme.

Members considered the following options:

- Option 1: Support the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers.
- Option 2: Refuse the request to amend the scheme of delegation

Recommended: That the amendments to the scheme of delegation in relation to hackney carriage and private hire enforcement powers be approved.

Reason: This will allow the Council to delegate hackney carriage and private hire enforcement powers to other licensing authorities in West Yorkshire, as well as being retained by City of York Council as licensing authority.

6. Statement of Licensing Policy - Review of the Saturation and Cumulative Impact Zone

Members considered a report which sought their approval to recommend to Full Council an amendment to the Special Policy within the Statement of Licensing Policy which related to the Saturation and Cumulative Impact. The proposed amendment had been made at the request of North Yorkshire Police. Officers gave details of the consultation that had been carried out and drew attention to the responses that had been received.

Members noted that the proposed amendment related to the wording of points 5, 6 and 7 of the existing policy as it was believed that variations had as much impact within the Special Policy Area as the grant of a new licence and/or certificate. The proposed change would read:

“5. The following variations are considered to be material:

- Change in style of operation
- Physical extension of the premises that increases capacity
- Extension of hours of operation

Therefore, there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.”

Members considered the following options:

- Option 1: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended, as detailed in paragraph 14 of the report.
- Option 2: Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended with alternative wording agreed by Members.
- Option 3: Take no further action

Members expressed their support for the proposed change.

Recommended: That the Special Policy relating to Saturation and Cumulative Impact, as detailed above, be approved.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

Councillor Douglas, Chair

[The meeting started at 4.00 pm and finished at 4.35 pm].

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Gambling, Licensing & Regulatory Committee 13 September 2016

Report from the Assistant Director – Housing and Community Safety

Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009

Renewal of Sex Establishment Licence for Black Orchid (1st floor Tokyo), 3-5 Toft Green, York, YO1 6JT

Summary

1. This report seeks Members' determination of an application for the renewal of a Sex Establishment Licence for a sexual entertainment venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of Black Orchid (1st floor, 3-4 Toft Green, York, YO1 6JT).

Recommendations

2. Members determine the application for the grant of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

Reason: As required by the legislation.

Renewal Application

3. Name of applicant: Tokyo Industries (Lincoln York Hull) Ltd
4. Summary of Application: A copy of the application is attached at Annex 1 of this report and is summarised as follows: This is an application for the renewal of a Sex Establishment Licence which authorises hours of opening Monday to Sunday 21:00hrs to 03:30hrs, and 18:00hrs to 04:30hrs on York Racecourse Race Days only.
5. Members should note the applicant extended the existing operating hours on completing the application form, however a variation of the licence to extend hours has not been received. To clarify, the

application under consideration is for the renewal of existing licensed hours only; an extension to hours has not been sought.

6. The premise currently has a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached at Annex 2 and is summarised as follows:

Licensable Activity	Current Days & Hours
Films	Monday to Sunday 11:00 – 03:30
Boxing or Wrestling	Monday to Sunday 11:00 – 02:00
Live Music	Monday to Sunday 11:00 – 03:30
Recorded Music	Monday to Sunday 11:00 – 03:45
Performance of Dance	Monday to Sunday 11:00 – 03:30
Late Night Refreshment	Monday to Sunday 23:00 – 03:45
Supply of Alcohol (On sales only)	Monday to Sunday 11:00 – 03:30
Opening Hours	Monday to Sunday 11:00 – 04:00
Non Standard Timings for all activities	From the end of permitted hours on New Year's Eve until the start of permitted hours New Year's Day. An additional hour on the day British Summertime commences.

Background

7. On 6 April 2010, section 27 of the Policing and Crime Act 2009 was introduced. This legislation reclassified lap dancing clubs and other similar venues as 'sexual entertainment venues'; a sex establishment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This allowed Local Authorities who adopted the provisions of the legislation to regulate lap dancing clubs and similar venues under the same regime as sex shops.
8. Sexual entertainment venues are defined as 'any premises at which relevant entertainment is provided for a live audience for the financial gain of the organiser or the entertainer'. The meaning of relevant entertainment is 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)'.
9. This Authority adopted the provisions of the legislation on 7 October 2010 when the resolution was approved by full council. A copy of

City of York Council's Policy for the Determination of Applications for Sexual Entertainment Venues is attached at Annex 3.

10. A copy of the Standard Conditions Applicable to Licences Issued to Sex Establishments which were approved by full Council is attached at Annex 4.

Consultation

11. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application to be considered valid.
12. No objections to the application were received.

Other Relevant Information

13. There are no planning implications in relation to this application.

Options

14. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
15. Option 1: Renew the licence.
16. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
17. Option 3: Refuse the application.

Analysis

18. The following could be the result of any decision made by this Committee:
19. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. The only route to challenge the decision is by way of Judicial Review in the High Court.
20. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.

21. Option 3: This decision could be appealed at Magistrates Court by the licence applicant.

Council Plan

22. The approved City of York Council Standard Conditions Applicable to Licences issued to Sex Establishments will support the Council's priority to protect vulnerable people and create jobs and grow the economy.

Implications

23. The implications arising from this report are:

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – Dependant upon the option agreed, the decision could be appealed through either Judicial Review in the High Court or Magistrates Court by the applicant.
- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

Risk Management

24. All Members are aware that any decision which is unreasonable or unlawful could be open to challenge resulting in loss of image, reputation and potential financial penalty.
25. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Contact Details

Author:	Chief Officer Responsible for the report:		
Lesley Cooke Licensing Manager Ext 1515	Steve Waddington Assistant Director - Housing & Community Safety Ext 4016		
	Report Approved	√	Date 01/09/16

Wards Affected: Micklegate

Annexes

- Annex 1** - Copy of application
- Annex 2** - Copy of Premises Licence issued under the Licensing Act 2003
- Annex 3** - Copy of CYC Policy for the Determination of Applications for Sexual Entertainment Venues
- Annex 4** - Copy of Standard Conditions Applicable to Licences issued to Sex Establishments
- Annex 5** - Legislation and Policy Considerations

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CITY OF YORK COUNCIL
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS
Application for the Grant / Renewal / Transfer of a Sex Establishment Licence

TYPE OF VENUE

- Sexual Entertainment Venue Sex Shop Sex Cinema

TYPE OF APPLICATION

- Grant Renewal Transfer

APPLICANT DETAILS

1. Is the applicant:

- An individual (please answer questions 2, 5 to 9)
 A company or other corporate body (please answer questions 3, 5 to 9)
 A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names: None

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

3. Name of applicant (company name): Tokyo Industries (Lincoln York Hull) Ltd

Address of registered or principal office: 201 Chapel Street

Post town: Manchester Post code: M3 5EQ

Registration number: UK 8171028

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

Paul Sinclair,
Luke Person -

6. a. Has the applicant ever been known by any other name? NO
b. Has the applicant ever been convicted of a criminal offence? NO
c. Has the applicant ever been refused a sex establishment licence? NO
d. Has the applicant ever had a sex establishment licence revoked? NO
e. Has the applicant ever been served with a winding up petition? NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

The trading address is restricted to just the application premises. The Company holds a Registered office at 201 Chapel Street Manchester. M3 5EQ, and an Accounts Office at Berkley House, 18-24 High Street, Edgeware, London. HA8 7RP.

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant? NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

No

PREMISES DETAILS

10. Please state the name the business will be known as: Black Orchid

11. Is the premises a Building Vehicle Vessel Stall

12. Where is it proposed to use the vehicle, vessel or stall?

13. Does the company propose to only operate on the internet? No
(f yes answer Q14 to 19 only)

14. Premises address 3-5 Toft Green

Post town York

Post code Y01 6jt

Telephone number at premises

15. Which part of the premises is to be used as a sex establishment? The second floor

16. Is the applicant owner lessee sub-lessee other

17. If the applicant rents the property state:

a. Name and address of landlord: Aaron Mellor, 38 Union Street, Oldham. OL1 1DJ (the landlord is also the Managing Director of the incorporated applicant Tokyo Industries (Lincoln York Hull) Ltd

b. Name and address of the superior landlord: As Above

c. Total annual rental: £8,000

- d. Length of unexpired term: 4yrs
- e. Notice required to terminate tenancy: no termination

18. Please provide details of the building management company (if appropriate):

19. State the current use of the premises: Same as application

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES

21. Can members of the public access the premises:

- a. Directly from the street? YES
- b. From other premises? NO
- c. Not at all? (internet sales only)

22. Are the premises currently being used as a sex establishment?
Please provide details of the business currently operating the business: Same as application

OPERATING SCHEDULE

23. Opening hours: (If internet sales only please tick here and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
9pm till 4am	9pm till 4am	9pm till 4am	9pm till 4am	9pm till 4am

Saturday	Sunday
9pm till 4am	9pm till 4am

Any non-standard timings: York Race days only 18:00 to 05:00

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.

a. Please provide details of any lender, mortgage or others providing finance:

b. Please provide details of any merchandising agreements:

PREMISES MANAGEMENT

25. Please state the name of the person who will be in day to day control of the premises (the manager).
Paul Sinclair

- a. Will the manager be based at the premises YES
- b. Will the management of the premises be the manager's sole occupation YES

26. Who will be in control of the premises in the manager's absence (relief manager)? Matthew Radcliffe / Harriett ???

- a. Will the relief manager be based at the premises in the absence of the manager? YES

If you have ticked no to any of the above please provide details.

EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY

31. Is the proposal for full nudity? YES

32. Describe the nature of the entertainment eg lap-dancing, pole dancing, stage strip tease:

Lap dancing

33. State measures to ensure employees age and right to work in the UK:

Passport and NI number are taken and copied and kept on file for each employee.

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

The premises have traded without issue or problem for almost 12mths since trade began. The management team and operational standards were regarded as the 'Best in the West Yorkshire' by inspecting SEV officials.

36. Is there any information on this form you do not wish to be seen by members of the public? If so state which information and the reasons why you do not wish it to be seen.

CHECKLIST & ENCLOSURES

Enclosures

- I have made or enclosed payment of the fee
- I have enclosed three sets of plans of the premises
- I have enclosed a drawing of the street elevation of the premises
- In the case of an application to transfer the licence, include the completed Consent to Transfer form

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.

I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section.

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent, If signing on behalf of the applicant please state in what capacity.

Signature Name (print) ... Date <i>23rd June.</i> Capacity <i>GM.</i>	Signature Name (print) Date Capacity
Contact name (where not previously given) and address for correspondence associated with this application: 	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by email, your email address (optional)	

Guidance Notes

1. Please return this completed application form to:

City of York Council
 Licensing Section
 Hazel Court EcoDepot
 James Street
 York
 YO10 3DS

2. Please make cheques/postal orders payable to City of York Council.

3. The applicant is responsible for serving notice of this application on North Yorkshire Police, Licensing Section, Fulford Road, York, YO10 4BY

4. Requirements for layout plan (**NB plan not required for renewal applications**)

The plan must show:

1. The layout of the premises including eg stage, bars, cloakroom, WCs, performance area, booths, dressing rooms.
2. The extent of the boundary of the premises.
3. The extent of the public areas.
4. Uses of different areas in the premises eg performance areas, reception, staff facilities.
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any points used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. The location of any steps, stairs, elevators or lifts.
11. The location of any public conveniences, including disabled WCs.
12. The location and type of any fire safety and other safety equipment.
13. The location of the kitchen (if applicable).
14. The location of emergency exits.



LICENSING ACT 2003

PREMISES LICENCE

Schedule 12

Part A

Part 1 Premises details

Premises licence number CYC - 009396

Postal address of premises:

3-5 Toft Green

Post town: **York**

Post code: **YO1 6JT**

Telephone number: 01904 620203

Expiry date: This licence has no expiry date.

Licensable activities authorised by the licence:

Films
Boxing or Wrestling
Live Music
Recorded Music
Performances of Dance
Late Night Refreshment
Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:

FILMS

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

BOXING OR WRESTLING

Indoors

Monday 11:00 - 02:00	Tuesday 11:00 - 02:00	Wednesday 11:00 - 02:00	Thursday 11:00 - 02:00
Friday 11:00 - 02:00	Saturday 11:00 - 02:00	Sunday 11:00 - 02:00	

LIVE MUSIC

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

RECORDED MUSIC

Indoors

Monday 11:00 - 03:45	Tuesday 11:00 - 03:45	Wednesday 11:00 - 03:45	Thursday 11:00 - 03:45
Friday 11:00 - 03:45	Saturday 11:00 - 03:45	Sunday 11:00 - 03:45	

PERFORMANCES OF DANCE

Indoors

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

LATE NIGHT REFRESHMENT

Indoors

Monday 23:00 - 03:45	Tuesday 23:00 - 03:45	Wednesday 23:00 - 03:45	Thursday 23:00 - 03:45
Friday 23:00 - 03:45	Saturday 23:00 - 03:45	Sunday 23:00 - 03:45	

SUPPLY OF ALCOHOL

Monday 11:00 - 03:30	Tuesday 11:00 - 03:30	Wednesday 11:00 - 03:30	Thursday 11:00 - 03:30
Friday 11:00 - 03:30	Saturday 11:00 - 03:30	Sunday 11:00 - 03:30	

Non Standard Timings for Films, Boxing or Wrestling, Live Music, Recorded Music, Performances of Dance, Late Night Refreshment and Supply of Alcohol:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

The Opening Hours of the Premises

Monday 11:00 - 04:00	Tuesday 11:00 - 04:00	Wednesday 11:00 - 04:00	Thursday 11:00 - 04:00
Friday 11:00 - 04:00	Saturday 11:00 - 04:00	Sunday 11:00 - 04:00	

Non Standard Timings:

From the end of permitted hours New Years Eve to the start of permitted hours New Years Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

On the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premise licence:

Name: Tokyo Industries (Lincoln York Hull) Ltd

Address: 201 Chapel Street
Manchester
M3 5EQ

Telephone number: None

Email address: None

Registered number of holder, for example company number, charity number (where applicable):

08171028

Annex 1 – Mandatory conditions

MANDATORY CONDITIONS IN RELATION TO THE SUPPLY OF ALCOHOL

1. In accordance with section 19 of the Licensing Act 2003, where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. The first condition is that no supply of alcohol may be made under the premises licence -
 - (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION - ALCOHOL PRICING

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

where –

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

MANDATORY CONDITION: DOOR SUPERVISION

1. In accordance with section 21 of the Licensing Act 2003 (as amended by section 25 Violent Crime Reduction Act 2006), where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must -
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.
2. But nothing in subsection (1) requires such a condition to be imposed -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to -
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence, or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

MANDATORY CONDITION: EXHIBITION OF FILMS

1. In accordance with section 20 of the Licensing Act 2003, where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section - 'children' means persons aged under 18; and 'film classification body' means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the operating schedule

Licensing Objectives

Prevention of Crime & Disorder

1. Digital CCTV will be installed to cover the premises and will include all areas to where public have access to consume alcohol and where licensable activities are undertaken.
2. CCTV will be maintained, working and recording at all times when the premises are open.
3. The recordings will be of evidential quality in all lighting conditions and will be of sufficient quality to be produced in court or other such hearing.
4. Copies of the recordings will be kept available for any responsible authority for 28 days.
5. Copies of the recordings will display the correct time and date of the recording.
6. A member of staff trained to use the CCTV system shall be on duty at all times so as to ensure the recorded images are made available for inspection and downloading immediately upon request to any responsible authority.
7. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
8. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
9. The only acceptable proof of age identification shall be a current passport, photocard driving licence or identification carrying the PASS logo.
10. Drinking vessels of any type shall not be allowed to enter or leave the premises whilst under the customers care; save for movement into the outside drinking area attached to the venue.
11. Documented staff training will be given regarding the retail sale of alcohol; the conditions attached to the premises licence; and the opening times of the venue.
12. Such records (referred to in condition 11) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
13. A Refusals Register and Incident Report Register will be kept. Such documents will record incidents of staff refusals to under-age or drunk people as well as incidents of any anti-social behaviour and ejections from the premises.
14. Both documents (referred to in condition 13) shall be kept for at least one year and they will be made available immediately upon a reasonable request from any responsible authority.
15. The venue shall partake in the York night-time economy radio system.
16. There shall be no consumption of alcohol by patrons queuing to enter the premises.

17. When any entrance is being used by members of the public door supervisors shall be positioned at every entrance to the premises in accordance with conditions 18, 19 and 20. For the purpose of clarity the entrances to the venue are the door leading to the main club; the door leading to the bar area (ie the middle entrance); the door leading to the Sexual Entertainment Venue; (the total number of door supervisors is applicable across the licensed area not necessarily two per door at all times unless customer numbers dictate such deployment).

18. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 21:00hrs until the venue closes for business on the following occasions:-

- i) every Friday and Saturday evening
- ii) the evening before a Bank Holiday
- iii) the evening of race meetings held at York Racecourse (save for the family meeting held in September and the first meeting held in May).

19. Save for occasions when the audience is less than one hundred customers an adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue whenever live music (that does not fall under the definition laid out in the Live Music Act) is being undertaken at the venue; their deployment being at least one hour prior to the start of any concert until the venue closes for business.

20. An adequate number of door supervisors (at least one plus one per hundred customers ie a minimum of two at any time) shall be provided at the venue from 23:00hrs until the venue closes for business on all other occasions.

21. So as to ensure the licensing objective the prevention of crime and disorder is not undermined, there shall be a total capacity limit of 860 people.

22. If a DJ is used on any night they will ask customers to leave quietly.

23. Any person who appears to be intoxicated or who is behaving disorderly will not be allowed entry to the venue. Any person within this venue who appears to be intoxicated or who is behaving disorderly will be given care and consideration in leaving the venue.

24. Text/radio pagers are used within the venue, they are monitored by a responsible member of staff.

25. Toughened glass is used in the venue.

26. Music and dancing will be a prominent feature of trading.

27. For the purpose of clarity the licensable area of the venue shall be restricted to the building only. There shall be no licensable activities undertaken on the footpath directly outside the venue.

The following conditions apply to the outside drinking area:-

28. The boundary of the outside area shall be clearly defined by a barrier at all times the area is being used.

29. Customers shall remain seated when consuming alcohol in the outside smoking area.

30. There shall be no sale of alcohol in the outside area.

31. The outside area shall not be used for the consumption of alcohol after 21:30hrs. For the purpose of clarity, after 21:30hrs the outside area shall only be used by people who wish to smoke

32. The outside area shall be cleared of drinking vessels by 21:45hrs.

Public Safety

33. A person trained in first aid will be at the venue who will have received training in any problems associated with alcohol and drug misuse.

34. A qualified first aider shall be present throughout any sporting entertainment involving boxing, wrestling, judo, karate or sport of a similar nature.

35. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before use and any material used to form the skirt of the ring shall be flame retardant.

36. The seating layout shall be agreed with the appropriate authorities.

Public Nuisance

37. No amplified music or regulated entertainment shall be provided in the entrance, reception or lobby areas of the premises.

38. The internal lobby doors to the main entrance and the doors from the reception to the main dance floor and the cafe bar shall be kept closed except when being used for entry or exit.

39. Access to the smoking area after 23:00hrs, shall be via the main entrance door only.

40. During provision of live or recorded music, the emergency exit doors in the centre of the Toft Green facade leading from the Beer Keller area shall be kept shut after 23:00hrs and prior to that the doors shall only be opened for ingress or egress.

41. Any patrons waiting outside the premises for entry into the venue, and those using the smoking area shall be managed by premises staff to ensure noise arising from these patrons, such as shouting, singing and chanting is kept to a minimum.

42. Documented patrols shall be carried out by members of staff at no less than hourly intervals during the hours of opening to the public. These patrols shall monitor the noise arising from within the premises and created by patrons within the vicinity of the premises. These checks shall be undertaken outside the building each hour at three locations: to the left hand side of the facade, adjacent to 1 Toft Green; to the right hand side of the building, adjacent to the rear of 92 Micklegate and on Barker Lane, adjacent to Lawrance House. The checks shall be completed and recorded in accordance with a procedure to be agreed with City of York Council within 1 month of issue of the varied licence granted 24 September 2014.

43. The internal double doors between the Beer Keller and the Fibbers club shall be kept closed after 23:00hrs.

44. A direct contact number for the duty manager shall be made available to residents living in the vicinity of the premises on request.

45. Staff training shall be given and documented regarding all matters relating to the licence and its conditions. Records of training shall be kept for 3 years.

Protection of Children from Harm

46. A person under the age of 18 years will only visit the venue with a responsible adult usually for the purpose of dining unless there is an event especially organised for the youth market. Unaccompanied persons under the age of 18 are not welcome in the venue except at events especially organised for the youth market.

47. The venue intends to have specially organised events for the youth market when the venue will adhere to the following Company Policies:

- a) Admission Policy
- b) General Policies Statement
- c) Code of Conduct for Staff Statement and
- d) Child Protection Policy

48. For Regulated Entertainment consisting of Music and Dancing:

a) The licence holder shall attach a copy of the City Council's Rules for the Management of Places of Public Entertainment to the valid licence. This document shall form part of the licence.

b) The licence holder shall ensure prompt compliance with any written report received from the City Council.

c) The licence holder shall ensure prompt compliance with any written report received from North Yorkshire Fire and Rescue Service.

d) The noise generated from the use of these premises shall not exceed a Noise Rating 25 (ISO.R=1966: 1971) when measured at a distance of one metre from the nearest noise sensitive facade and be of such a level so as not to constitute a nuisance to inhabitants of the neighbourhood.

e) In accordance with Condition 1.11 of the Rules of Management of Places of Public Entertainment licensed by the City of York Council, written consent is hereby given for these premises to be used for entertainment attended wholly or mainly by children subject to the attached conditions being complied with. This consent is limited to Tuesday evenings between the hours of 18:30 - 21:00 when the premises may remain open for disco and dancing from 14 to 17 year olds.

Schedule of additional conditions to be complied with when entertainments attended wholly or mainly by children are given.

49. A sufficient number of competent and adequately trained adult attendants shall be on duty during events which are to be attended wholly or mainly by children. The minimum number of attendants on duty must be as follows:

- One attendant for every 100 or part there of accommodated on the ground floor.
- One attendant for every 50 or part there of accommodated on the first floor.

Persons whose normal duties are other than the assistance of persons entering the entertainment area, should not be included in calculating the number of attendants.

50. Attendants must be specifically instructed as to their essential duties and responsibilities in the event of fire or other emergency.

51. Attendants should be easily identifiable by means of some conspicuous clothing or marking system which is visible under all lighting conditions.

52. Training of attendants must include instruction in the following areas:

- a) the action to be taken upon discovering a fire;
- b) the action to be taken upon hearing the fire alarm;
- c) raising the alarm, including the location of the alarm call points and alarm indicator panels;
- d) the correct method of calling the fire brigade;
- e) the location and use of fire fighting equipment;
- f) knowledge of escape routes;
- g) knowledge of the method of operation of any special escape door fastenings;
- h) appreciation of the importance of fire doors and the need to close all doors at the time of a fire and on hearing the fire alarm;
- i) the operating of all escape doors not in regular use, to ensure that they function satisfactorily; and
- j) evacuation of the building to an assembly point at a place of safety (to include reassuring persons attending the entertainment and escorting them out of the premises).

53. Attendants must have attended at least one practice fire drill following completion of training.

54. Notices must be prominently displayed where parents deposit children, saying that in the event of an emergency children will be escorted by a member of staff to a named collection point outside the building.

55. Account should be taken of the additional responsibility caused by the attendance of disabled children. Further attendants will need to be on duty, the number of which will depend on the number of disabled children attending and the nature of their disabilities.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. There shall be no admissions to the premise after 03:00hrs, except for patrons using the smoking terrace.
2. The sale of alcohol shall cease 30 minutes before closing time.
3. The sale of late night refreshment shall cease 15 minutes before closing time.
4. Recorded music shall cease 15 minutes before closing time.
5. All licensable activities, namely; Films, Live Music and Performance of Dance, shall cease 30 minutes before closing time.
6. The licensable activity, Boxing and Wrestling, shall cease by 02:00hrs.
7. A dispersal policy agreed with the Licensing Authority and North Yorkshire Police shall be adhered to at all times.
8. One marshal will control the access and egress from the internal door in the premises leading to the smoking area and the second marshal shall monitor the behaviour of those patrons using the smoking area.

Annex 4 – Approved Plan

Plan Number TO/Y0/322/01 & 02

For and on behalf of
The Director of Communities
& Neighbourhoods

Date: 15/08/2005
21/05/2015 (Transfer)

Licensing Services
Hazel Court EcoDepot
James Street
York
YO10 3DS

Phone: 01904 552512
Fax: 01904 551590
Email: licensing.unit@york.gov.uk
Website: www.york.gov.uk/licensing



Policy for the Determination of Applications for Sexual Entertainment Venues

In determining applications for sexual entertainment venue licenses the Licensing and Regulatory Committee shall treat each application on an individual basis, on its own merits, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

A decision to refuse the licence may not be made solely on moral grounds or that the establishment may cause offence.

Grounds for Granting or Refusing the Application

A licence **must be** refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-

- to a person under the age of 18;
- to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months;
- to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate that was not incorporated in the United Kingdom; or
- to a person who 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.

A licence **may be** refused where any of the following matters mentioned in paragraph 12(2) and (3) of the Act applies:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason:
- Officers will make diligent enquiries with the applicant to establish:-
 - That the operator is honest.
 - That the operator is qualified by experience to run the type of sex establishment in question.
 - That the operator understands the general conditions.
 - That the operator is proposing a management structure which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers.
 - That the operator can be relied upon to act in the best interests of performers, eg 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.

- That the operator can be relied upon to protect the public, eg transparent charging, freedom from solicitation.
- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

(b) That if the licence were to be granted, renewed, varied or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal, variation or transfer of such a licence if he made the application himself:

- Officers will establish that there would be no third party beneficiary by asking appropriate questions in the application form and by interviewing the applicant.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality:

- The number can be nil, but this decision needs to be rationally underpinned. The Council has not determined any appropriate number of sexual entertainment venues.

(d) That the grant or renewal of the licence would be inappropriate, having regard to the:

- (i) character of the relevant locality; or
- (ii) use to which any premises in the vicinity are put; or
- (iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(i) The character of the relevant locality. Relevant locality is defined in relation to premises as “the locality where they are situated”. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads. The relevant locality will be determined on a case by case basis dependent on the situation of the proposed licensed premises.

(ii) The use to which any premises in the vicinity are put. Vicinity is not defined but is clearly an area smaller than relevant locality. It maybe considered in the same context as with the Licensing Act 2003. Regard should not only be had to the juxtaposition of uses within the vicinity but also to the times of operation or occupation of those uses. Sensitive uses will include places of worship, schools, youth clubs, community centres, women’s refuges, parks and leisure facilities. A concentration of residential property particularly included sheltered accommodation for vulnerable groups may also cause concern.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the “standard conditions applicable to licences issued to sex establishments”.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**STANDARD CONDITIONS APPLICABLE TO LICENCES ISSUED TO
SEX ESTABLISHMENTS**

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1.0 DEFINITIONS

1.1 In these conditions save when the context otherwise requires the following expressions shall have the following meanings:

- a) "Sex Establishments", "Sexual Entertainment Venues", "Sex Cinema", "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- b) "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 licence for a sex establishment granted under the said Third Schedule.
- c) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- d) "The Council" means the City of York Council.
- e) "Film" shall have the meaning ascribed to it in the Films Act 1960-1980.

2.0 GENERAL

2.1 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.

2.2 The grant 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 the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

3.0 TIMES OF OPENING

3.1 Except with the written consent of the council, the premises shall not remain open to the public outside the hours licensed.

4.0 CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

4.1 Where a Licensee is a body corporate or an un-incorporated 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. Such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.

4.2 The Licensee or a responsible person nominated by him in writing for the purpose of managing the sex establishment in his absence and of whom details (including 2 photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public. This condition shall be read in conjunction with condition 4.3 below.

- 4.3 The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the sex establishments in his unavoidable absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 30 minutes of the sex establishments opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
- 4.4 The name of the person responsible for the management of a sex establishment be he/she the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.
- 4.5 The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
- 4.6 The Licensee shall maintain good order in the premises.
- 4.7 No person under the age of 18 shall be admitted to the premises and no person under the age of 18 shall be employed in the business of a sex establishment.
- 4.8 A notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
- 4.8 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 by the Council.
- 4.9 No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
- 4.10 Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
- 4.11 The Licensee shall comply with all statutory provisions and any regulations made thereunder.
- 4.12 The Licensee shall ensure that during the hours the sex establishment is open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee. In the case of Sexual Entertainment Venues other approved forms of identification maybe accepted.
- 4.13 A copy of the licence and of these conditions shall be exhibited in a prominent place within the premises where the public may see and read them. These displays shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in a clean and legible condition.

5.0 USES

- 5.1 No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
- 5.2 No change between the uses of a sex shop, sex cinema or sexual entertainment venue shall be effected without the consent of the Council.
- 5.3 Neither sex articles nor 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.
- 5.4 A sex shop shall be conducted primarily for the purpose of the sale or hire of goods by retail.

6.0 GOODS AVAILABLE IN SEX ESTABLISHMENTS

- 6.1 All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the shop the respective prices being charged.
- 6.2 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 establishment.
- 6.3 The Licensee shall, without charge, display and make available in the Licensed Sex Establishment, such free literature on infections, safer sex, local services and other related sexual health issues as may be published by York Teaching Hospital NHS Foundation Trust or successor organisation and any other providers as maybe. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash points in the Licensed Sex Establishment.

7.0 APPEARANCE, CONDITION AND LAYOUT OF THE PREMISES

- 7.1 The Licence Holder shall comply with requirements relating to external appearance of the licensed premises as the Council may consider reasonably necessary. The Licensee shall give prior notice to the Council of any proposed change to the external appearance of the premises and shall support the prior notice by the submission of detailed drawings to show the proposed changes.
- 7.2 Without prejudice to the generality of condition 7.1 above, no display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises unless the prior approval of the Council has been received in writing.
- 7.3 The entrance doors 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.
- 7.4 Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and

drawings showing the proposed scheme shall be submitted to the Council for prior approval. This condition shall not be construed as lessening the obligation of the Licensee under condition 7.3 hereof.

- 7.5 Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of time that the sex establishment is open to the public.
- 7.6 The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
- a) Access to the premises may only be through 2 or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises.
 - b) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit".
 - c) 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".
 - d) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- 7.7 The external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 7.8 No fastening of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than 1 person (including employee be present in any such booth or cubicle at any time).
- 7.9 Alterations or additions either 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.
- 7.10 All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

8.0 ADDITIONAL CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

- 8.1 The premise will be conducted in a decent, sober and orderly manner at all times. Steps will be taken to ensure that none of the following takes place:
- a. indecent behaviour including sexual intercourse
 - b. the offer of any sexual or other indecent service for reward
 - c. unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.
 - d. any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

- 8.2 No one under the age of 18 shall be permitted to enter the premises (or remain on the premises) whilst entertainment of an adult nature is being provided.
- 8.3 All performers shall be over 18 years of age.
- 8.3 Notices to be displayed within the premises and at the entrance informing customers of the "House Rules" that affect them and a warning that "adult entertainment" is provided within the premises.
- 8.4 Written information shall be given to the dancers/entertainers advising them of the house rules for performers and customers and possible consequences of failure to comply.
- 8.5 Adult entertainment shall not take place in a location that could be viewed from outside the premises.
- 8.6 Advertising of adult entertainment either on the premises or otherwise shall not include any photographs or images which indicate that entertainment involving nudity or sexual performance takes place on the premises.
- 8.7 CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request.
- 8.8 Performers shall be provided with separate dressing/changing rooms which shall be located so as to be separate and set apart from the public facilities. No person other than performers and authorised staff will be allowed in or near the dressing/changing room. Safe and controlled access to the dressing/changing room will be maintained at all times.
- 8.9 There shall be at least one female member of staff authorised to be responsible for the safety and welfare of the performers.
- 8.10 SIA (Security Industry Authority) registered door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room/area in which the performance takes place.
- 8.11 Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose. Audience participation shall not be permitted.
- 8.12 Dance entertainment shall only be performed in the areas of the club as marked on the plans deposited with the Licensing Authority and with the Authority's approval. These areas can only be changed with the approval of the Licensing Authority.

- 8.13 If performers are invited to have a drink with a customer, the performer will remain fully clothed during this period. Performers will not be paid commission on the sale of beverages.
- 8.14 On leaving the premise performers will be escorted to their transport by a door supervisor.
- 8.15 Adult entertainment shall not take place before 9.00 pm.
- 8.16 The premises licence holder shall ensure that the house rules for both customers and performers are strictly adhered to.

ANNEX 1

House Rules (Customers)

1. Dancers may only dance to seated customers.
2. Customers must remain clothed at all times.
3. Dancers must not be touched by the customer while they are dancing except for the placing of gratuities into the hand or garter of the dancer at the beginning or conclusion of the performance.
4. No person shall take any video recordings or photographs by any means of the authorised adult entertainment.
5. No persons other than performers and authorised staff shall be permitted in the dressing/changing rooms.
6. Dancers shall re-dress at the conclusion of the performance.
7. Customers who fail to comply with these rules shall be removed from the premise by the management or security staff
8. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
9. The duty manager and security staff will ensure that all customers and performers adhere to the house rules.

ANNEX 2

House Rules (Performers)

1. All performers shall be over 18 years of age. Prior to engagement all performers will provide documentation that they are aged 18 years or over. Checks will be made to make sure the necessary legal work permits to work in the United Kingdom are in place. Should performers be employed from agencies the same checks will be carried out. Management shall keep written record of these checks which shall be available to authorised officers of the council and the Police.
2. No performer shall be allowed to work, if under the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
3. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
4. Performers shall not use any props or clothing in the act which portrays them as a minor.
5. Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
6. Dancers shall re-dress at the conclusion of the performance and are to remain clothed (minimum bikini top and bottoms) at all times except when giving a performance.
7. Performances of adult nature must be restricted to the designated areas.
8. All staff and performers are forbidden to give personal details including real name and address or other contact details of any other performer or staff member to a customer. Performers are strongly advised not to pass their own personal details to customers.
9. The duty manager and security staff will ensure that all customers and performers comply with the house rules.

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Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
 - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
 - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
 - Paragraph 13 (Power to prescribe standard conditions).
2. The following provisions of the Home Office Guidance apply to this application:
 - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
 - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
 - Paragraphs 3.32 – 3.31 (Grounds for refusal).
 - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
 - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
 - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).
4. City of York Council’s Policy for the Determination of Applications for Sexual Entertainment Venues and the Standard Conditions Applicable to Licences issued to Sex Establishments applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the

authority's responsibility to co-operate in the reduction of crime and disorder in the city.

6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

NOTE FOR MEMBERS

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

Hearings

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

Refusal of a Licence

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- a) to a person under the age of 18;
- b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to a person who 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.

3.28 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of 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;
- d) that the grant or renewal of the licence would be inappropriate, having regard -
 - i. to the character of the relevant locality;
 - ii. to the use to which any premises in the vicinity are put; or
 - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of

the above grounds, it must provide the applicant with reasons for the decision in writing.

Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:

- (a) in relation to premises, it is the locality where they are situated; and
- (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

Licence Conditions

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.



Gambling, Licensing & Regulatory Committee 13 September 2016

Report from the Assistant Director – Housing and Community Safety

Licensing of Sex Establishments – Review of Licensing Policy

Summary

1. This report seeks Members' approval to formally consult on a proposed revised Licensing Policy which relates to the licensing of sex establishments within the authority area.

Recommendations

2. That Members **approve Option 1** of this report.

Reason: This will allow the Council to formally consult on the draft revised Licensing Policy.

Background

3. In 2010 the Government introduced a new category of sex establishment called a 'sexual entertainment venue'. This reclassified lap dancing clubs and other similar venues as sexual entertainment venues (SEVs), and gave local authorities the powers to regulate such venues.
4. At a meeting of the Licensing and Regulatory committee on 2 July 2010 members resolved to adopt the provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, with effective from 1 December 2010. Full Council approved this resolution on 7 October 2010.
5. The current policy and standard conditions approved by members in 2010 can be found at Annex 1 and 2.
6. In 2015 members of this committee asked officers to review this policy and standard conditions.

7. Following this request officers sought best practice advice from other licensing authorities, who had also reviewed their policies. Officers have developed an approach to this policy review based on good examples of best practice.
8. A working group was formed to review the policy. This group was made up of members of this committee, council officers and the police.
9. The working group reviewed the existing policy and standard conditions. The group undertook a public consultation with regard to the licensing of sexual entertainment venues, especially in relation to the appropriate number of lap dancing clubs and the most appropriate locations for them. The responses to this consultation are summarised below.
10. The working group undertook unannounced site visits to the two licensed SEVs, on an evening to see how they operator and speak directly to the managers and the dancers about the day to day operation of the lap dancing clubs. In this context the working group has reviewed the existing policy and standard conditions.
11. The responses to the public consultation have also assisted in the formulation of this draft revised policy, which can be found at Annex 3.
12. Prior to consultation on this policy members need to consider what the Council's approach should be to a limitation of the number of licensed premises and the most appropriate location(s) for them. Members also need to determine the appropriate scheme of delegation in relation to sex establishment licences.

Consultation

13. A public consultation took place between 24 June to 5 August 2015, to gain the views of residents and businesses with regard to the appropriate localities and numbers of SEVs. A total of 329 online surveys were submitted. The feedback from this consultation has assisted in the formulation of the draft revised policy.
14. This report seeks members' approval to formally consult on the proposed revised Licensing Policy. Subject to members' approval, the public consultation will run for 8 weeks, starting on 19th September 2016 and shall accord with the Council's consultation strategy. Members of the public shall be informed of the consultation via the Council's website

and by directly mailing. The final revised policy taking account of the public consultation responses shall be presented to this committee for approval in due course.

Options

15. Option 1 – Authorise officers to consult on the draft revised Licensing Policy with agreed appropriate maximum numbers of licensed premises and the most appropriate localities for them, the delegation scheme and the draft standard conditions (attached at Annex 3).
16. Option 2 – Authorise officers to consult on an alternative draft revised Licensing Policy and draft standard conditions.
17. Option 3 – Determine that a Licensing Policy in this format is not required, with the current policy and standard conditions remaining in place.

Analysis

18. The Council currently licences three sex establishments, one sex shop and two SEVs. The SEVs are located in Micklegate and Toft Green.
 - Sex Shop – means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in the connection with, or for the purpose of stimulating or encouraging sexual activity.
 - 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 (i.e. a person who is responsible for organisation of management of the entertainment or the premises).
 - Relevant entertainment – means any live performance or any 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 the audience (whether by verbal or other means).
19. The public consultation responses provided some guidance to the working group about the locations and numbers of SEVs. The survey

had 329 responses. A postcode was provided by 72% of respondents, which was used to identify wards, detailed in the table below:

Ward	Number
Guildhall Ward	40
Micklegate Ward	38
Holgate Ward	23
Clifton Ward	22
Fishergate Ward	20
Hull Road Ward	16
Dringhouses and Woodthorpe Ward	14
Heworth Ward	9
Westfield Ward	8
Fulford and Heslington Ward	7
Wheldrake Ward	7
Haxby and Wigginton Ward	6
Acomb Ward	5
Strensall Ward	5
Rawcliffe and Clifton Without Ward	4
Rural West York Ward	4
Bishopthorpe Ward	3
Copmanthorpe Ward	3
Huntington and New Earswick Ward	3
Osbalwick and Derwent Ward	1
No postcode or ward	91
Total	329

It was not possible to use this information for profiling.

20. Respondents were asked to what extent they agreed that it would **not** be acceptable to locate a SEV in different types of locations. 325 responses were received, the following table details the responses received:

Area	Agree	Disagree	Neither agree or disagree
City centre	42%	53%	5%
Rural	47%	40.5%	12.5%
Busy late night economy	39%	54%	7%
Built up – i.e. Front Street Acomb, Bishopthorpe Road	49%	40%	11%
Retail parks – i.e. Clifton Moor, Monks Cross	46%	44%	10%

Residential	61%	32%	7%
Industrial	43%	44%	13%
Would not be acceptable in any locality York	39%	55%	6%

- These figures show that 39% of respondents feel that it would not be acceptable to have a SEV in any location in York. 55% of respondents have no issues with a SEV been located in York.
- Respondents feel the most acceptable locations for a SEV are the city centre (53%) and busy late night economy areas (54%).
- Respondents feel that rural (47%), built up (49%) and residential (61%) areas are not acceptable locations for a SEV.

21. Respondents were asked for their opinion on which localities in York where it **would** be acceptable to locate a SEV. 221 responses were received.

- 130 respondents were in favour of SEVs, 45 felt that SEVs would be acceptable in any location in York, others made suggestions such as the city centre, late night economy area (including present locations) and outside the city centre. Other issues raised included:
 - Proper regulation of the clubs and welfare of employees should be a priority when considering location;
 - Unsuitable locations such as residential areas, places of worship and schools should be avoided;
 - Importance of discretion in location and outside appearance;
 - Location should be dictated by demand and business or economic case.
- 91 respondents made comments against SEVs, suggesting there are no acceptable locations. There were three main themes from those against:
 - Moral objections to clubs and the exploitation of women;
 - Feeling that venues are not in keeping with York's cultural image;
 - Concerns that venues do or would contribute to anti-social behaviour associated with the late night economy.

22. Respondents were asked to what extent they agreed that it would **not** be acceptable to locate a SEV on or near the locations detailed in the table below. 267 responses were received.

Area	Agree	Disagree	Neither agree or disagree
Low/High Ousegate, Duncombe Place	48%	44%	8%
St Leonards Place, Museum St, Blake St, St Helens Sq, Lendal	48%	44%	8%
Davygate, St Sampson's Sq, Parliament St	48%	44%	8%
Stonegate, Swinegate, Grape Lane	47%	46%	7%
Goodramgate, Church St, Kings Sq, Colliergate	48%	45%	7%
Pavement, Stonebow	43%	47%	10%
Fossgate, Piccadilly	45%	46%	9%
Coppergate, Castlegate	48%	45%	7%
Tower St, Clifford St, Kings Staith	47%	45%	8%
High Ousegate, Coney St	47%	45%	8%
Low Ousegate, Bridge St, North St, Skeldergate	45%	47%	8%
Tanner Row, Micklegate, Toft Green	41%	54%	5%
Nunnery Ln, Blossom St, Queen St, Station Rd, Station Rise	44%	48%	8%
Would not be acceptable in any locality of the city centre	43%	53%	4%

- These figures show that 43% of respondents feel that it would not be acceptable to have a SEV in any location in the city centre. 53% of respondents have no issues with a SEV being located in York.
- Respondents believe the most acceptable locations for a SEV are Tanner Row, Micklegate, Toft Green (54%).
- Respondents believe that High/Low Ousegate (48%), St Leonards Place (48%), Davygate (48%), Goodramgate (48%) and Coppergate (48%) areas are not acceptable locations for a SEV.

23. The council can use its Licensing Policy to state the number of SEVs which it thinks is the appropriate number for a locality, this could be zero. This will not stop the council deciding on a greater or smaller number in individual cases but would set out the council's policy on the

correct number that it considers to be appropriate for a particular locality.

24. Respondents were asked if they believed that the Council should set a maximum number of SEVs for any locality in York. 283 responses were received. 63% of respondents believe that the Council should set a maximum number of SEVs, 37% do not.
25. Respondents were asked how many SEVs the Council should allow in the locations detailed in the table below. 281 responses were received.

Location	0	1	2	3	4	5	6	7	8+
Within the city walls	39%	9%	12%	5%	4%	0	0	0	31%
Rural area	56%	6%	5%	2%	1%	0	1%	0	29%
Busy late night economy area	40%	6%	11%	5%	3%	1%	2%	0	32%
Built up areas	53%	3%	9%	3%	1%	0	1%	0	30%
Retail parks	50%	8%	8%	2%	1%	1%	0	0	30%
Residential areas	65%	2%	6%	0	0	0	1%	0	26%
Industrial areas	46%	10%	9%	1%	1%	1%	0	0	32%

- 19% of respondents would like to see the appropriate maximum number set at four or less. The most commonly chosen option was to have no SEVs at all, 50%.
- 30% of respondents saw no issues with the maximum number being set at eight or more.

26. Respondents were asked to what extent they agreed that it would **not** be acceptable to operate SEVs near particular areas and types of buildings, detailed in the table below. 271 responses were received.

Area	Agree	Disagree	Neither agree or disagree
Residential	62%	31%	7%
Retail shopping	51%	40%	9%
Late night entertainment	39%	55%	6%
Financial institutions such as banks	41%	44%	15%
Historic buildings	51%	38%	11%
Sports centres/facilities	48%	41%	11%
Cultural leisure facilities such as libraries/museums	55%	37%	8%
Family leisure facilities such as cinemas/theatres	58%	36%	6%
Places used for celebration or	56%	36%	8%

commemoration			
Places of worship	59%	33%	8%
Play areas or parks	63%	31%	6%
Schools/colleges/universities	58%	35%	7%
Youth facilities	61%	34%	5%
Women's refuge facilities	61%	33%	6%
Train station or bus station	47%	40%	13%

- Respondents feel that it would be more acceptable to locate a SEV in late night entertainment areas (55%).
- Respondents feel that residential (62%), youth facilities (61%) and women's refuge facilities (61%) are not acceptable locations for a SEV.

27. The results of this survey were analysed to find out if there were any differences between groups of respondents; including gender, age, ethnic backgrounds, sexual orientation, religion or belief and location. It was clear that the only factor consistently linked to differences of opinions was gender. A difference between the sexes was apparent, more female respondents gave answers and comments against SEVs, whilst male respondents made more supportive comments. For example:

- 53% of women strongly agree it would not be acceptable to locate SEVs anywhere in York, whereas only 23% of men feel this way.
- 59% of women strongly agree it would not be acceptable to locate SEVs anywhere in the city centre, compared with 27% of men.

28. This information has been used to identify the types of premises/places with particular sensitive uses that it would be considered inappropriate to locate a SEV near to.

29. This information can also be used to set suitable localities and maximum numbers:

- 57% of respondents feel that it would not be acceptable to locate a SEV in locations outside of the city centre, busy late night economy and industrial areas.
 - It is therefore suggested that a Nil Policy is in place for outside of the city centre, with the city centre being defined as the same area as the cumulative impact zone identified for the purposes of the Council's Statement of Licensing Policy pursuant to the Licensing Act 2003.

- 50% of respondents feel that the acceptable maximum number of SEVs in York should be Nil. 30% feel that there should be no limit on numbers. 14% of respondents feel that the acceptable maximum number of SEVs should be two or less. However, 19% feel that an acceptable number should be four or less.
 - It is therefore suggested that a maximum should be set at four premises for the city centre. Members are aware that all applications must be determined on their own merits, and the locality still can be taken into consideration with regards to premises/places with particular sensitive use.

30. Under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 the Council can prescribe standard conditions which will be attached to every licence issued by the Council, unless specifically excluded or varied at the request of the applicant/licence holder, following a hearing. Different provisions can be made for SEVs and sex shops. The conditions would be imposed on all licences in a similar way to the mandatory conditions which are imposed on all Licensing Act 2003 licences. Draft standard conditions are attached at Annex 3.
31. If deemed necessary, the Council may add to, change or replace the standard conditions with conditions that are relevant to the application.

Council Priorities

32. The implementation of a Licensing Policy will support the Council's plan of a prosperous city for all, where local businesses can thrive and a council that listens to residents.

Implications

33. The direct implications arising from this report are:
- (a) **Financial** – There are no financial implications for the council.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – An equalities impaction assessment will be undertaken in relation to the new Licensing Policy.
 - (d) **Legal** – There is no statutory requirement to adopt a Licensing Policy however, it is best practice to do so. Whilst an adopted policy will be a consideration in determining applications it should be noted that irrespective of the details of a sex establishment licensing policy, the Council must accept and determine properly

made applications and must consider each one on its own merits so that individual circumstances, where appropriate, are taken into consideration.

- (e) **Crime and Disorder** – The Licensing Policy introduces requirements to aid the prevention of crime and disorder.
- (f) **Information Technology (IT)** - There are no IT implications.
- (g) **Property** - There are no property implications.
- (h) **Other** - There are no other implications.

Risk Management

34. There are no known risks associated with this report.

Contact Details

Author:		Chief Officer Responsible for the report:	
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Report Approved	√	Date	26/08/16
Specialist Implications Officer(s) Sandra Branigan Senior Solicitor Ext: 1040			
Wards Affected:		All	√
For further information please contact the author of the report			

Background papers

Local Government (Miscellaneous Provisions) Act 1982 as amended

Annex 1 – current Licensing Policy

Annex 2 – current Standard Conditions

Annex 3 – draft revised Licensing Policy and draft standard conditions



Policy for the Determination of Applications for Sexual Entertainment Venues

In determining applications for sexual entertainment venue licenses the Licensing and Regulatory Committee shall treat each application on an individual basis, on its own merits, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

A decision to refuse the licence may not be made solely on moral grounds or that the establishment may cause offence.

Grounds for Granting or Refusing the Application

A licence **must be** refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-

- to a person under the age of 18;
- to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months;
- to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate that was not incorporated in the United Kingdom; or
- to a person who 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.

A licence **may be** refused where any of the following matters mentioned in paragraph 12(2) and (3) of the Act applies:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason:
- Officers will make diligent enquiries with the applicant to establish:-
 - That the operator is honest.
 - That the operator is qualified by experience to run the type of sex establishment in question.
 - That the operator understands the general conditions.
 - That the operator is proposing a management structure which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers.
 - That the operator can be relied upon to act in the best interests of performers, eg 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.

- That the operator can be relied upon to protect the public, eg transparent charging, freedom from solicitation.
- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

(b) That if the licence were to be granted, renewed, varied or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal, variation or transfer of such a licence if he made the application himself:

- Officers will establish that there would be no third party beneficiary by asking appropriate questions in the application form and by interviewing the applicant.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality:

- The number can be nil, but this decision needs to be rationally underpinned. The Council has not determined any appropriate number of sexual entertainment venues.

(d) That the grant or renewal of the licence would be inappropriate, having regard to the:

- (i) character of the relevant locality; or
- (ii) use to which any premises in the vicinity are put; or
- (iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(i) The character of the relevant locality. Relevant locality is defined in relation to premises as “the locality where they are situated”. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads. The relevant locality will be determined on a case by case basis dependent on the situation of the proposed licensed premises.

(ii) The use to which any premises in the vicinity are put. Vicinity is not defined but is clearly an area smaller than relevant locality. It maybe considered in the same context as with the Licensing Act 2003. Regard should not only be had to the juxtaposition of uses within the vicinity but also to the times of operation or occupation of those uses. Sensitive uses will include places of worship, schools, youth clubs, community centres, women’s refuges, parks and leisure facilities. A concentration of residential property particularly included sheltered accommodation for vulnerable groups may also cause concern.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the “standard conditions applicable to licences issued to sex establishments”.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**STANDARD CONDITIONS APPLICABLE TO LICENCES ISSUED TO
SEX ESTABLISHMENTS**

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1.0 DEFINITIONS

1.1 In these conditions save when the context otherwise requires the following expressions shall have the following meanings:

- a) "Sex Establishments", "Sexual Entertainment Venues", "Sex Cinema", "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
- b) "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 licence for a sex establishment granted under the said Third Schedule.
- c) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- d) "The Council" means the City of York Council.
- e) "Film" shall have the meaning ascribed to it in the Films Act 1960-1980.

2.0 GENERAL

- 2.1 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.
- 2.2 The grant 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 the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

3.0 TIMES OF OPENING

- 3.1 Except with the written consent of the council, the premises shall not remain open to the public outside the hours licensed.

4.0 CONDUCT AND MANAGEMENT OF SEX ESTABLISHMENTS

- 4.1 Where a Licensee is a body corporate or an un-incorporated 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. Such written details as the Council may require in respect of any new Director, Secretary or Manager are to be furnished within 14 days of a request in writing from the Council.
- 4.2 The Licensee or a responsible person nominated by him in writing for the purpose of managing the sex establishment in his absence and of whom details (including 2 photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the premises during the whole time they are open to the public. This condition shall be read in conjunction with condition 4.3 below.

- 4.3 The Licensee shall maintain a daily register in which he shall record the name and address of any person who is to be responsible for managing the sex establishments in his unavoidable absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day within 30 minutes of the sex establishments opening for business and is to be available for inspection by the Police and by authorised officers of the Council.
- 4.4 The name of the person responsible for the management of a sex establishment be he/she the Licensee or a Manager approved by the Council shall be prominently displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.
- 4.5 The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.
- 4.6 The Licensee shall maintain good order in the premises.
- 4.7 No person under the age of 18 shall be admitted to the premises and no person under the age of 18 shall be employed in the business of a sex establishment.
- 4.8 A notice stating that persons under the age of 18 may not enter the premises shall be prominently displayed at the entrance.
- 4.8 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 by the Council.
- 4.9 No part of the premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
- 4.10 Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the premises.
- 4.11 The Licensee shall comply with all statutory provisions and any regulations made thereunder.
- 4.12 The Licensee shall ensure that during the hours the sex establishment is open for business every employee wears a badge of a type approved by the Council indicating his name and that he is an employee. In the case of Sexual Entertainment Venues other approved forms of identification maybe accepted.
- 4.13 A copy of the licence and of these conditions shall be exhibited in a prominent place within the premises where the public may see and read them. These displays shall be reproductions to the same scale as those issued by the Council. The copy of the licence required to be displayed as aforesaid shall be suitably framed and the copy of these conditions shall be retained in a clean and legible condition.

5.0 USES

- 5.1 No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council has been obtained thereto.
- 5.2 No change between the uses of a sex shop, sex cinema or sexual entertainment venue shall be effected without the consent of the Council.
- 5.3 Neither sex articles nor 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.
- 5.4 A sex shop shall be conducted primarily for the purpose of the sale or hire of goods by retail.

6.0 GOODS AVAILABLE IN SEX ESTABLISHMENTS

- 6.1 All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the shop the respective prices being charged.
- 6.2 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 establishment.
- 6.3 The Licensee shall, without charge, display and make available in the Licensed Sex Establishment, such free literature on infections, safer sex, local services and other related sexual health issues as may be published by York Teaching Hospital NHS Foundation Trust or successor organisation and any other providers as maybe. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash points in the Licensed Sex Establishment.

7.0 APPEARANCE, CONDITION AND LAYOUT OF THE PREMISES

- 7.1 The Licence Holder shall comply with requirements relating to external appearance of the licensed premises as the Council may consider reasonably necessary. The Licensee shall give prior notice to the Council of any proposed change to the external appearance of the premises and shall support the prior notice by the submission of detailed drawings to show the proposed changes.
- 7.2 Without prejudice to the generality of condition 7.1 above, no display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises unless the prior approval of the Council has been received in writing.
- 7.3 The entrance doors 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.
- 7.4 Windows and openings to the premises other than the entrances shall be obscured in a manner and with such material as may be approved by the Council. Plans and

drawings showing the proposed scheme shall be submitted to the Council for prior approval. This condition shall not be construed as lessening the obligation of the Licensee under condition 7.3 hereof.

- 7.5 Lighting in all parts of the premises as approved by the Council shall be in operation continuously during the whole of time that the sex establishment is open to the public.
- 7.6 The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
- a) Access to the premises may only be through 2 or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises.
 - b) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit".
 - c) 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".
 - d) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
- 7.7 The external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- 7.8 No fastening of any description shall be fitted upon any booth or cubicle within the sex establishment nor shall more than 1 person (including employee be present in any such booth or cubicle at any time).
- 7.9 Alterations or additions either 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.
- 7.10 All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

8.0 ADDITIONAL CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

- 8.1 The premise will be conducted in a decent, sober and orderly manner at all times. Steps will be taken to ensure that none of the following takes place:
- a. indecent behaviour including sexual intercourse
 - b. the offer of any sexual or other indecent service for reward
 - c. unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971.
 - d. any acts of violence against persons or property and/or the attempt or threat of such act likely to cause a breach of the peace.

- 8.2 No one under the age of 18 shall be permitted to enter the premises (or remain on the premises) whilst entertainment of an adult nature is being provided.
- 8.3 All performers shall be over 18 years of age.
- 8.3 Notices to be displayed within the premises and at the entrance informing customers of the "House Rules" that affect them and a warning that "adult entertainment" is provided within the premises.
- 8.4 Written information shall be given to the dancers/entertainers advising them of the house rules for performers and customers and possible consequences of failure to comply.
- 8.5 Adult entertainment shall not take place in a location that could be viewed from outside the premises.
- 8.6 Advertising of adult entertainment either on the premises or otherwise shall not include any photographs or images which indicate that entertainment involving nudity or sexual performance takes place on the premises.
- 8.7 CCTV for both monitoring and recording shall be installed, maintained and operated in accordance with Data Protection guidelines and will cover all areas where dancing takes place. All cameras shall continually record whilst the premises are open to the public and recordings shall be kept for a period of 28 days with times and dates indicated. These recordings shall be kept secure and shall be made available to an authorised officer of the Local Authority or a Police Officer on request.
- 8.8 Performers shall be provided with separate dressing/changing rooms which shall be located so as to be separate and set apart from the public facilities. No person other than performers and authorised staff will be allowed in or near the dressing/changing room. Safe and controlled access to the dressing/changing room will be maintained at all times.
- 8.9 There shall be at least one female member of staff authorised to be responsible for the safety and welfare of the performers.
- 8.10 SIA (Security Industry Authority) registered door supervisors shall be positioned at all entrances to the premises throughout the performance and shall be present in the room/area in which the performance takes place.
- 8.11 Dance entertainment shall be given only by performers/entertainers who are engaged exclusively for that purpose. Audience participation shall not be permitted.
- 8.12 Dance entertainment shall only be performed in the areas of the club as marked on the plans deposited with the Licensing Authority and with the Authority's approval. These areas can only be changed with the approval of the Licensing Authority.

- 8.13 If performers are invited to have a drink with a customer, the performer will remain fully clothed during this period. Performers will not be paid commission on the sale of beverages.
- 8.14 On leaving the premise performers will be escorted to their transport by a door supervisor.
- 8.15 Adult entertainment shall not take place before 9.00 pm.
- 8.16 The premises licence holder shall ensure that the house rules for both customers and performers are strictly adhered to.

ANNEX 1

House Rules (Customers)

1. Dancers may only dance to seated customers.
2. Customers must remain clothed at all times.
3. Dancers must not be touched by the customer while they are dancing except for the placing of gratuities into the hand or garter of the dancer at the beginning or conclusion of the performance.
4. No person shall take any video recordings or photographs by any means of the authorised adult entertainment.
5. No persons other than performers and authorised staff shall be permitted in the dressing/changing rooms.
6. Dancers shall re-dress at the conclusion of the performance.
7. Customers who fail to comply with these rules shall be removed from the premise by the management or security staff
8. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
9. The duty manager and security staff will ensure that all customers and performers adhere to the house rules.

ANNEX 2

House Rules (Performers)

1. All performers shall be over 18 years of age. Prior to engagement all performers will provide documentation that they are aged 18 years or over. Checks will be made to make sure the necessary legal work permits to work in the United Kingdom are in place. Should performers be employed from an agency the same checks will be carried out. Management shall keep written record of these checks which shall be available to authorised officers of the council and the Police.
2. No performer shall be allowed to work, if under the judgement of the management, they appear to be intoxicated or under the influence of illegal substances.
3. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
4. Performers shall not use any props or clothing in the act which portrays them as a minor.
5. Garters worn for the collection of gratuities shall be situated no higher than mid thigh.
6. Dancers shall re-dress at the conclusion of the performance and are to remain clothed (minimum bikini top and bottoms) at all times except when giving a performance.
7. Performances of adult nature must be restricted to the designated areas.
8. All staff and performers are forbidden to give personal details including real name and address or other contact details of any other performer or staff member to a customer. Performers are strongly advised not to pass their own personal details to customers.
9. The duty manager and security staff will ensure that all customers and performers comply with the house rules.

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Licensing of Sex Establishments

Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982
as amended by the Policing and Crime Act 2009

Further copies of this policy can be obtained from:

e-mail: licensing.unit@york.gov.uk

tel: 01904 552512

web: www.york.gov.uk/licensing

Licensing Section
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1. Introduction

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, provides for local authorities to adopt a policy and standard conditions relating to the regulation of:
 - **sexual entertainment venues**
 - **sex shops**
 - **sex cinemas**
- 1.2 City of York Council (the council) adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2010, with effect from 1 December 2010.
- 1.3 In October 2010 the council adopted a policy and standard conditions to be applied when determining sex establishment licences within the authority area.
- 1.4 This policy was reviewed and a revised policy was adopted on XX XXXXXX 2016 with effect from XX XXXXXXXX 2016.
- 1.5 This policy sets out the councils approach to the regulation of the premises detailed in paragraph 1.1 above under the provisions of the 1982 Act.
- 1.6 This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003.
- 1.7 This policy will be reviewed regularly.
- 1.8 Interpretations can be found at Appendix A.

2. Purpose and Scope

- 2.1 This policy is concerned with the regulation of sex establishments as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act), namely
- sexual entertainment venues;
 - sex shops; and
 - sex cinemas
- 2.2 The full legal definition of a sexual entertainment venue, sex cinema and sex shop can be found at sections 2, 2A, 3 and 4 of the Act.
- 2.5 The aim of this policy is to ensure that sex establishments operate within the authority area in a safe, fair and discreet manner. The policy addresses sensitive areas and premises by dealing with locality. Standard conditions address advertising, external appearance, crime and disorder safe guards and staff welfare.
- 2.6 The council has also had regard to guidance issued by the Home Office.
- 2.7 The council will impose conditions where necessary to promote responsible licensed activity and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
- North Yorkshire Police
 - North Yorkshire Fire & Rescue Service
 - Safer York Partnership
- 2.8 The council will keep the policy under constant review and make such revisions it considers appropriate.

Public Consultation

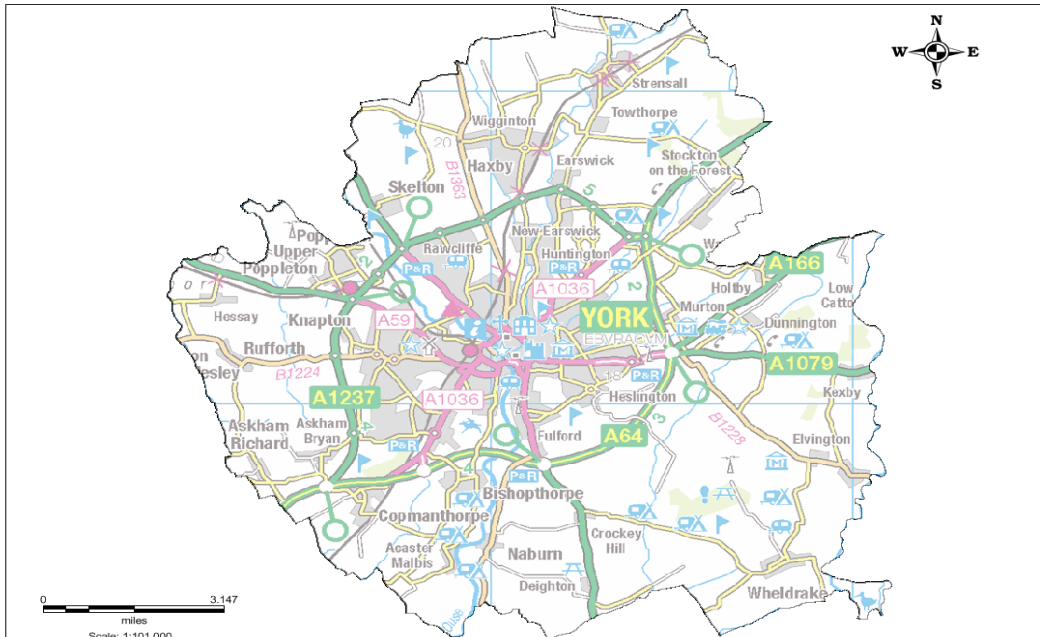
- 2.9 The council held a public consultation from 24 June to 5 August 2015, to gain the views of residents and businesses with regard to the appropriate localities and number of sexual entertainment venues. A total of 329 online survey responses were submitted. The results of this consultation has assisted in the formulation of this policy.
- 2.10 Following the initial public consultation the council has consulted on the policy, the following organisations and people were consulted:
- Representatives of local residents
 - Representatives of local businesses
 - Representatives of existing licence holders
 - North Yorkshire Police
 - City of York Council – Director of Children’s Services, Education & Skills
 - City of York Council – Director of Adult Social Care
 - City of York Council – Director of Public Health
 - Safer York Partnership

- York Primary Care Trust

2.11 The consultation on the policy took place from XX XXXXXXXXXX to XX XXXXXXXXXX 2016.

3. Profile of York

- 3.1 City of York Council is a unitary authority covering an area of approximately 105 square miles, with a population of approximately 202,000 (2014 est.) which includes a small black and minority ethnic population (9.81%). It comprises the urban area of York that is surrounded by many small rural and semi-rural settlements covered by parish councils.
- 3.2 City of York Council Authority Area



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- 3.3 York is a nationally and internationally prominent city for a range of reasons. Not only is it an historical centre for England, it is also one of the most visited tourist destinations in the UK. York has excellent rail links across the country, is a centre of academic excellence, and is an important location for the Church of England. Each year around 22,500 higher education students make up approximately 11% of York's population in term time.
- 3.4 Tourism and leisure are important industries for York, attracting over 6.8 million visitors a year, who spend £608 million in the city. Over 20,300 jobs have been created in the tourist and leisure industry sector. This level of tourism can, however, present challenges to the city in balancing the requirements of residents against the economic benefits that tourism can bring.
- 3.5 As an historical centre the city has many historical buildings and museums, such as York Minster, Merchant Adventurers Hall, the Guildhall, Yorkshire Museum, Castle Museum and the Jorvik Viking Centre. The city has many outstanding restaurants, numerous high quality traditional and historic public houses and bars, and entertainment venues, including 3 cinemas and 6 theatres.

4. General principles

- 4.1 In determining licensing applications the council will treat each application on an individual basis, on its own merits, taking into account this policy, the guidance issued by the Home Office and the Act.
- 4.2 A decision to refuse the licence application may not be made on moral grounds or that the establishment may cause offence.

Mandatory grounds for the refusal of an application

- 4.3 Mandatory grounds for the refusal of an application for a sex establishment are that the applicant:
- is under the age of 18;
 - is for the time being disqualified from holding a sex establishment licence;
 - is not a body corporate, and is not resident or has not been resident in an EEA state for six months immediately preceding the date of the application;
 - is a body corporate which is not incorporated in an EEA state;
 - has in the period of 12 months preceding the date of the application been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary grounds for the refusal of an application

- 4.4 Discretionary ground for the refusal of an application for a sex establishment are that:
- the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - if the licence were to be granted, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - the grant would be inappropriate, having regard –
 - to the character of the relevant locality;
 - to the use to which any premises in the vicinity are put;
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Suitability of applicant

- 4.5 When considering the suitability of the applicant to hold a licence the council will take into account such matters as it considers to be relevant including but not limited to whether the applicant:

- is honest;
- is qualified by experience to run the type of sex establishment in question;
- has a clear understanding of the conditions that may be attached to the licence;
- has no unspent conviction of a nature that deem him/her unsuitable;
- a management structure is in place which delivers compliance with the operating conditions, e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of dancers;
- will act in the best interests of dancers / performers, e.g. the facilities they enjoy, how they are protected and how and by who their physical and psychological welfare is monitored;
- can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
- can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.

4.6 The council will require the applicant to identify the proposed manager or beneficiary of the business. In considering the suitability of these persons the council will apply the principles at 4.5 of this policy.

Appropriate numbers and localities

- 4.7 There is provision within the Act which enables the council to impose a numerical control on the number of sex establishments in a particular locality. The control applies not only to the number of sex establishments overall, but also to the number of each kind premises.
- 4.8 The council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority considers is appropriate for that locality. The council has considered the authority area in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.
- 4.9 The initial public consultation revealed that a majority of respondents considered that sexual entertainment venues are inappropriate in the vicinity to premises/places with particular sensitive uses, as follows:
- Residential areas
 - Parks / play areas
 - Places of worship
 - Women's refuge facilities
 - Family leisure facilities such as cinemas, theatres and concert halls
 - Youth facilities
 - Places used for celebration or commemoration
 - Schools and other education establishments
 - Cultural leisure facilities such as libraries and museums

- Historic buildings
- Retail shopping areas

- 4.10 The council agrees that these uses are sensitive and that sexual entertainment venues are generally not appropriate near them.
- 4.11 The initial public consultation indicated that rural, built up and residential areas were unacceptable localities for sexual entertainment venues to be located. The council has considered the authority's area and has determined that all areas outside of the city centre to be unacceptable localities for sexual entertainment venues to be located due to their proximity to rural, built up or residential areas.
- 4.12 The public consultation also indicated, by a small majority, that the city centre late night economy area would be an acceptable locality to locate sexual entertainment venues.
- 4.13 The extent of the city centre area is indicated on the following map:

Map to be added

- 4.13 Therefore, it is the council's policy that there is no locality outside the city centre area (identified above) in which it would be appropriate to licence a sexual entertainment venue. Accordingly the appropriate number of sexual entertainment venues outside of this area is nil.
- 4.14 Taking into consideration all the matters mentioned in this section the appropriate number of sexual entertainment venues in the city centre area is a maximum of XXXX, providing those premises are not too near and/or do not impact properties with sensitive uses or in sensitive locations.
- 4.15 The council has not determined a limit on the number or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis. Applicants should, however, take into consideration paragraph 4.9 of this policy with regard to sensitive use premises and areas.

Links to other Legislation

- 4.16 The council will consider and have regards to the following legislation when applications are determined:
- a) Crime and Disorder Act 1998
 - b) The Provision of Services Regulations 2009
 - c) Equality Act 2010
 - d) Human Rights Act 1998

Planning

- 4.17 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 4.18 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights.
- 4.19 In addition, all new developments and premises which have been subject to works that require an application covered by Building Regulations, should have building control approval in the form of a Building Regulations Completion Certificate. The onuses will be on the applicant to demonstrate that any such works have been approved by a building control body.
- 4.20 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Advertising

- 4.21 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the council. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact the Licensing Section for further information on how to submit changes to advertising material and external appearance.

Staff Training

- 4.22 The council recommends that all persons employed on licensed premises are trained and made aware of their responsibilities in relation to the Act, especially the offences under the Act, and the conditions of the licence.
- 4.23 Licensed premises will be required to document training undertaken by staff. Such records will be kept for a minimum of one year and will be made available for inspection on request by an authorised officer or the police.

Fining

- 4.24 The council is aware that in some sexual entertainment venues it is the usual practice of some businesses to fine dancers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly the council is aware that in a majority of cases of fining that have been noted in premises the, predominantly male management fine female dancers, however they do not fine bar staff or door staff.
- 4.25 Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

Exemptions

- 4.26 Under the Act there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - no such occasion has lasted longer than 24 hours
 - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 4.27 This exemption does not apply to sex shops or sex cinemas.

5. Application Procedure

Application procedure

- 5.1 Applications must be made to the council in the form prescribed, which is available from the Licensing Section or at www.york.gov.uk/licensing.
- 5.2 The applicants/operators suitability will be checked before a licence is granted. The suitability of the applicant/operator is important to ensure that the interests of the public are protected. The council will use the methods detailed below to ensure that the proposed licence holder and operator:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance of the standard conditions
 - has no unspent convictions of a nature that deem him/her unsuitable
- 5.3 Applicant/operator suitability checks may be achieved by the following means:
- application form
 - criminal record check
 - personal interview
 - accreditation
- 5.3 On receipt of the application it will be sent to North Yorkshire Police who may conduct a check. Applicants/operators may be asked to provide basic Disclosure and Barring Service checks, or attend an interview, to support their application.
- 5.4 Applications for sexual entertainment venue sex establishment licence will also show that there are clear policies and codes of conduct in place, to protect staff and the interests of customer, in relation to:
- employee welfare policy
 - code of conduct for employees
 - code of conduct for customers
 - pricing policy
- 5.5 These criteria will be taken into account when the council determine the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a licence, providing the applicant is able to prove to the council that the interest of the public is protected.
- 5.6 Checks/enquiries may also be made with regard to the operator's company structure, to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 5.7 These checks/enquiries may be made via North Yorkshire Police, Companies House, personal interview or applicants may be asked to provide business records.

Fees

- 5.8 The fee must be submitted as part of the application. The fee is based on the recovery of costs incurred by the council in determining the application.

Notices

- 5.9 It is a legal requirement that the applicant must advertise the application in the following ways:
- publish an advertisement in a local newspaper within 7 days of the application being submitted to the council
 - display a notice of the application on or near the premises for 21 consecutive days
 - send a copy of the notice of application to the Chief Officer of Police for North Yorkshire within 7 days of the application being submitted to the council
- 5.10 Proof that the applicant has advertised the application will be required.

Objections

- 5.11 Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date that the application was received by the council. Objections can be on any matter but should not be based on moral grounds/values. Appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.
- 5.12 The council will notify the applicant in writing of the general terms of any objection it receives within the 28 days of the application. Objectors will, however, remain anonymous and efforts will be made to redact the contents of the objections so the objector's identity remains anonymous. If the objectors wish for their details to be released to the applicant they should make this clear in their objection.

Hearings - decision making process

- 5.13 The council's schedule of delegation can be found at Appendix B.
- 5.14 It is the council's practice to provide notice of committees and sub-committee hearings to all interested parties (applicants and objectors) five days before the hearing as laid down in the Local Government Act 1972. This notice will provide the date and time of the hearing, the procedure for the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call. The hearing will take place in public except where the public interest requires otherwise.
- 5.15 In determining licence applications under the Act the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 5.16 Every decision to refuse a licence made by the Gambling, Licensing and Regulatory Committee, sub-committee or officers will be accompanied by clear reasons for the decision.

- 5.17 Where possible a decision will be given verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow further consideration of the case and in such circumstances the decision and reasons will be issued in writing to all parties.

Conditions

- 5.18 The council will impose standard conditions on all licences. However, if deemed necessary, the council may add to, change or replace the standard conditions with conditions that are relevant to the application. The standard conditions can be found at Appendix C.
- 5.19 Through the standard conditions the council seeks to ensure that sex establishments are well managed and supervised, restrict sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, protect customers and control the impact that the premises has in relation to the general public and locality.
- 5.20 Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 5.21 Where it is considered appropriate the council may attach conditions, in addition to the standard conditions, to a licence in the individual circumstances of an application.

Right of appeal

- 5.22 Only the applicant has the right to appeal the council's decision to the Magistrate's Court and only on limited grounds, within 21 days of written reasons of decision. There is no right to appeal for objectors or statutory authorities. Further information can be found at Section 27 of the Act.

Term of licence

- 5.23 A sex establishment licence shall remain in force for a maximum period of one year. The authority may grant a shorter licence period if it thinks fit. A licence may be brought to an early end by being surrendered or revoked.

Renewal / transfer

- 5.24 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence.
- 5.25 Applications for the renewal of a licence must be made prior to the date of expiry. The licence is deemed to continue until the application is withdrawn by the applicant or determined by the licensing authority.

Variation

- 5.26 A licence holder can apply to vary the terms, conditions or restrictions of a licence at any time. The 1982 Act does not set out procedural requirements in relation to variations.

Licence holders should contact the Licensing Section before making their application to discuss if a new application is more suitable.

Revocation

- 5.27 The council may revoke the sex establishment licence if information is received in relation to either the mandatory grounds, detailed at paragraph 4.3, or the first two of the discretionary grounds, details at paragraph 4.4.
- 5.28 Should the council consider revocation of the licence to be appropriate, the licensee will be given an opportunity to appear before and be heard by the Gambling, Licensing and Regulatory Committee.
- 5.29 The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 5.30 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

Waiver

- 5.31 Provisions within the Act allows licensing authorities to waive the need for a licence. Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in border line cases, to correct errors or for minor or temporary events.
- 5.32 The council would only waive the need for a licence where activity is low risk and/or temporary. However, a waiver will not be considered in the cases where a licence is reasonable and appropriate or where there is public interest.
- 5.33 The application for a waiver uses the same form as an application for a new licence, this should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There is no requirement to advertise the application. There is a fee. Applicants should contact the Licensing Section before making their application.
- 5.34 The decision to waive the need for a licence will be taken at a licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 5.35 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

5. Enforcement

- 5.1 In carrying out its enforcement duties with regards to the inspection of premises, and the powers to institute criminal proceedings in respect of certain offences under the Act, the council will endeavour to be:
- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open and keep regulations simple and user friendly;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 5.2 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 5.3 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 5.4 The main enforcement and compliance role in terms of the Act will be to ensure compliance with the conditions placed upon the licence.
- 5.5 The council also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 5.6 The council's enforcement/compliance protocols/written agreements are available upon request.

Interpretation

Advertisement means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

Authorised officer means an officer employed by City of York Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

The council means City of York Council.

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.

Dancer / performer means dancer, entertainment, performer, or other such person employed, or otherwise, to provide relevant entertainment.

Licence means any sex establishment that the council can grant under this Act.

Licensee means the holder of a sex establishment licence.

Licensed area means the part of the premises marked on the plan where licensable activities are to take place.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

Relevant entertainment means any live performance or any 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 the audience (whether by verbal or other means).

Responsible person means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

Sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in the connection with, or for the purpose of stimulating or encouraging sexual activity.

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 (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

Standard conditions will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

Unsolicited (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

Vehicle means a vehicle intended or adapted for use on roads.

Appendix B

Schedule of Delegation

Functions under Schedule 3 are the responsibility of the full council of the appropriate authority. Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.

The council has appointed a Gambling, Licensing and Regulatory Committee of 15 councillors. Licensing functions will often be delegated to a subcommittee of three councillors or, in appropriate cases to officers of the council.

The schedule of delegation in relation to sex establishment licences is as follows:

Matter to be dealt with	Committee	Sub-committee	Officers
Approval of policies and standard conditions relating to sex establishment licensing	All cases		
Application for the grant of a sex establishment licence, sex shop and/or sex cinema		All cases	
Application for the grant of a sex establishment licence, sexual entertainment venue		All cases	
Application for the renewal of a sex establishment licence opposed, sex shop or sex cinema		All cases	
Application for the renewal of a sex establishment licence unopposed, sex shop or sex cinema			
Application for the renewal of a sex establishment licence opposed, sexual entertainment venue		All cases	
Application for the renewal of a sex establishment licence unopposed, sexual entertainment venue			
Application for transfer or variation of a sex establishment licence opposed, sex shop or sex cinema		All cases	
Application for transfer or variation of a sex establishment licence unopposed, sex shop or sex cinema			
Application for transfer or variation of sex establishment licence opposed, sexual entertainment venue		All cases	
Application for transfer or variation of a sex establishment licence unopposed, sexual entertainment venue			
External appearance of the premises and advertising		All cases	

Standard Conditions**Sexual Entertainment Venues****General**

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act 2003 premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. 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.
5. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

6. The licence or a certified copy must be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence must be kept on the premises and be available for inspection by an authorised officer of the Council.

Hours of opening

7. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	21:00 – 03:30	Friday	21:00 – 04:30
Tuesday	21:00 – 03:30	Saturday	21:00 – 04:30
Wednesday	21:00 – 03:30	Sunday	21:00 – 03:30
Thursday	21:00 – 03:30		

Conduct of the premises

8. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
9. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached.
10. There must be no physical contact (touching) by a customer of a dancer while a performance is taking place, except for the placing of gratuities into the hand of the dancer

at the beginning or conclusion of the performance. A dancer may have physical contact with the customers while the performance is taking place, this is restricted to touching the customers knees (including sitting on their knee), lower legs, upper chest, arms, face and head. There will be no physical contact of the pubic area or genitals.

11. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
12. Sex toys must not be used and penetration of the genital area by any means must not take place.
13. Dancers shall re-dress at the conclusion of the performance.
14. Customers will not be permitted to throw money at the dancers.
15. No customers shall be admitted to the premises or allowed to remain on the premises if they appear to be intoxicated or unruly.
16. No person shall take any photographs, videos or other similar recordings (including mobile phones and video streaming) of the authorised relevant entertainment.

External appearance

17. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

This premises operates a Challenge 25 policy.

Persons who appear to be under the age of 25 will be required to show proof of age.

18. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
19. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
20. Windows and opening to the premises, other than entrances, shall be obscured in a manner and with such material approved by the council. Door entrances shall also be obscured by blinds or material approved by the council so as to prevent any member of the public from seeing through to the premises whilst relevant entertainment is taking place.
21. External signage will only be illuminated between 9.00pm and 5.00am, and movable signs placed outside the premises will be removed between 4.30am and 9.00pm.

Advertising

22. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by

the council in writing.

23. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
24. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Therefore, the distribution of flyers is only permitted between the hours of 9.00pm and 3.30am. The licensee will remove any leaflets/flyers from the highway within a 100 metre radius of the premises by 5.00am. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

25. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.
28. Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the council of the satisfactory completion of the work.
29. All parts of the premises shall be well maintained and kept in a clean condition to the satisfaction of the council.

Management of the premises

30. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
31. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
32. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.

33. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
34. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee’s control of the premises.
35. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
36. No person under the age of 18 will be admitted to the premises.
37. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
38. The licence holder will not employ any person under the age of 18 in any capacity.
39. The licensee will comply with all statutory provisions and any regulations made hereunder.
40. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of practice for the dancers. This code must be given to all dancers and displayed in staff areas. This code must be made available upon request to both the police and authorised officers.
41. The licensee will provide, for approval in writing of both the police and the licensing authority, a code of conduct for customers, this must be printed in a manner which is clear and easy to read during normal operation of the premises. This code must be prominently displayed at each entrance to the premises, at the entrance to any private dance areas and in suitable locations within the licensed premises, such locations to be agreed with the council, such as at bars.
42. Price lists for both drinks and sexual entertainment will be clearly displayed at each entrance to the premises, at each bar and at each table.
43. Suitable and sufficient training will be provided to all staff including the nominated responsible person. The training will be recorded and the training records must be made available upon request to both the police and authorised officers.
44. The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he/she is responsible for its conduct.

Safety and security

45. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
46. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors, stairways, each dance booth and VIP areas (excluding within toilets and changing rooms). The CCTV system will cover the main

entrances and external areas of the premises occupied by the public, for example queuing areas, beer gardens, smoking areas and car parks.

47. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the council.
48. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
49. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on a daily basis for accuracy.
50. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
51. The nominated person ("the manager") must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
52. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
53. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
54. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.
55. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
56. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
57. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Staff welfare

58. Dancers will be aged 18 years or over.
59. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
 - a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UKThe licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided

by the dancer.

60. All premises that provide relevant entertainment will provide dancers with copies of the following documents:
 - a) A copy of the conditions attached to the Sex Establishment Licence;
 - b) Details of any other conditions applied by management of the premises;
 - c) A copy of the code of practice for dancers;
 - d) A copy of the code of conduct for customers;
 - e) Price lists for drinks and sexual entertainment.
61. Dancers will be provided with separate secure dressing rooms, facilities to secure valuables and proper sanitation facilities. No person other than performers and authorised staff will be allowed in or near the dressing rooms, therefore safe and controlled access will be maintained at all times. The documents detailed in condition 60 will be displayed in the dressing rooms.
62. There will be at least one female member of staff authorised to be responsible for the safety and welfare of the dancers. This staff member must on the premises at all times when licensable activities are taking place.
63. All booths and VIP areas used for private dances must be visible to supervision and must not have closing doors, any curtains used must be approved by the council in writing.
64. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with a SIA registered door supervisor working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
66. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
67. The practice of fining is prohibited.
68. Customers and staff must not be allowed to interact while using the smoking area, and where possible a separate smoking area should be provided for staff. Dancers must be covered up at all times with knee length robes or coats whilst using the smoking areas.
69. Throughout the lap or table dance customers will remain seated and fully clothed, with their hands clearly visible, either resting on the arms of the chair/sofa or on the seat cushion, or customers must be asked to sit on their hands.
70. If a dancer is invited to have a drink with a customer, the dancer will remain fully clothed during this period. Dancers will not be paid commission on the sale of beverages.
71. On leaving the premises dancers will be escorted to their transport by a SIA registered door supervisor.

Vessels, vehicles and stalls

72. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee

as it may deem reasonable in respect of such application.

73. The requirements of condition 72 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
74. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

75. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
76. The licensee may apply to the council to vary any of the terms of the licence.
77. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

Standard Conditions

Sex Shops

General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. 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.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00
Wednesday	09:00 – 20:00	Sunday	12:00 – 20:00
Thursday	09:00 – 20:00		

Conduct of the premises

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

External appearance

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

16. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

Advertising

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).

31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

Vessels, vehicles and stalls

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

38. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

Standard Conditions

Sex Cinemas

General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. 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.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

Exhibition of the licence

5. The licence or a certified copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises and all authorised officers. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council.

Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the hours specified in the licence.

Conduct of the premises

7. The premises will be conducted primarily for the purpose of the exhibition of films.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.
9. No part of the premises will be used by prostitutes.

External appearance

10. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE

<p>This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
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11. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
12. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
13. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

14. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
15. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

Layout of the premises

16. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
17. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
18. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.

26. The licensee will ensure that any person nominated by him/her under the above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

Safety and security

35. A colour digital CCTV system will be maintained and operational at the premises at all times when licensable activities are being carried out and at any other times when member of the public are present on the premises.
36. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways. The CCTV system will cover the main entrances and external areas of the premises occupied by the public, for example queuing areas, smoking areas and car parks.
37. The locations of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with North Yorkshire Police and the council.
38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates.
39. Recorded CCTV images will be maintained and stored for a continuous period of 28 days. The CCTV equipment shall have constant time/date generation which must be checked on

a daily basis for accuracy.

40. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard DVD player.
41. The nominated person (“the manager”) must be trained in the use of any such CCTV equipment and be able to produce CCTV images to the police or Licensing Authority.
42. CCTV footage will be controlled and kept in a secure environment to prevent tampering and unauthorised viewing.
43. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of the police or an authorised officer of the council, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
44. Regular checks will be carried out in the auditorium(s) when screenings are taking place.
45. A refusals/incident/accident register will be maintained and shall record all refusals relating to alcohol, access to the premises and all incidents or accidents.
46. The licensee will ensure that a fire safety risk assessment is carried out in connection with the premises, and is retained on the premises at all times and available for inspection by an authorised officer or a member of the Fire Authority.
47. The licensee will maintain good order in the premises at all times, and ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents in the vicinity and persons passing by.

Vessels, vehicles and stalls

48. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
49. The requirements of condition 48 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
50. Vehicles must not be used for personal solicitation, touting or advertising.

Variation of conditions

51. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
52. The licensee may apply to the council to vary any of the terms of the licence.
53. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.