

Licensing of Sex Establishments

Statement of Licensing Policy 2018-2021

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

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Further copies of this document can be obtained from:

Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB

Tel: 01483 444371505050

Email: licensing@guildford.gov.uk/licensing

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Appendix 4 - Interpretation

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Executive Summary

The Policing and Crime Act 2009 amends amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other "relevant entertainment" a new licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local-Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

Guildford Borough Council adopted athis policy and standard conditions on 14 April 2015##date## to be applied when determining applications sex establishment licences in the Borough.

The policy was adopted on 14 April 2015 with immediate effect.

This policy:

- Sets out the council's approach for the benefit of operators
- Guides and reassures the public and other public authorities
- Ensures transparency
- · Ensures consistency
- Guides and focuses the Licensing Committee when making determinations under this legislation.

The policy deals with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

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Section 1 The purpose of the licensing policy

- 1.1 This policy is prepared under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Guildford Borough Council as the licensing authority for the Guildford Borough Council area on 14 April 2015##date##, with immediate effect, It will be reviewed every three years.
- 1.2 This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shops and sex cinemas.
- 1.3 The council's licensing regime aims to ensure that sex establishments in the Borough operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been given to advertising, staff welfare, external appearance, locality and the number of licensed premises.
- 1.4 This policy also has regard to the guidance issued by the Home Office.
- 1.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
 - Surrey Police/ British Transport Police
 - Surrey Fire and Rescue Service
 - Health and Safety Executive
 - Safer Guildford Partnerships
 - Surrey Trading Standards
 - UK Border Agency
- 1.6 The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the industry.

Public consultation

- 1.7— Prior to the adoption of the policy in 2015, a full public consultation took place.

 The consultation on the current version of the Policy took place between 3-December 2014 and 24 February 2015##dates## and a total of 47 survey## responses were completed. The following activities were conducted during the consultation period:
 - Advertisement in local newspaper
 - Questionnaire available on the Council's website with the facility to complete the consultation on line
 - Press release and social media to publicise the consultation
 - Letter including the website link sent to key stakeholders in the Borough and in the industry including all County, Borough and Parish Councillors, Members of Parliament, resident associations and Surrey Police
 - Attendance at Access group to publicise the consultation—

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1.8 Appendix 1 provides a summary of results and a full analysis of the Public Consultation is available on request.

Review

1.8 This latest draft of the policy contains only minor amendments and no changes to the intent or direction of the previous policy approved in April 2015.

Section 2 The scope of the licensing policy

- 2.1 This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within the Guildford Borough Council area. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 2.2 A sexual entertainment venue (SEV) is a premises at which relevantentertainment is provided before a live audience for the financial gain of the organiser or the entertainer. Relevant entertainment means any live performance or any live display of nudity which is provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at paragraph 2A of Schedule 3 to the Act.
- 2.3 A sex cinema is a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or acts of force or restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in paragraph 3 of Schedule 3 to the Act.
- 2.4 A sex shop is a premises used to a significant degree for the selling, etc. of sexarticles or other items intended for use for the purpose of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found at paragraph 4 of Schedule 3 to the Act.
- 2.5 Advice on whether a licence is required can be obtained from the Licensing team, Guildford Borough. Contact details are set out in Appendix 3.
- 2.6 Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.
- 2.7 This policy seeks to provide guidance to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues.
- 2.8 The Council will take this policy into account when determining applications, however each application will be considered on its merits at the time the application is made.

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Section 3 The Guildford Borough Council area

- 3.1 The borough is the second highest populated district in Surrey with 139,700146,800 residents in 20122016. The major urban areas are located in the town centre of Guildford and on the western fringes of the borough adjacent to Aldershot town.
- 3.2 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 3.3 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled.
- 3.4 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy.
- 3.5 In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the SEV sector may contribute to this area.
- 3.6 The borough attracted over three4.9 million day visitors in 20112016 and 351,000+ staying trips, generating about—£285_£338.4 million in tourism income for local businesses, supporting around 5,0006,167 actual jobs.
- 3.7 Guildford's successful economy measured against a range of indicators has made it a place where businesses want to locate and grow.
- 3.8 The Vision in The Corporate Plan 2013-20162015-2020 states the desire is for Guildford to be a town and borough:
 - with strong infrastructure
 - world class businesses with capacity to expand and deliver growth
 - an evolving and vibrant economy

"The town and Borough that is the most desirable place to live, work and visit in South East England."

3.9 The fundamental themes which creates a progressive support this vision are:

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- -Our Borough ensuring that proportional and sustainable environment
- managed growth for people today and future generations living in an evermeets our community and economic needs.
- Our Economy improving society prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people.
- Our Infrastructure working with partners to deliver the massive improvements needed in the next 20 years, including changes to tackle congestion issues.
- Our Environment improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy.
- Our Society believing that every person matters and concentrating on the needs of the less advantaged.
- Your Council ensuring a sustainable financial future to deliver improved and innovative services

3.9-10 This licensing policy seeks to promote licensing within the overall context of the five fundamental themes of the Corporate Plan 2013-2016.

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2015-2020.

Section 4 Integrating other guidance, policies, objectives and strategies

- 4.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:
 - Corporate Plan 2013-20162015 2020
 - Visitor Strategy
 - Economic Strategy
 - Local Plan
 - Public Health and Wellbeing Strategy
 - Community Safety Strategy
 - The Purple Flag Award

Other policies

- 4.2 The council (through its Licensing Committee) may, from time to time received reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 7 it may have regard to them when making licensing decisions.
- 4.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

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Section 6 Cultural activities in Guildford Borough

Section 5 General principles

5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

Mandatory grounds for refusal

- 5.2 Applications for sex establishment licences must be refused on the following mandatory grounds;
 - if the applicant is under 18,
 - if the applicant has a disqualification following the revocation of a previous licence,
 - if the applicant is non-resident in an European Economic Area (EEA) state,
 - company not incorporated in an EEA state,
 - if the applicant has been refused a licence for the same premises within the previous 12 months.
- 5.3 These matters are considered by licensing officers with the appropriatedelegations on determination of the licence.

Discretionary grounds for refusal

- 5.4 There are also a number of discretionary grounds. These are:
 - if the applicant is considered unsuitable,
 - if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right,
 - that the number of sex establishments or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate.
 - if the grant is inappropriate having regard to:
 - the character of the relevant locality.
 - the use of any premises in the vicinity
 - _the layout, character, or condition of the premises.

Suitability of applicant

- 5.5 In considering whether the applicant is suitable 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
 - has a clear understanding of the conditions that may be attached to the licence.
 - has a suitable business plan which will deliver compliance with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.

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- Suitability of manager or person for whose benefit the business would be carried on
- 5.6 The council will require the applicant to identify the proposed manager or personfor whose benefit the business would be carried on. In considering the suitability of these persons the council will apply the principles at 5.5.

Appropriate numbers and localities

- 5.7 The council may set the upper and lower limit that it considers an appropriate number of SEVs for a particular locality and it can be set as nil. The Council may also refuse an application if we are satisfied 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 we consider is appropriate for that locality.
- 5.8 In deciding the policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.
- 5.9 The Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2013-20162015-2020, Visitor Strategy and Economic Strategy. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse Borough. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural reputation of the Borough.
- 5.10 It recognizes recognises that a nil per locality policy may reduce the employment opportunities for dancers. However it also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Surrey or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct. The Council have decided not to set an upper or lower limit but to consider each application on its merits.
- 5.11 The council believes that the types of premises listed below are sensitive and that SEVs are generally not appropriate near them.
 - Schools and other areas of education.
 - Play areas/parks
 - Youth facilities
 - Residential areas
 - Women's refuge facilities/ rape and sexual assault counselling venues.
 - Family leisure facilities such as cinemas, theatres and concert halls.
 - Places of worship.
 - Places used for celebration or commemoration.
 - Cultural leisure facilities such as libraries, museums

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Retail shopping areas Historic buildings Hotels 5.12 5.12 The Council has determined that rural and residential are particularly unacceptable as localities for SEVs to be located in. 5.13 The council has not determined a limit on numbers or locality in relation to sex-5.13 shops or sex cinemas. These applications will be dealt with on a case by case basis but applicants can be guided by the criteria mentioned at 5.4 to 5.6. **Human Rights** 5.14 The European Convention on Human Rights makes it unlawful for a public-5.14 authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights: Article 6 that in determination of civil rights and obligations everyone is entitled toa fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. **Article 8** that everyone has the right to respect for his home and private life. **Article 10** that everyone has the right to freedom of expression. Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence. The Provision of Services Regulations 5.15 5.15 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is: non-discriminatory in regard to nationality, necessary for reasons of public policy, public security, public health or the protection of the environment and proportionate with regard to the objective pursued by the legislation. 5.16 5.16 The council will consider these three issues in relation to the refusal of licence applications. Crime and Disorder Act 1998 5.17 5.17 The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to: Crime and disorder in its area (including anti-social and other behavior) adverselyaffecting the local environment;

The misuse of drugs, alcohol and other substances.

5.18 The council will have particular regard to the likely effect of the determination of

Re-offending in its area.

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licence applications on these issues and the need to do all that it reasonably can to prevent them.

Equality Act 2010

- 5.19 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
 - Advance equality or opportunity between persons who share relevant protected characteristics and person who do not;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.20 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.21 The council is aware that sex establishments tend to be predominantly-marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.
- 5.22 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

Planning

- 5.23 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.
- 5.24 In general, all premises which are the subject to an application should have the benefit of appropriate 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. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 5.25 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
- 5.26 Any decision on a licence application will not consider whether any decision togrant or refuse planning permission or building consent was lawful or correct.

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Staff Training 5.27 The council recommends that all persons employed on licensed premises beencouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act and the conditions of the licence. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act. 5.28 5.28 All persons employed on licensed premises should be provided with in-housetraining on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, fire safety and so on, 5.29 5.29 Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request to an authorised officer or the police. Advertising 5.30 5.30 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 considered at a sub-committee hearing or officer with appropriatedelegated authority. Applicants will be entitled to attend the hearing. Please contact Licensing for further information on how to submit changes to advertising material and external appearance. Planning permission may also be required which is a separate process. Exemptions 5.31 5.32 Under the Act there is an exemption from the licensing requirements for sexualentertainment venues which provide relevant entertainment on an infrequent basis. These are defined as premises where—; 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 any previous occasions and no such occasion has lasted longer than 24 hours

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5.33 This exemption does not apply to sex shops or sex cinemas.

Section 6 Application Procedure

The application process

- 6.1 Applications must be made to the council in the form prescribed. Guidance is available to applicants setting out the detail of the process.
- 6.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:

Depending on the individual circumstances this may be achieved by the following means:

- Application form,
- Disclosure and Barring Service check (basic or enhanced)
- Personal interview either in person, at a hearing, by phone or in writing
- 6.3 In the first instance, the application will be sent to Surrey Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic or enhanced DBS checks, or attend an interview, to support their application.
- 6.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed 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 with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.
- 6.5 Applicants for sexual entertainment venue licences will also need to show they have;
 - a clear employees' welfare policy
 - a clear code of conduct for employees.
 - a clear code of conduct for customers.
 - a clear policy on pricing, and
 - protect the interests of their customers.
- 6.6 The council will take all of these criteria into account when determining the licence. Non- compliance with one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence, providing the applicant is able to prove to the council that the interests of the public are protected.

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Third Party Beneficiaries 6.7 6.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into 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. 6.8 Enquiries may be made via the application form, checks with Companies House, Surrey Police, British Transport Police, personal interview or applicants may be asked to provide business records. Fees 6.9 The council has set a reasonable fee. The fee is based on the recovery of costs. incurred by the council in determining the application. Notices 6.10 The applicant must advertise the application in three ways: Advertisement in a local newspaper within 7 days of making the application. Advertisement at the premises by way of a site notice for 21 consecutive days. Notice of the application must be sent to the Chief Officer of Police for Surrey within 7 days of making the application (unless the application is made electronically). 6.11 Proof that the applicant has advertised the application will be required. **Objections** 6.12 Anyone can object to an application for a sex establishment licence. Objections must be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and should be relevant to the grounds on which a licence can be refused set out in Section 7. The Council cannot take into account objections based on moral values. 6.13 Guidance on making an objection can be found on the council's website. 6.13 6.14 The council will notify the applicant in writing of the general terms of any objection 6.14 it receives. However objectors will remain anonymous, unless they agree that their identity may be revealed and efforts will be made to ensure that the contents of the objection do not disclose the objector's identity. 6.15 6.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.

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Formatted: Font: Arial, 12 pt, Bold **Hearings Formatted Formatted** <u>...</u> 6.16 6.16 The council has appointed a licensing committee of 15 Councillors. Licensing **Formatted** functions will often be delegated to a licensing sub committee of 3 councillors or, in **Formatted** (... appropriate cases, to officers of the council such as applications where there are **Formatted** mandatory grounds for refusal. **Formatted** <u>...</u> **Formatted** 6.17 6.17 All new, renewal and transfer applications will be determined by a sub-committee <u>...</u> of three members of the Licensing Committee or officers with the appropriate delegation. **Formatted** Formatted (... 6.18 It is the council's practice to provide notice of the hearing to all interested parties 6.18 **Formatted** <u>...</u> (applicants and objectors) five days before the hearing. Formatted <u>...</u> **Formatted** <u>...</u> 6.19 6.19 This notice will give the date of the hearing, the procedure for the hearing, state **Formatted** <u>...</u> any points on which the council requires clarification at the hearing, and will require the Formatted <u>...</u> addressee to confirm their attendance and the attendance of any witnesses they may **Formatted** wish to call. Formatted (... **Formatted** 6.20 The hearing will normally take place in public. <u>...</u> **Formatted** (... 6.21 6.20 Councillors will have regard to the Guildford Borough Council Code of Conduct Formatted <u>...</u> for Members and guidance issued by the Standards Board for England. Where a **Formatted** Councillor who is a member of the Licensing Committee or sub-committee has a **Formatted** (... prejudicial interest in the application before them, in the interests of good governance **Formatted** they will disqualify themselves from any involvement in the decision making process in **Formatted** ... respect of that application. Wherever possible, members will not hear applications **Formatted** <u>___</u> from within their own ward to avoid any appearance of bias. Formatted (... **Formatted** (... 6.22 6.21 The Licensing Committee will refer an application to the council where it is **Formatted** unable to deal with the application because of the number of members unable to vote <u>...</u> on the matter in question. Formatted <u>...</u> **Formatted** <u>...</u> Reasons for decisions **Formatted** <u>...</u> **Formatted** (... 6.23 6.22 In determining licence applications under the Act the council will take into-**Formatted** (... consideration the application before it and any relevant objections received, as well as Formatted <u>...</u> local knowledge including knowledge as to local issues and cultural sensitivities. Formatted Formatted <u>...</u> 6.23 Every decision to refuse a licence will be accompanied by clear reasons for the 6.24 **Formatted** <u>...</u> decision. Formatted (... 6.25 6.24 Every effort will be made to provide an oral decision at the sub-committee **Formatted** hearing, with the written reasons to follow in due course. However if the Sub-**Formatted** (... Committee feel that they need further time to consider the matter fully, they may **Formatted** <u>...</u> reserve their decision, in which case the parties will be notified of the decision and **Formatted** reasons for it in writing as soon as possible after the conclusion of the hearing. Formatted (... **Formatted** <u>...</u> Conditions Formatted <u>...</u> **Formatted** (... 6.25 The council will normally impose standard conditions on all licences. However, **Formatted** if deemed necessary in any particular case, the council may change, alter or replace **Formatted** the standard conditions or any of them with conditions that are specific to the **Formatted**

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	application before them. Please see Appendix 2 for the standard conditions.	Formatted	(
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6.27	6.26 If the standard conditions are changed, the revised conditions will be applied	Formatted	(
	to existing licences when they are renewed or transferred.	Formatted	(
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6.28	6.27 The Home Office document "Sexual Entertainment Venues – Guidance for	Formatted	<u></u>
	England and Wales" discusses the interplay between conditions on a premises licence	Formatted	(
	granted under the Licensing Act 2003 and those applied to a sex establishment	Formatted	
	licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states	Formatted	
	at Paragraph 4.16 that:	Formatted	
<u> </u>	"In cases where conditions on a premises licence or clubs premises certificate are		
	inconsistent with, and less onerous than, the condition in the licence granted under the	Formatted	
	1982 Act they shall likewise be read as though they have been deleted."	Formatted	
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6.29	6.28 Therefore if there are any conditions on the sex establishment licence which	Formatted	
	conflict with and are more onerous than a condition on the Licensing Act premises	Formatted	
	licence, the Licensing Act condition will cease to apply.	Formatted	
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6.30	6.29 Conditions on the Licensing Act premises licence which only apply to relevant	Formatted	
	entertainment shall be read as if they were deleted. This is to avoid duplication,	Formatted	
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Right	of Appeal	Formatted	
C 21	6.20. Only the applicant has the right to appeal the soundilla decision to the	Formatted	
6.31	6.30 Only the applicant has the right to appeal the council's decision to the Magistrates' Court and only then on limited grounds. There is no right of appeal for	Formatted	
	objectors. Applicants and objectors are referred to paragraph 27 of Schedule 3 to the	Formatted	
	Act for further details.	Formatted	
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Perio	d of licence	Formatted	
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6.32	6.31 A sex establishment licence will remain in force for a fixed period, which shall	Formatted	
	be no more than one year, unless brought to an end earlier as a result of the licence	Formatted	
	being surrendered or revoked. A fee is due with the application.	Formatted	
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6.33—0	6.32 The process for applying for a renewal or transfer of the licence is the same	Formatted	(
_	is when applying for a new licence. Guidance for applicants is available on the	Formatted	
	ouncil's website. A fee is due with the application.	Formatted	
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Formatted <u>...</u> Formatted <u>...</u> **Formatted Formatted** <u>...</u> **Formatted** Variation <u>...</u> **Formatted** 6.33 At any time, a holder of a licence can apply to vary the terms, conditions or **Formatted** (... restrictions of a licence. There are some matters, required under the standard **Formatted** <u>...</u> conditions, for which the premises licence holder is required to notify the council. Formatted (... These matters may include: **Formatted** (... **Formatted** Formatted Minor internal structural changes (moving of existing fixed furniture, etc.). (... Change in personnel. **Formatted** <u>...</u> Amendment of the approved advertising material **Formatted** (... Change of name of premises. **Formatted** <u>...</u> **Formatted** 6.35 6.34 However as there is no requirement to advertise a variation, licence holders Formatted should contact Licensing before making their application to discuss if a new **Formatted** application is more suitable. In general any variation which affects the matters Formatted (... mentioned in Section 1 will require a new application. **Formatted Formatted** Revocation <u>...</u> <u>...</u> **Formatted** 6.36 6.35 If information is received by the council that circumstances have changed in-Formatted (... such a way that the licence holder is deemed unsuitable or that the manager or person **Formatted** (... for whose benefit the business is carried on is unsuitable such that an application for a **Formatted** new licence would be refused, the council may revoke the sex establishment licence. Formatted (... **Formatted** <u>...</u> 6.37 6.36 Should the council consider revocation of the licence to be appropriate the **Formatted** (... licensee will be provided an opportunity to appear before the Licensing Sub-**Formatted** (... Committee and be heard by them. **Formatted** Formatted 6.38 6.37 If the licensee so requests, the licensee will be given a statement in writing of **Formatted** the reasons for revocation within seven days of the request being made, **Formatted** (... 6.39 6.38 The revocation will take effect once the appeal period has expired, or if an-<u>...</u> **Formatted** appeal is lodged after the determination or abandonment of the appeal, Formatted **... Formatted** Waiver **Formatted** (... **Formatted** <u>...</u> -6.39 Should the council decide that the requirement to hold a licence would be 6.40 **Formatted** unreasonable or inappropriate, it may waive the need for a licence. Examples of cases **Formatted** (... where such waivers could be applied could include a medical book shop, sex clinic, in **Formatted** <u>...</u> borderline cases, or for minor or temporary events. Formatted (... <u>...</u> **Formatted** 6.41 6.40 The council would only waive the need for a licence where the activity is lowrisk and/or temporary. A waiver will not be granted in cases where it is appropriate for **Formatted** (... the activity to be covered by licence conditions. Formatted (... **Formatted** 6.42 6.41 The application for a waiver should be on the same form as an application for a **Formatted** <u>...</u> new licence; however it should be accompanied by a letter which describes the **Formatted** (... circumstances in which the request for a waiver is made. There will be no Formatted <u>...</u> requirement to advertise the application. Further information can be found on the Formatted council's website, or by contacting Licensing. **Formatted** Statements of the standard of **Formatted** (... **Formatted** <u>...</u>

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6.43 The decision on the application for a waiver will be taken at the next available licensing sub-committee hearing or by officers with the appropriate delegation and, if granted, a Notice of Waiver will be issued.

6.44 6.43 Unsuccessful applicants for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

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	Section 7 Enforce	ement	
7.	Enforcement princip	les	
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7.1	established joint enfo	will work closely with partners in accordance with a low rement protocol and will aim to promote the licensing object igh risk premises following government guidance around be	tives /
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7.2		its enforcement duties with regards to the inspection of premitute criminal proceedings in respect of certain offences under deavour to be:	
			
	proportionate	regulators should only intervene when necessary, remediately should be appropriate to the risk posed, and costs should identified and minimised;	
	accountable:	regulators must be able to justify decisions, and be subject public scrutiny;	et to
	consistent:	rules and standards must be joined up and implemented fai	irly; 🔩
	transparent:	regulators should be open, and keep regulations simple a user friendly; and	and •
	targeted:	regulation should be focused on the problem, and minim side effects.	nise •
7.3	7.3 The council will far as possible.	l endeavour to avoid duplication with other regulatory regime	s so
7.4		ill also adopt a risk-based inspection programme in line endations around better regulation and the principles of	
7.5	will be to ensure c	rcement and compliance role for the council in terms of the ompliance with the conditions placed upon the licence ppropriate action on unlicensed premises.	
7.6		also keep itself informed of developments as regards the wo Delivery Office in its consideration of the regulatory function	
7.7	7.7 The council's e available on www.guil	enforcement , compliance protocols and written agreements are <u>polic</u> dford.gov.uk.,	cy is.
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Appendix 1

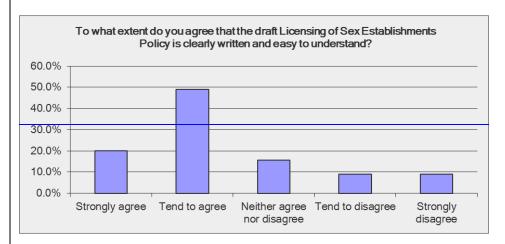
Consultation

Question 1

To what extent do you agree that the draft Licensing of Sex Establishments Policy is clearly written and easy to understand?

Answer Options

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Question 2

To what extent do you agree that the draft Licensing of Sex Establishments Policy is fair to both residents and licensed premises?

Answer Options	Response- Percent	Response Count
Strongly agree	2.3%	1
Tend to agree	47.7%	21
Neither agree nor disagree	13.6%	6
Tend to disagree	25.0%	11
Strongly disagree	11.4%	5
Comments		15
ans	wered question	44
SI	kipped question	3

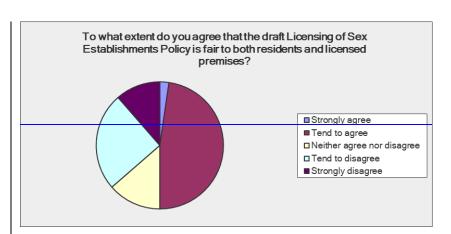
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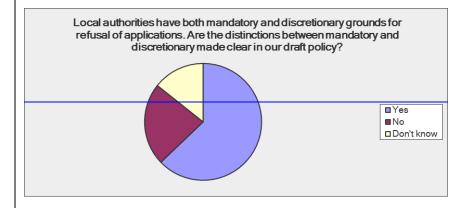
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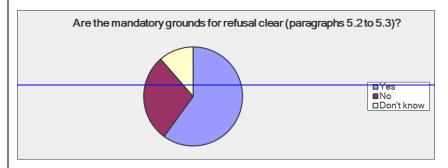
Local authorities have both mandatory and discretionary grounds for refusal of applications. Are the distinctions between mandatory and discretionary made clear in our draft policy?

Answer Options	Response- Percent	Response- Count
Yes Ne Don't know	62.9% 22.9% 14.3%	22 8 5
Comments		6
	answered question	35
	skipped auestion	12



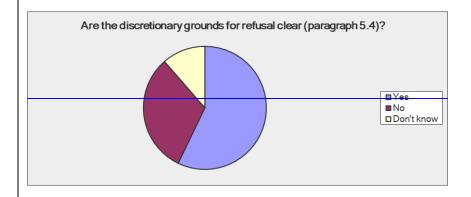
47

Are the mandatory grounds for refusal clear (paragraphs 5.2 to 5.3)?				
Answer Options	Response- Percent	Respons Count	10 -	
Yes	60.0%	21		
No	28.6%	10		
Don't know	11.4%	4		
Comments		8		
an	swered question		35	
	skipped question		12	

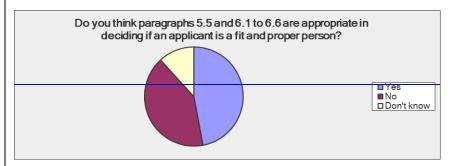


Question 5

Are the discretionary grounds for refusal clear (paragraph 5.4)?				
Answer Options	Response- Percent	Response- Count		
Yes	57.1%	20		
No	31.4%	11		
Don't know	11.4%	4		
Comments		9		
	answered question	35		
	skipped question	12		

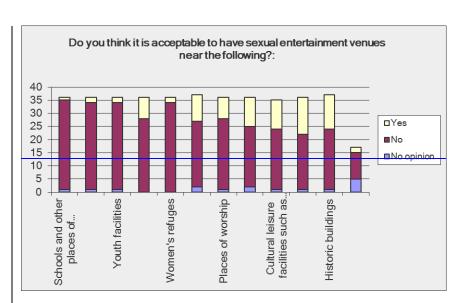


Do you think paragraphs 5.5 and 6.1 tis a fit and proper person?	to 6.6 are appropriate in deciding if	an applicant
Answer Options	Response Percent	Response Count
Yes	47.1%	16
No	41.2%	14
Don't know	11.8%	4
Comments		12
	answered question	34
	skinned auestion	13



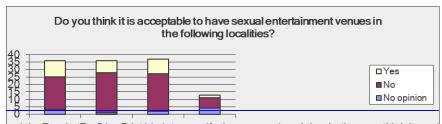
Question 7

Yes 1 2 2 8 2 10	No 34 33 33 28 34	No- opinion 1 1 1 0 0	36 36 36 36 36 36
2 2 8 2	33 33 28 34	1 1 0	36 36 36
2 8 2	33 28 34	1 0	36 36
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2	34		
_	•	0	36
10			
10	25	2	36
8	27	4	36
44	23	2	36
44	23	4	35
14	21	4	36
13	23	4	37
	40	_	
2	10	5	17
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	11 11 14	8 27 11 23 11 23 14 21 13 23 2 10	8 27 1 11 23 2 11 23 1 14 21 1 13 23 1



Do you think it is acceptable to localities?	have sexual entertain	nment venu	es in the fo	llowing
			No-	Resp

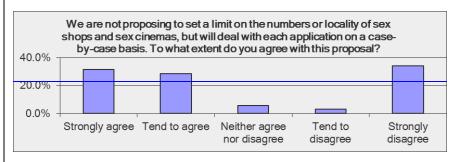
Answer Options	Yes	Ne	NO- opinion	Count
Rural	11	22	3	36
Residential	8	27	4	36
Deprived areas	10	25	<u>2</u>	37
Other areas (please use the Comments				
box to specify the area and explain-				
whether you think it would be	2	7	4	13
acceptable to have a sex entertainment				
venue in that area)				
Comments				15
		answei	ed question	37
		skipp	ed question	10



as (pleasence tite விள்ளம் the substantial of the second acceptable to have a sex entertainment venue in that area)

We are not proposing to set a limit on the numbers or locality of sex shops and sexcinemas, but will deal with each application on a case-by-case basis. To what extent doyou agree with this proposal?

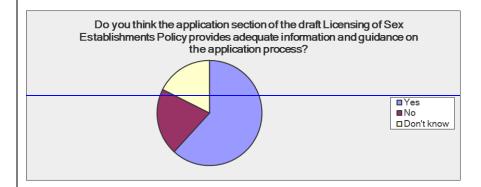
Answer-Options	Response- Percent	Response- Count
Strongly agree	31.4%	11
Tend to agree	28.6%	10
Neither agree nor disagree	5.7%	2
Tend to disagree	2.9%	1
Strongly disagree	34.3%	12
	swered question	35
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Question 10

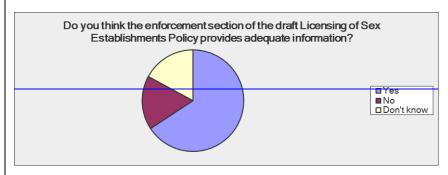
Do you think the application section of the draft Licensing of Sex Establishments Policy-provides adequate information and guidance on the application process?

Answer Options	Response- Percent	Response- Count
Yes	61.8%	21
No	20.6%	7
Don't know	17.6%	6
Comments		6
	nswered question	34
	skipped question	13



Do you think the enforcement section of the draft Licensing of Sex Establishments-Policy provides adequate information?

Answer Options	Response- Percent	Response- Count
Yes	65.7%	23
No	17.1%	6
Don't know	17.1%	6
Comments		2
	answered question	35
	skinned question	12



Question 12

A list of standard conditions for sexual entertainment venues, sex cinemas and sexshops have been included in Appendix 1 of the draft policy. Do you think it is useful to have this information provided?

Answer Options	Response Percent	Response Count	
Yes	88.2%	30	
No	2.9%	4	
Don't know	8.8%	3	
Comments		3	
ane	swered question	3.	4
S	kipped question	4:	3

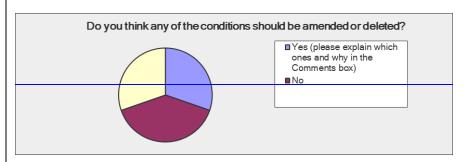
A list of standard conditions for sexual entertainment venues, sex cinemas and sex shops have been included in Appendix 1 of the draft policy. Do you think it is useful to have this information provided?

Pes

No

Do you think any of the conditions should be amended or deleted?

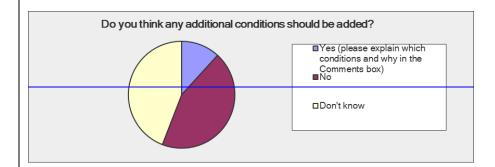
Answer Options	Response- Percent	Response Count	9 -
Yes (please explain which ones and why in the Comments box)	30.3%	10	
No	39.4%	13	
Don't know	30.3%	10	
Comments		13	
	answered question		33
	skipped auestion		14



Question 14

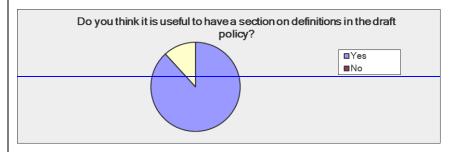
Do you think any additional conditions should be added?

Answer Options	Response- Percent	Respons Count	:0 -
Yes (please explain which conditions and why in the Comments box)	11.8%	4	
No	44.1%	15	
Don't know	44.1%	15	
Comments		7	
answered question			34
	skipped question		13



Do you think it is useful to have a section on definitions in the draft policy?

Answer Options	Response- Percent	Response- Count
Yes	88.2%	30
No	0.0%	0
Don't know	11.8%	4
Comments		5
	answered question	34
	skipped guestion	13



Question 16

Do you have any further comments on our draft policy? If so, please add them in this Comments box.

Answer Options	Response Count
-	15
answered question	15
skipped question	32

Thank you for taking the time to complete the questionnaire. To allow us to monitor the effectiveness of this consultation and to evaluate the responses, please indicate if you are responding as, or on behalf of, the following (tick all that apply):

Answer Options	Responding as	Responding on behalf of	Response- Count
Local resident (permanent)	26	4	26
Local resident (temporary)	0	0	0
Working in the Guildford borough area	9	0	9
Student	4	0	4
Visitor	2	0	2
Business	3	0	3
Trade association (please specify the name in Comments box)	0	0	0
Community group (please specify the name in Comments box)	3	0	3
Police	4	0	4
Fire and rescue service	0	0	0
Councillor	2	0	2
Other (please specify the name in- Comments box)	0	0	0
Comments			5
	answ	ered question	3 4
		pped question	13

Question 18

6	Gender			
4	Answer Options	Response- Percent	Response- Count	
4	Male	54.8%	17	
F		48.4%	15	
	ans	wered question	31	
	Sl	kipped question	16	

Question 19

Age		
Answer Options		esponse- Count
Under 18	0.0%	0
18-24	6.5%	2
25-44	22.6%	7
45-64	45.2%	14
Over 64	25.8%	8
	answered question	31
	skipped question	16

Please add your details:		
Answer Options	Response- Percent	Response- Count
Name:	90.9%	20
Company:	31.8%	7
Address 1:	90.9%	20
Address 2:	50.0%	11
City/Town:	86.4%	19
State/Province:	54.5%	12
ZIP/Postal Code:	90.9%	20
Country:	68.2%	15
Email Address:	68.2%	15
Phone Number:	63.6%	14
an	swered question	22
	skipped question	25

To be updated following public consultation

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Appendix 2 Standard Conditions

These conditions will generally be attached to all licences granted under the Act. These conditions may be dispensed with, added to or modified by the council where appropriate. Where, in these conditions, there is a reference to the consent of the council being required, the consent may be subject to terms, conditions and restrictions as appropriate. In accordance with Home Office guidance, where a condition is inconsistent with and is more onerous than a condition in a Licensing Act premises licence, the Licensing Act condition shall cease to apply.

Sexual Entertainment Venues

General

- Unless stated otherwise, the licence hereby granted shall operate for one year from the
 date on the licence, after which it shall cease to be in effect, unless an application for
 renewal is submitted in the manner prescribed by the council.
- 2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents must be approved by the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.
- 3. Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.
- 4. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read.
- 5. Suitable and sufficient training is to be provided to all staff including the responsible personas described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.
- 6. 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

7. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. 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, or a police officer.

General

 Unless stated otherwise, the licence hereby granted shall operate for one year from the date on the licence, after which it shall cease to be in effect, unless an application for renewal is submitted in the manner prescribed by the council.

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- 2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents must be approved by the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.
- Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.
- Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read.
- 5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.
- 6. 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

7. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. 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, or a police officer.

Hours of opening (to be tailored to individual licences)

8. The premises shall only be open to the public during the following hours:

Monday

Tuesday

Wednesday

<u>Thursday</u>

Friday

Saturday

Sunday

Conduct on the premises

- Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.
- 10. Relevant entertainment shall only be performed by the dancer. <u>There must be no audience participation.</u>
- 11. There must be no physical contact between dancers.
- 12. There must be no physical contact between the dancer and the customer at any time.
- 13. Any performance shall be restricted to dancing and the removal of clothes. There shall strength of the shall strength of the shall shall be restricted to dancing and the removal of clothes. There shall shall be restricted to dancing and the removal of clothes. There shall shall be restricted to dancing and the removal of clothes. There shall shall be restricted to dancing and the removal of clothes. There shall shall be restricted to dancing and the removal of clothes.

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not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.

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14. Sex toys must not be used and penetration of the genital area by any means must not take place.

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15. Customers shall not be permitted to throw money at the dancers.

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External appearance

16. There shall be a notice displayed inside each entrance or doorway to the premises, which shall clearly be visible to any person entering the premises, which states the following:

Hours of opening (to be tailored to individual licences)

8. The premises shall only be open to the public during the following hours:

MondayFridayTuesdaySaturdayWednesdaySundayThursday

Conduct on the premises

- 9. Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.
- 40. Relevant entertainment shall only be performed by the dancer. There must be no audience participation.
- 11. There must be no physical contact between dancers.
- 12. There must be no physical contact between the dancer and the customer at any time.
- 13. Any performance shall be restricted to dancing and the removal of clothes. There shall not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
- 14. Sex toys must not be used and penetration of the genital area by any means must not take place.
- 15. | Customers shall not be permitted to throw money at the dancers.

External appearance

16. There shall be a notice displayed inside each entrance or doorway to the premises, which shall clearly be visible to any person entering the premises, which states the following:

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.

- 17. The external appearance of the premises must be approved by the council in writing.
- 18. Any change to the external appearance must be approved by the council. The operator mustnotify the Council in writing of any proposed change and shall provide a drawing of the
 existing and proposed street elevation. This must be approved by the council before any
 work is undertaken.

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- 19. Access to the licensed area of the premises shall 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.
- 17. The external appearance of the premises must be approved by the council in writing.

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18. Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.

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9. Access to the licensed area of the premises shall 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.

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20. Signage shall only be illuminated between 10pm and 6am, and movable signs placed outside the premises shall be removed between 6am and 10pm.

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Advertising

21. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

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22 Staff employed or subcontracted by the premises shall not verbally or otherwise promote, tout or advertise the premises, except by way of flyers.

by / Condensed by

23. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy which must be approved by the Council.

Layout of premises

24. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.

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25. No alterations (including temporary alterations) shall be made to the structure and installations on the premises, without the prior written consent of the council. This condition does 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.

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Management of the premises

26. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.

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- 27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:
 - 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 the written nomination referred to above at all times when they are in charge of and present on the premises.
- Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.
- 29. 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.
- 30. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- 31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
- 32. No persons under the age of 18 shall be admitted to the premises.
- 33. The licensee shall 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 shall be displayed on the premises.
- 34. The licence holder shall not employ any person under the age of 18 in any capacity.

Safety and security

- 35. A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.
- 36. The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities, and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV

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system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.

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The data controller, under the Data Protection Act 1998, who is responsible for any CCTV <u>37.</u> images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, 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 shall ensure that they are secured to prevent any overwriting.

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The CCTV system shall be adequately maintained and be capable of transporting recorded 38. material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.

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A minimum of two Security Industry Authority registered door staff shall be present on the premises during the performance of relevant entertainment. In addition, the licensee shall provide such additional SIA registered door staff as shall be reasonably required by Surrey Police or the Licensing Authority.

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Staff welfare

42.

- 40. Dancers shall be aged 18 years or over.
- Before a dancer is permitted to work on the premises the licensee shall ensure that the 41.

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has not been convicted of theft, drug offences or prostitution <u>a)</u>

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has the right to work in the UK

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The licensee shall keep records of the checks made, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

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The Licensee shall provide new dancers with a pack of information. This pack shallinclude: A copy of the Sex Establishment Licence, including the conditions applied by the

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<u>a)</u> Licensing Committee. Details of any other conditions applied by the management of the premises

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- b) c) Details of how to report crime to the relevant authority
- d) Details of the premises public liability insurance
- Information on how dancers can obtain personal liability insurance
- Details of unions, trade organisations or other bodies that represent the interests of dancers
- A copy of the code of conduct for dancers

- h) A copy of the code of conduct for customers
- i) Price lists for drinks and sexual entertainment
- 43. The information required in accordance with Condition 42 shall be provided in the dressing rooms or alternatively a sign shall be placed in the dressing rooms advising that the information pack is available on request.
- 44. All booths and VIP areas used for private dances must be visible to supervisors and must not have closing doors, curtains or coverings of any description.
- 45. 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 the SIA registered door supervisors working on the premises, at all times when the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
- 46. Dancers shall only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
- 47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.
- 48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
- 49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

50. Vehicles must not be used for personal solicitation, touting or advertising.

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Formatted: Font: Arial, 12 pt 20. Sex Shops Signag Formatted Table **Formatted:** Font: Arial Formatted: Normal, Justified, Indent: **Advertising** Left: 0 cm, Space Before: 0 pt Any und Deleted Cells 21. window display must not be of a sexua images or text of a sexually explicit, ob: the council in writing. Staff employed or subcontracted by the 22 tout or advertise the premises, except l 23. Leafleting/distribution of flyers shall or offence. The licensee shall remove any of the premises by 6am. The licensee sl approved by the Council. **Layout of premises** No access shall be permitted through the 24. premises except in the case of an emer 25. No alterations (including temporary alt installations on the premises, without t condition does not require notice to be works. Where there is any doubt the lice **Management of the premises** The licensee, or a responsible person n 26. managing the venue ("the manager") s on the premises whilst relevant enterta shall be produced on demand to an aut 27. The licensee shall ensure that any person Condition 28: a) has been provided with a copy of the conversant with them; and b) is in possession of the written nomi in charge of and present on the pre Where the licensee is a body corporate 28 company secretary or other person res notified in writing to the council within may require in respect of the change of request in writing from the council. Formatted: Font: Arial Sexuarentea an Mex Vetablishmenting Potatement of Liensching Policy 47 Page 46

- 1. Unless stated otherwise, the licence hereby granted will operate 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.
- 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 licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police and authorised officers of the council. 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, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:

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Monday Tuesday Wednesday Thursday

Friday

Saturday

Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

- 5. There shall be a notice displayed on each entrance or doorway to the premises which states the following:
 - 29. 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.
 - 30. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or other event affecting the licensee's control of the premises.
 - 31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
 - 32. No persons under the age of 18 shall be admitted to the premises.

The licensee shall operate Strictly No Admittance to Persons Under 18 Years of Age
This premises operates a Challenge 25 age verification policy. People who appear to be
Persons 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 shall be displayed on the premises age.

34. The licence holder shall not employ any person under the age of 18 in any capacity.

Safety and security

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- A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.
- The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities, and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.
- 37. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, 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 shall ensure that they are secured to prevent any overwriting.
- The external appearance of the premises must be approved by the council in writing.
- 8. Any change to the external appearance of the premises must be approved by the council.

 The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
- 9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from the outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
- 10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

- 11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
- 12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public

offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

- 13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.
- 14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does 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

- 15. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
 - 16. The licensee shall ensure that any person nominated by him/her under Condition 16 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 the written nomination at all times when they are in charge of and present on the premises.
- 17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.
- 18. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- 19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
- 20. The licensee shall keep a record of all employees who are asked to work on the premises. The record shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
- 21. A certified copy of the personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or the police.

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- 22. No persons under the age of 18 shall be admitted to the premises.
- 23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
- 24. The licence holder shall not employ any person under the age of 18 in any capacity.

Video recordings

- 25. No moving picture shall be provided on display at the licensed premises unless it is for the purposes 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.
- 26. Items sold, supplied for hire or exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

27. Vehicles must not be used for personal solicitation, touting or advertising.

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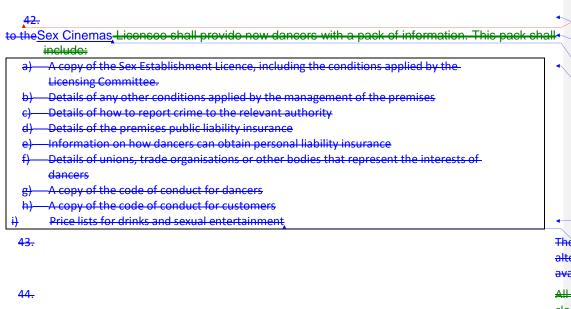
- The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.
- 39. A minimum of two Security Industry Authority registered door staff shall be present on the premises during the performance of relevant entertainment. In addition, the licensee shall provide such additional SIA registered door staff as shall be reasonably required by Surrey Police or the Licensing Authority.

Staff welfare

45.

- 40. Dancers shall be aged 18 years or over.
- 41. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:
 - a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UK

The licensee shall keep records of the checks made, including copies of any documentation such as a basic disclosure, passport, visa, driving license or national insurance number provided by the



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All booths and VIP areas used for priva registered door supervisor, or a memb door supervisors working on the prem supervision does not include remote s

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Dancers shall only be present in the lic stage or providing a private dance.

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- 47. Any person on the premises who can be observed from outside the premises shall beproperly and decently dressed.
- 48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
- 49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

50. Vehicles must not be used for personal solicitation, touting or advertising.

Sex Shops

General

- 1. Unless stated otherwise, the licence hereby granted will operate for one year from the dateon the licence, after which it will cease to be in effect unless an application for renewal issubmitted in the manner prescribed by the council.
- 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 licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police and authorised officers of the council. 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, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:

MondayFridayTuesdaySaturdayWednesdaySunday

Thursday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom-does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

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

- 7. The external appearance of the premises must be approved by the council in writing.
- 8. Any change to the external appearance of the premises must be approved by the council.

 The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.

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- 9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from the outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
- 10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

- 11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
- 12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

- 13. No access shall be permitted through the premises to any other adjoining or adjacent-premises, except in the case of an emergency.
- 14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does 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

- 15. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
- 16. The licensee shall ensure that any person nominated by him/her under Condition 16 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 the written nomination at all times when they are in charge of and present on the premises.
- 17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.

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- 18. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or otherevent affecting the licensee's control of the premises.
- 19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
- 20. The licensee shall keep a record of all employees who are asked to work on the premises. The record shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
- 21. A certified copy of the personnel record kept in accordance with Condition 21 or a recordrelating to a specified individual shall be produced on demand to an authorised officer of the council or the police.
- No persons under the age of 18 shall be admitted to the premises. 22.
- 23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
- 24. The licence holder shall not employ any person under the age of 18 in any capacity.

Video recordings

- No moving picture shall be provided on display at the licensed premises unless it is for the 25. purposes of advertising videos on a loop system or allowing a prospective purchaser ashort preview of films upon request, being no longer than 3 minutes in length.
- Items sold, supplied for hire or exchange or used in any promotion/advertising must not 26. contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

27. Vehicles must not be used for personal solicitation, touting or advertising.

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Sex Cinemas

General

- 1. Unless stated otherwise, the licence hereby granted will operate for one year from the dateon the licence, after which it will cease to be in effect unless an application for renewal issubmitted in the manner prescribed by the council.
- 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 licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. 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, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:

Monday-Friday-Tuesday-Saturday-Wednesday-Sunday-Thursday-

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom-does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

General

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- 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.

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Hours of opening (to be tailored to individual licences)

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4. The premises shall only be open to the public during the following hours:

<u>Monday</u>

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

Strictly No Admittance to Persons Under 18 Years of Age

This premises operates a Challenge 25 policy.

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

- 7. The external appearance of the premises must be approved by the council in writing.
- 8. Any change to the external appearance of the premises must be approved by the council.

 The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
- 9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
- 10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.

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12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

- No access shall be permitted through the premises to any other adjoining or adjacentpremises, except in the case of an emergency.
- 14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does 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.
- 7. The external appearance of the premises must be approved by the council in writing.
- 8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
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- 15. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
- 16. The licensee holder shall ensure that any person nominated by him/her under Condition 16:
 - 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 the written nomination at all times when they are in charge of and present on the premises.
- 17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.
- 18. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- 19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
- 20. The licensee shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
- 21. A certified copy of the full personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or a police constable.
- 22. No persons under the age of 18 shall be admitted to the premises.
- 23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
- 24. The licence holder shall not employ any person under the age of 18 in any capacity.

Vessels, stalls and vehicles

25. Vehicles must not be used for personal solicitation, touting or advertising.

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Management of the premises

- 15. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
- 16. The licensee holder shall ensure that any person nominated by him/her under Condition 16:
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- 18. The licensee shall retain control over all parts of the premises and shall 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 is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- 19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
- 20. The licensee shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
- 21. A certified copy of the full personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or a police constable.
- 22. No persons under the age of 18 shall be admitted to the premises.
- 23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
- 24. The licence holder shall not employ any person under the age of 18 in any capacity.

Vessels, stalls and vehicles

25. Vehicles must not be used for personal solicitation, touting or advertising.

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Appendix 3 details

Licensing Guildford T: 01483 505050

Borough Council -<u>Licensing@guildford.gov.uk</u>

Millmead House Application form, plan, fee, policies, notices

Millmead and declaration

Guildford Surrey

GU2 4BB

Guildford, Surrey

Surrey Police T: 01483 639473

Licensing Unit Guildford Police Station Application form, plan, policies, notices and

declaration **Margaret Road**

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Licensing

Guildford Borough Council

Millmead House

Millmead

Guildford

Surrey GU2 4BB

T: 01483 505050

Email: licensing@guildford.gov.uk

Application form, plan, fee, policies, notices and declaration

Surrey Police

Licensing Unit

Guildford Police Station

Margaret Road

Guildford, Surrey

GU1 9PE

T: 01483 639473

Application form, plan, policies, notices and declaration

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Appendix 4 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. Audience includes an audience of one. Authorised officer means an officer employed by Guildford Borough Council and authorised by the council to act in accordance with provisions of the Act. The council means Guildford Borough Council. Display of nudity means: in the case of a woman, exposure of her nipples, pubic area, genitals or anus; (a)a) and in the case of a man, exposure of his pubic area, genitals or anus, Dancer means dancer, entertainer, performer or other such person employed, or otherwiseengaged, to provide relevant entertainment. Licence means any sex establishment licence that the council can grant under the Act. Thisincludes any associated consent or permission. **Licensee** means the holder of a sex establishment licence. Licensed area means the part of the premises marked on the plan where licensableactivities are to take place. Premises includes any vehicle, vessel or stall but does not include any private dwelling towhich 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). Sex shop means any premises 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 connection with, or for the purpose of stimulating or encouraging sexual activity. Sexual entertainment venue means any premises at which relevant entertainment isprovided before a live audience, directly or indirectly for the financial gain of the organiser

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

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or the premises).

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The Act means the Local Government (Miscellaneous Provisions) Act 1982.

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.

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