



SEX ESTABLISHMENT LICENSING POLICY

2010

1. INTRODUCTION

1.1 This document sets out Rother District Council's draft policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 This document relates to applications for Sex Establishment Licences covering:

- sex shops
- sex cinemas
- sexual entertainment venues

as set out in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.3 The Council has adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009.

1.4 The Council is mindful of possible concerns of the local community with regard to applications for sex establishment licences or premises in any locality and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities and will inform applicants and objectors of the parameters under which the Council will make licence decisions.

1.5 The procedure sets out:

- the process for making an application; and
- the process the Council will follow in considering and determining an application for a Sex Establishment Licence.

2. DEFINITIONS

- **The Act**

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

- **The Policy**

This refers to Rother District Council's Sex Establishment Licensing Policy.

- **Relevant Locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that Relevant Locality will be determined on a case by case basis for the purpose of decision making.

- **Character of the Relevant Locality**
The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This Council has not defined what type of area would or would not be acceptable in terms of character. The Council will consider the character of the area on a case by case basis and will take into account such factors as: the uses and users of the area; how the area is perceived; the vision/plan for the area; and the views of the planning authority.
- **The Council**
This means Rother District Council.
- **Display of nudity**
This means:
in the case of a woman: exposure of her nipples, pubic area, genitals or anus;
and
in the case of men: exposure of his pubic area, genitals or anus.
- **The Licensed Premises**
This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions to operate. Note that licences are not required for the sale, supply or demonstration of birth control items.
- **The Organiser**
This is any person who is responsible for the organisation or management of the Relevant Entertainment or the premises.
- **Permitted Hours**
These are the hours of activity and operation that have been authorised under a Sex Establishment Licence.
- **Sex Article**
A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
- **Sex Shop**
A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
- **Sex Cinema**
A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures, however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or are intended to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or primarily deal with or relate to genital organs or urinary excretory functions.

- **Sexual Entertainment Venue**

A sexual entertainment venue is any premises where Relevant Entertainment 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 of such a nature that, regardless of financial gain, it must reasonably be assumed to be provided solely or primarily for the purpose of sexually stimulating any member of the audience whether by verbal or other means.

3. GENERAL POLICY

Principles to be applied

3.1 The Act lists those people who are excluded from being able to hold a licence.

A licence cannot be granted:

- (a) To anyone under 18 years of age.
- (b) To someone who has held a licence that was revoked in the last 12 months (from the date of revocation).
- (c) To someone who has been refused a new or renewal of licence within the last 12 months prior to the date of making the application.
- (d) To an individual who is not resident in the United Kingdom or has not been resident for six months prior to making of an application.
- (e) To a company not incorporated in the United Kingdom.

3.2 On determining an application the Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Police
- Fire Authority
- Planning Authority
- Environmental Protection Authority
- Children and Young Peoples Services
- Licensing Authority
- Interested Parties (local residents/businesses)
- Any representations made by the applicant

3.3 The grounds on which an application for the grant, renewal or transfer of a licence may be refused are set out in the Act.

The Council may refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason;
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a

person other than the applicant, who would have been refused a licence if they had applied themselves;

- c) the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; and
- d) the grant or renewal of licence would be inappropriate having regard to:
 - i. the character of the relevant locality;
 - ii. the use to which any premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.4 The Council has not set a limit on the number of sex establishments or sex establishments of a particular kind that it thinks is appropriate for any Relevant Locality. Each application for the grant, refusal, renewal, transfer or variation of a licence will be determined by the Council on its merits on a case by case basis. This part of the Policy may be subject to change following any future review.

Character of the Relevant Locality

3.5 The Council will not normally grant or renew a licence for a Sex Establishment if the character of the Relevant Locality would make the grant or renewal inappropriate.

3.6 When considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the relevant locality, the Council will have regard to the following:

- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;
- The proximity of educational establishments to the premises;
- The proximity of places of worship to the premises;
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);
- Any adverse impact on crime and disorder and public nuisance in the relevant locality which the operation of the sex establishment is likely to generate;
- the nature and concerns of any objections received from residents or establishments in the Relevant Locality;

- any evidence of complaints about noise and/or disturbance caused by the premises;
- any current planning considerations and alcohol licensing policies
- the proximity of other sex establishments; and
- whether there is planned regeneration of the area.

Layout, Character and condition of the Premises

3.7 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the following:

- the type of activity to which the application relates;
- the duration of the proposed licence;
- the days and hours of operation of the activity;
- the layout and condition of the premises;
- the use to which other premises in the vicinity are put; and
- the levels of crime and disorder in the area;

3.8 Sex establishments should not to be functionally visible to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

Disability Access

3.9 Applicants are reminded of their duties under the Disability Discrimination Act 1995 and should provide such facilities so as to enable the admission of disabled people.

Suitability of the Applicant

3.10 The applicant will be required to demonstrate that (s)he is a suitable person to hold a licence. In determining suitability, the Council will normally take into account:

- previous knowledge and experience of the applicant;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area;
- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant; and
- any other relevant reason.

3.11 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.

3.12 All applications for new licences for sex establishments, as described in the Act will be referred to the Licensing Panel of the Council for decision.

Renewal Applications

- 3.13 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.
- 3.14 When considering a renewal application the Council may take into account the criteria set out at paragraphs 3.6 to 3.9 and 3.10 above and;
- past demonstrable adverse impact from the activity; and
 - whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- 3.15 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the relevant locality or in the use to which any premises in the locality are put.
- 3.16 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the relevant Sub-Committee for decision.

Variation Applications

- 3.17 Where an application is made to vary any terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 3.6 to 3.9, and 3.12 above.

4. THE APPLICATION PROCESS

Making an Application

- 4.1 An application should be made in writing to: Head of Environmental Health, 14 Beeching Road, Bexhill on Sea, East Sussex, TN39 3LG.
- 4.2 Applications may also be made electronically via the Council's website at www.rother.gov.uk.
- 4.3 Applicants for a licence must complete the application form and submit to the Licensing Office together with:
- five sets of floor plans, (scale 1 : 100) showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - five sets of plans (scale 1:500) showing the layout of the sex establishment; and

- the correct fee as set by the Council.
- 4.4 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. A specimen notice is available from the Licensing Officer. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.
- 4.5 Applicants are also required to place a public notice in a local newspaper read in that neighbourhood (as advisory by the Licensing Officer) giving details of the application. A specimen notice is available from the Licensing Officer. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 4.6 Officers from the Licensing Authority and the Fire Authority will inspect the premises to ensure that required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 4.7 As part of the process the Licensing Authority will also consult the Noise Pollution Team of the Council. If there is the possibility of noise nuisance, for example, from amplified music, an inspection may be carried out and noise insulation work recommended.
- 4.8 Comments on applications will also be sought from local Ward Councillors, the Police, the Planning Authority and any other relevant person as deemed appropriate by the Council.
- 4.9 Applicants are warned that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 4.10 The Council will not determine an application for the grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.11 Any licence approved does not constitute any approval under any other Acts including planning permission. The applicant must ensure that all necessary consents and approvals are obtained prior to operation.

Renewal of Licence

- 4.12 An application to renew the licence must be made in the appropriate form prior to the expiry of the existing licence.
- 4.13 The Council will not determine an application for the renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and

enquiries as may be necessary to determine the suitability of the applicant and the premises.

- 4.14 Where, before the expiry of a licence, an application has been made for its renewal, it shall remain in force even though the expiry date has passed, until the withdrawal of the application or its determination by the Authority.

Variation of Licence

- 4.15 The application form, together with relevant plans and the fee should be sent to the Licensing Officer. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in paragraphs 4.4 and 4.5 above.
- 4.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in licensee must be the subject of a transfer application.
- 4.17 All variation applications for sex establishment licences will be referred to the Licensing Panel for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of Licence

- 4.18 The Council will not determine an application for the transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.19 Where, before the date of expiry of a licence, an application has been made to transfer, it shall be deemed in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the expiry date has passed or that the person to whom the licence is to be transferred is carrying on the business of the sex establishment.

Representations on an Application

- 4.20 Any person wishing to object to an application must submit a written representation within the specified 28 day consultation period, setting out the grounds of objection.
- 4.21 The Council will balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 4.22 Unless the person making a representation consents, their name and address shall not be revealed to the applicant.

- 4.23 The general terms of any objection must be provided to the applicant prior to the determination of the application. The report to the Licensing Panel may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 4.24 The Council shall give an opportunity of appearing before and of being heard by the Licensing Panel of the Council:
- a) before refusing to grant a licence, to the applicant;
 - b) before refusing to renew a licence, to the holder; and
 - c) before refusing to transfer a licence, to the holder and to the person to whom he desires that it shall be transferred.
- 4.25 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Licensing Panel before the application is determined.
- 4.26 Where the Council refuse to grant, renew or transfer a licence, it shall, if required to do so by the applicant or the holder of the licence, give him a statement in writing of the reasons for its decision within 7 days of his request.

Duration of Licence

- 4.27 Sex establishment licences will normally expire on an annual basis, but may be issued for a shorter period if deemed appropriate.

ROTHER DISTRICT COUNCIL

STANDARD CONDITIONS FOR SEX ESTABLISHMENTS

- NOTES:**
- (i) Except where the context demands otherwise the singular includes the plural and masculine includes the feminine.
 - (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
 - (iii) These rules are divided into four Parts as follows:
 - Part I - General
 - Part II - General Conditions relating to management conduct etc.
 - Part III - Safety Conditions and Conditions relating to sanitation and noise.
 - Part IV - Conditions which apply to sex shops.
 - Part V - Conditions which apply to Sex Encounter Venues and Sex Cinemas.
 - Part VI - Conditions which apply to Sex Cinemas.
 - (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Disabled People

There should be access and facilities for disabled people at sex establishments. Licensees are therefore, encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people and are reminded of the duties imposed by the Disability Discrimination Act 1995.

are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, performers, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Conduct of

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- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Soliciting shall include the distribution of leaflets.
- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public without the prior consent of the Council.

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| Doorway Opening, Windows etc | 7 | <p>(a) All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, footpath or place to which the public has access shall be obscured or screened in such a way as to prevent the interior of the said premises or any article, material or display of any kind therein from being visible to any said persons.</p> <p>(b) Any external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.</p> |
| Change of Use | 8 | No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter venue). |
| Alterations | 9 | No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. |

PART III

OTHER SAFETY CONDITIONS AND CONDITIONS RELATING TO SANITATION AND NOISE

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| Sanitation | 10 | <p>The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:</p> <p>(a) maintain each sanitary convenience in clean and efficient order;</p> <p>(b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.</p> <p>(c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature: together with an adequate supply of soap and suitable hand drying facilities.</p> <p>(d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.</p> |
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| Lighting | 11 | All lighting (including escape lighting) shall be |
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maintained in full working order.

Electrical Installation	12	The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
Electrical Certificates	13	Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.
Escape Lighting	14	The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.
Heating	15	<ul style="list-style-type: none">(a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.(b) Portable heating appliances shall not be used without the Council's written consent.(c) No alterations/additions to the approved heating system shall be made without the written consent of the Council.
Electrical, Gas and Mechanical Ventilation Systems	16	No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council.
Gas and Electricity Meters	17	<ul style="list-style-type: none">(a) Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).(b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.
Paraffin and Mineral Oil	18	Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior written consent of the Council.
Noise and Vibration	19	<ul style="list-style-type: none">(a) The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.(b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any

foyer, doorway, window or opening to those premises.

NOTE: The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

PART IV

CONDITIONS APPLYING TO SEX SHOPS

Goods available in Sex Establishments	20	All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
	21	All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.
	22	No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

PART V

CONDITIONS APPLYING TO SEX ENCOUNTER VENUES

Display of Tariff of Charges	23	(a) There shall be prominently and legibly displayed comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.
Seating	24	(a) The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council.
		(b) No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction.
		(c) A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request.
Standing and Sitting in Gangways	25	(a) In no circumstances shall persons be permitted to:- <ul style="list-style-type: none">(i) sit in any gangway; or(ii) stand in any gangway which intersects the seating; or(iii) stand or sit in front of any exits.

- (b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.
- Wheelchairs** 26 Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued by the Council.
- NOTE:** In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.
- Special Risks and Special Effects** 27 Any activity which involves special risks or special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least 7 days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.
- Conditions relating to lap dancing** 28 (a) Only those activities previously agreed in writing by the Council shall take place.
- (b) The agreed activities will take place only in designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst lap dancing/striptease entertainment is taking place and immediately thereafter.
- (c) The performers only shall give lap dancing/striptease entertainment. No audience participation shall be permitted.
- (d) Whilst lap dancing/striptease entertainment is taking place, no person under the age of 18 shall be on the licensed premises and a clear notice to this effect shall be displayed at each entrance to the premises in a prominent position. The notice shall read: **"NO PERSON UNDER 18 SHALL BE ADMITTED"**
- (e) There shall be no physical contact between the customer and performer before, during or after the performance.
- (f) Notices to the effect of the above condition number 28(e) shall be clearly displayed at every table, be on display at the entrance of the premises and each bar area.
- (g) The performers shall at all times wear a G-String which shall not be removed as part of the performance, and they shall not expose at any time,

wholly or partly, their genitalia.

- (h) Dancers shall only perform on the stage area or to seated customers.
- (i) Performers shall be aged not less than 18 years.
- (j) The Licensee shall not permit the display outside the premises of photographs or other images which indicate and suggest that lap dancing/striptease or similar dancing takes place on the premises.
- (k) There shall be at least one supervisor on the premises when dancing involving the agreed form of nudity takes place and at any time when such performances are taking place in the licensed area the number of covers made available to the public shall not exceed 150.

PART VI

CONDITIONS APPLYING TO SEX CINEMAS

Minimum lighting	29	The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.												
Film categories	30	<p>The categories U, PG, 12, 15 and 18 have the following effect:-</p> <table><tr><td>U</td><td>Universal - suitable for all</td></tr><tr><td>PG</td><td>Parental Guidance. Some scenes may be unsuitable for young children.</td></tr><tr><td>12/12A</td><td>Passed only for persons of 12 years and over.</td></tr><tr><td>15</td><td>Passed only for persons of 15 years and over.</td></tr><tr><td>18</td><td>Passed only for persons of 18 years and over.</td></tr><tr><td>Restricted (18)</td><td>Passed only for persons of 18 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.</td></tr></table> <p>The addition of (Rother) after the category means that the film has been passed by the Council for exhibition in the district of Rother in the category shown.</p>	U	Universal - suitable for all	PG	Parental Guidance. Some scenes may be unsuitable for young children.	12/12A	Passed only for persons of 12 years and over.	15	Passed only for persons of 15 years and over.	18	Passed only for persons of 18 years and over.	Restricted (18)	Passed only for persons of 18 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.
U	Universal - suitable for all													
PG	Parental Guidance. Some scenes may be unsuitable for young children.													
12/12A	Passed only for persons of 12 years and over.													
15	Passed only for persons of 15 years and over.													
18	Passed only for persons of 18 years and over.													
Restricted (18)	Passed only for persons of 18 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.													
Exhibition of films	31	<p>No film shall be exhibited at the premises unless:</p> <ul style="list-style-type: none">(a) It has been passed by the British Board of Film Classification as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film and no notice of objection												

to its exhibition has been given by the Council; or

- (b) it has been passed by the Council as a U, PG, 12A/12, 15, 18 (Rother) or RESTRICTED (18) (Rother) film.

RESTRICTED (18) films - Council's consent **32**

Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Unclassified films **33**

Not less than 28 days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule **31** or **32** above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

Age Restriction Notice **34**

When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:
PERSONS UNDER THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

Category notices **35**

Immediately before each exhibition at the premises of a film there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-

- (a) For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board;
- (b) For a film passed by the Council - a notice in the following form without the addition of any other words:-

ROTHER DISTRICT COUNCIL

(Here insert title of film)

has been passed by Rother District Council (insert the definition of category and the category assigned).

Provided that as regards a trailer advertising a film the notice shall be in the following terms:-

ROTHER DISTRICT COUNCIL

*.....(.....) trailer advertising + film (*Here insert the category of the trailer)

(Here insert the category of the film)

Objection to Exhibition of a film	36	<p>No film shall be exhibited at the premises:-</p> <p>(1) which is likely:-</p> <p style="margin-left: 40px;">(a) to encourage or to incite to crime; or</p> <p style="margin-left: 40px;">(b) to lead to disorder; or</p> <p style="margin-left: 40px;">(c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or</p> <p style="margin-left: 40px;">(d) to promote sexual humiliation or degradation of or violence towards women.</p> <p>(2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or</p> <p>(3) which contains a grossly indecent performance thereby outraging the standards of public decency.</p> <p>If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.</p>
Posters, Advertisements, etc.	37	<p>Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.</p>
Flammable Films	38	<p>No flammable films may be upon the premises without the prior consent of the Council in writing.</p>
Attendants - Numbers in Other Premises	39	<p>Unless the Council otherwise requires or agrees in writing in any case:</p> <p>(a) there shall be a minimum of two attendants on duty on each floor or tier of the auditorium where the public, up to a number not exceeding 500, are present on that floor or tier and thereafter one additional attendant shall be on duty for each additional 250 persons or part thereof present on that floor or tier;</p> <p>(b) if an auditorium has only one floor or tier and seats 250 persons or less the number of attendants on duty in that auditorium shall be not less than one.</p> <p>NOTE: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and for the avoidance of doubt in the case of an auditorium which has only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.</p>

Section C - Rule relating to television exhibitions

Entertainments Unsuitable for some Audiences	40	When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.
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Section D - Restricted 18 Category

Additional Conditions for 'Club' Cinemas (Showing Films in the Restricted 18 Classification)	41	<p>(i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.</p> <p>(ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-</p> <p>CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME</p> <p>(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).</p> <p>(iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.</p> <p>(iv) Tickets shall in no circumstances be sold to persons other than members.</p> <p>(v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.</p> <p>(vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.</p> <p>(vii) Membership rules for these club cinemas shall include the matters set out in Appendix I, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.</p>
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MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.