NORTH LANARKSHIRE COUNCIL

Licensing Policy Statement on the Licensing of Sexual Entertainment Venues ("SEV Policy Statement") under the Civic Government (Scotland) Act 1982, Section 45C (as modified by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015)

# Contents

Parts

1 - Introduction

2 - Implementation of the new Law in North Lanarkshire

3 – Which Premises will require a Licence?

4 - How to apply for a Licence or Waiver

5 - Policy of North Lanarkshire Council

6 – The General Presumption

7 – The Sensitive Premises Presumption

8 – Objections and Representations

9 – Premises with Other Licences (Alcohol and Public Entertainment)

10 - Occasional Use Exemptions

11 - Waivers

12 - Renewal of Licences

13 - Revocation of Licences

Annexes

A - Definitions

B - List of Policy Consultees

C - Note of Application Process

D - Legal Considerations

E – Statutory Criteria

F - The Council area

G - Required Information

H - Standard Licence Conditions

I- Application Form

# 1. Introduction

1.1 The legislation defines many terms. In this document, terms which are defined are underlined. The main definition is "Sexual Entertainment Venue", which the legislation shortens to "SEV".

1.2 This document deals with the Licensing of SEVs. The legislation is in the Civic Government (Scotland) Act 1982 (‘the 1982 Act’). This is available on the Internet:

<http://www.legislation.gov.uk/ukpga/1982/45/contents>

1.3 In the 1982 Act, the SEV legislation is in:

- Sections 45A to 45F (in the main part of the Act), and

- Schedule 2 (at the end of the Act). The Schedule is divided into Paragraphs.

1.4 When this document refers to:

* "Section" - it means a provision in the main part of the 1982 Act (Sections 45A to 45F).
* "Paragraph" it means part of Schedule 2, at the end of the Act.
* "Part" - it means one of the parts of this Policy Statement.
* "Annex" - it means part of this Policy Statement at the end of the document giving more details.

1.5 The Civic Government (Scotland) Act 1982. (‘the 1982 Act’) covers the licensing of many activities, such as the operation and driving of taxis and private hire cars, street trading, public entertainment and window cleaning.

1.6 Instead of making Sexual Entertainment automatically illegal throughout Scotland, the Scottish Parliament amended the 1982 Act so as to leave the decision to each of the 32 Councils in Scotland:

* If a Council chose not to make a Resolution, Sexual Entertainment would continue to be unregulated;
* If a Council chose to make a Resolution, Sexual Entertainment might still be permitted, under Licence, and the Council would have to publish a "SEV Policy Statement".

This means that it is possible for one Council area to have a Licensing scheme, and a Policy limiting Sexual Entertainment Venue (SEV) numbers, but in a neighbouring Council area there may be no scheme and no Policy.

1.7 The change to the 1982 Act was made by the Air Weapons and Licensing (Scotland) Act 2015 with effect from 26 April 2019.

1.8 On 27 May 2021 North Lanarkshire Council’s Finance and Resources Committee made a SEV Resolution under Sections 45B (1) and 45B (2) of the duly amended 1982 Act, giving effect to Schedule 2 of that Act in respect of the regulation and licensing of Sexual Entertainment Venues (SEV) in the Council area from 27 May 2022

1.9 As North Lanarkshire Council did make a Resolution, an "SEV Policy Statement" must be published by the Council. This document is North Lanarkshire Council’s ‘SEV Policy Statement’.

# 2. Implementation of the new Law in North Lanarkshire

2.1 In North Lanarkshire the new system has been implemented as follows.

* 26 April 2019 - the SEV provisions commenced all over Scotland
* 27 November 2019 - the Finance and Resources Committee considered the new provisions, and instructed that a public consultation should be carried out;
* 2 November 2020 and 3 January 2021- 1st public consultation of should SEVs be licenced in North Lanarkshire
* 27 May 2021 - following that consultation, the Finance and Resources Committee made a Resolution, implementing the SEV provisions at the end of the minimum statutory period of 12 months, namely 27 May 2022.
* 20 January 2022 to 17 February 2022 -- further Consultation regarding adoption of the SEV Policy Statement.
* 10 March 2022 – The Finance and Resources Committee approved the Policy Statement and deemed it should be published by 27 April 2022.
* 27 April 2022 - last date for the Finance and Resources Committee
	+ to publish the SEV Policy Statement and
	+ to give public notice that the new system will commence.
* 27 May 2022 - the new system commences.

2.2 The legal and other considerations, and the process which the Council followed in making the Resolution, are described in Annex D ("Legal Considerations").

# 3. Which Premises will require a Licence?

3.1 A Licence is required for a “Sexual Entertainment Venue” unless the rules about Occasional Use" or "Waivers" apply (see Parts 8 and 9 below).

3.2 A “Sexual Entertainment Venue” (SEV) is defined as ‘any premises at which Sexual Entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser’ (Section 45A (2)).

3.3 "Premises" is defined as ‘any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted’ (Section 45A (3) (b)).

3.4 Important definitions in the legislation are explained in Annex A ("Definitions"). This includes definitions for the following terms:

(a) "Sexual Entertainment"

(b) "Display of Nudity"

(c) "Audience"

(d) "Organiser"

(e) "Financial Gain"

3.5 The following premises are not sexual entertainment venues:

1. Sex shops and sex cinemas (defined separately in Schedule 2 of the 1982 Act); and
2. Premises which provide relevant entertainment on an infrequent basis i.e. “Occasional Use”.

# 4. How to apply for an SEV Licence or Waiver

4.1 The Application must be in writing, giving the information and plans described in Annex G ("Required Information").

4.2 See Annex C ("Note of Application Process") for the things which the Applicant has to do before applying to the Council, and when applying, and afterwards.

4.3 The Council will advertise and consult third parties on the Application. Third parties can state their views.

4.4 Unlike Applications for the grant or renewal of other types of Licence, Applications for the waiver, grant or renewal of SEV Licences will be referred to the Regulatory Committee. No licences will be granted using delegated authority.

4.5 An application for the grant or renewal of a Licence or waiver will be considered at a meeting of the Regulatory Committee. The Applicant and any third-party who has stated Objections or Representations will be invited to attend.

4.6 The Regulatory Committee will not determine an Application until it is satisfied that the Applicant has completed the procedure (for example, giving the Council a Certificate confirming display of the Site Notice).

4.7 In deciding whether or not to grant or renew a Licence or Waiver the Regulatory Committee will consider each Application on its merits and will take into account:

* any Objections or Representations
* this Licensing Policy Statement
* the Statutory Criteria (See Annex E)
* Scottish Government Guidance
* Any other relevant considerations

4.8 In relation to Licences, applicants should refer to Part 5 ("Policy of North Lanarkshire Council"). See also Part 9 ("Renewal of Licences"). Each application will be considered on its own merits.

4.9 In relation to Waivers, the Regulatory Committee will consider each application on its individual merits. However, any Sexual Entertainment Venue that normally requires a licence under the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances. They will approach a Waiver Application with the presumption that it should be refused. The Applicant should attend the Regulatory Committee hearing and seek to rebut that presumption. The Council is unlikely to consider it would be appropriate to permit waiver from the requirements to hold a SEV Licence, particularly as the legislation allows an Occasional Use exemption.

4.10 Any Licence or Waiver will be subject to Conditions (See Annex H - "Standard Licence Conditions").

4.11 Licences will generally last 12 months but can last another period if the Council deem this appropriate (Schedule 2, Paragraph 12 of the 1982 Act). The Licence document will state the Expiry Date and it will be the responsibility of the licence holder to ensure that they renew their licence on time.

# 5. Policy of North Lanarkshire Council

5.1. The SEV legislation was introduced by the Scottish Parliament and relates to two Scottish Government Policies:

* 'Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls'
* 'Human Trafficking and Exploitation Strategy'

The Council endorses the objectives of those Policies.

5.2. In preparing this SEV Policy Statement, the Council has fulfilled its duties under Section 45C (3) to

1. consider the impact of the licensing of Sexual Entertainment Venues in their area, having regard, in particular, to how it will affect the objectives of—
2. preventing public nuisance, crime and disorder,

(ii) securing public safety,

1. protecting Children and Young People from harm;

(iv) reducing violence against women.

5.3 In preparing this Policy Statement, the Council is required to consult such persons or bodies they consider appropriate and the list of consultees is contained in Annex B.

5.4 In fulfilling its duties, the Council has consulted with consultees and the general public and has also considered how it can exercise its functions so as to advance the statutory objectives. The primary purpose of this Policy Statement is to ensure that North Lanarkshire Council promotes these objectives in exercising its licensing functions.

5.5 The Standard Conditions set out by North Lanarkshire Council have been developed to assist compliance with the licensing objectives. (See Annex H “Standard Licensing Condition”). The conditions which will be applied to each licence seek to enable the Council to ensure that the objectives are being upheld. The Council will furthermore have the ability to add in additional conditions to a licence. In doing this, the Council must have regard to how the additional conditions relate to the Mandatory conditions set out in the 1982 Act, Regulations, Orders or other instruments set out in terms of the Act.

5.6. Any application for the grant or renewal of a SEV Licence will be considered against

* + - the Statutory Criteria (see Annex E)
		- the General Presumption (see Part 6)
		- the Sensitive Premises Presumption (see Part 7)
		- the Licensing Objectives (see Part 5.2)
		- any Objections or Representations (see part 8)
		- any Scottish Government Guidance (see Annex D)
		- any other relevant considerations (see Annex D)

The Council in exercising their function in relation to the licensing of SEVs, the Council must have regard to this policy statement or revised statement (1982 Act, Section 45 C (7)). The Council will not follow this policy inflexibly but will take into consideration all relevant factors when determining applications. Each Application for a Licence or Waiver will be determined on its individual merits.

## 6. The General Presumption

6.1 The Council is required to set the number of SEVs permitted in their area and for each relevant locality (1982 Act, Section 45B (6)(e)(ii)(a) and Schedule 2, Paragraph 9(5A)).

6.2 The basis of this limit is that the Council is entitled to refuse a Licence on a number of grounds, including:

*"that the number of SEVs in the Relevant Locality at the time the application is made is equal to or exceeds the number which the Local Authority consider is appropriate for that locality" (1982 Act, Schedule 2; Paragraph 9(5)(c).*

6.3 Schedule 2, Paragraph 9(7) of the 1982 Act gives the term ‘Relevant Locality’ the following meanings:-

1. In relation to premises, the locality where they are situated; and
2. In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a SEV

6.4 The Council has determined that there are three 'Relevant Localities' in their area, coinciding with the three 'Locality Areas' used by the North Lanarkshire Partnership (NLP).

These are:

(1) The Southern Area – Motherwell, Wishaw and Bellshill;

(2) The Central Area – Coatbridge and Airdrie; and

(3) The Northern Area – Cumbernauld and Kilsyth

6.5 A map showing the specific boundaries of each Locality can be found below:-



See Annex F ("The Council area") for a description of the Council area and population, and information about the Scottish Index of Multiple Deprivation (SIMD).

6.6 The Council has reviewed each town and village in its area and considers that the appropriate number of SEVs is:

(1) The Southern Area – 0 (Zero)

(2) The Central Area – 0 (Zero)

(3) The Northern Area – 0 (Zero)

## 7. The Sensitive Premises Presumption

7.1 The presumption of refusal will be regarded as being enhanced if the proposed SEV is within 250 metres of the following Sensitive Premises:

(1) schools, play areas, nurseries, parks, swimming pools and other sports facilities;

(2) cinemas, theatres and concert halls;

(3) libraries and museums;

(4) Premises likely to be frequented by people under 18 or families;

(5) public buildings including Council offices;

(6) retail shopping areas;

(7) residential areas;

(8) places of worship, celebration or commemoration;

(9) community centres;

(10) services focussed on supporting women, children and young people, such as women’s refuges;

(11) services focussed on supporting people with substance abuse issues, mental health issues, or other vulnerable people;

(12) historic buildings or tourist attractions;

(13) roads, footpaths and other access routes to any of the above.

NOTE: The above list is not a definitive list and each case will be considered on its own merits.

7.2 In determining whether or not the Sensitive Premises Presumption applies, the Council will also have regard to:

(a) Whether any SEVs are already operating, or have operated, in the Relevant Locality (whether under a SEV Licence, under the 'Occasional Exemption', or with a Waiver);

(b) Whether there have been reports to the Police or Home Office of incidents within the Relevant Locality (whether or not leading to prosecution or conviction) of human trafficking or exploitation, or breaches of immigration laws by the Applicant or anyone else concerned with the proposed SEV;

(c) Whether there have been reports to the Police of incidents within 50 metres of the proposed SEV (whether or not leading to prosecution or conviction) of crime or anti-social behaviour.

(d) The existing character and function of the area in which the SEV is to be located; and

(e) The views of residents and other relevant interested persons as far as is possible.

7.3 The Sensitive Premises Presumption is a rebuttable presumption. Each application will be determined on its own merits.

**8. Objections and Representations**

8.1 Third parties are able to make objections and representations in relation to the application for grant or renewal of an SEV. They are also able to do this in relation to Waiver applications.

8.2 Any objection or representation made should be specific and state clearly the legal ground for the objection or representation. The grounds are set out in the Civic Government (Scotland) Act 1982 at Schedule 2, paragraphs 9(4) to 9(6).

8.3 Any objection or representation which is not specific or where the legal ground is not stated clearly as set out in the Civic Government (Scotland) Act 1982 at Schedule 2, paragraphs 9(4) to 9(6) is unlikely to be accepted as a valid objection or representation.

8.4 A petition is unlikely to be accepted as a valid Objection or Representation as it does not allow the Council to understand individual complaints or know whether they are relying on a legal ground to make the objection or representation. Furthermore, it may not be possible for the Council to know clearly who has signed the petition. The Council will place more weight on objections and representations received from those directly impacted by the presence of an SEV and who live or work within the locality.

8.5 The applicant is entitled to fair notice of complaints and the objector should expect to be able to answer questions in relation to the complaint if there are factual disputes involved.

8.6 The objections and representations must relate directly to the Civic Government (Scotland) Act 1982 legislation and must relate to the application for an SEV.

8.7 The Council will make the final decision in relation to whether the SEV licence is granted based on all of the circumstances and after considering the merits of the application.

**9. Premises with Other Licences (Alcohol and Public Entertainment)**

9.1 If a premises is licensed under the Licensing (Scotland) Act 2005, it is not enough for that premises to state that “Adult Entertainment” is permitted. If such entertainment is being provided, an SEV licence will be required.

9.2 If a premises which is licensed for the sale of alcohol is organising “sexual entertainment” (as defined in the legislation) to take place within the premises, they will need to obtain an SEV licence. Their alcohol premises licence will only cover the sale of alcohol.

9.3 If the premises take a booking where “sexual entertainment” might happen, that premises should advise those booking that such entertainment is prohibited. An SEV licence is required if “sexual entertainment” is provided (or allowed to be provided) by or on behalf of the organiser.

9.4 If “sexual entertainment” happens on premises where no SEV has been obtained and there has been no Waiver granted, the Premises Manager and Premises Licence Holder can be prosecuted for not having an SEV licence. This could also result in the premises and personal licences being reviewed by the North Lanarkshire Licensing Board. Such a review could result in licences being suspended or revoked.

9.5 It is also not sufficient for Adult Entertainment to be licensed under a Public Entertainment Licence.

9.6 All of the above within this section of the policy is subject to the Occasional Use Exemption which is noted within the next section of the Policy.

# 10. Occasional Use ("the 4-in-a-year exemption")

10.1 Premises can be used for Sexual Entertainment for a proposed event (not exceeding 24 hours) if the Premises have been used for Sexual Entertainment on not more than 3 previous occasions in the past 12 months (Section 45A(9) of the 1982 Act).

10.2 Each occasion can last no more than 24 hours. If your Premises operate as a Sexual Entertainment Venue for more than a 24 hour period, each period of 24 hours (and any part of a period of 24 hours) is to be treated as a separate occasion (Section 45A(10) of the 1982 Act).

10.3 The rule applies to a rolling year, not the calendar year running from 1st January to 31st December. To know whether a particular date can be used, count back 12 months from the date of the last occasion.

10.4. You do not have to tell the Council or the Police that you are using the 4-in-a-year exemption, but you may wish to advise the Licensing Office at North Lanarkshire Council in advance by way of good practice. If you do this, you would simply advice that you are going to be booking “sexual entertainment” within the premises and that you are relying on the Occasional Use exemption. If you do this, please provide details of the premises so that this can be noted accurately. There is no fee for providing this information.

# 11. Waivers (Schedule 2, Paragraph 5)

11.1 The Council can allow use of Premises without a Licence for the purpose of Sexual Entertainment. There is no fee for a Waiver application.

11.2 For at least 21 continuous days before applying to the Council the operator must display a "Notice of Application" (see Annex C -Note of Application Process") at or near the proposed Premises stating that they are proposed to be used as a Sexual Entertainment Venue, and stating:

* the proposed dates of operation, and
* the proposed times of operation.

After that period, the operator must give the Council a Certificate of Display confirming display for that period.

11.3 The Application for a Waiver:

* must be in writing
* must contain a copy of the Site Notice
* must contain the same information and include a Layout Plan and Location Plan as if the operator was applying for a Licence (See Annex G "Required Information").

11.4 The Council will

* copy the Application for a Waiver to the Police, and
* put a public notice on its website.

11.5 An application for a Waiver or Licence will be considered at a meeting of the Regulatory Committee. The Regulatory Committee will not entertain the Application until it has the Certificate of Display.

11.6 The Regulatory Committee can grant a Waiver if they consider that to require a Licence would be unreasonable or inappropriate. The Regulatory Committee will take into account:

* any Objections or Representations
* this Licensing Policy Statement
* Scottish Government Guidance
* any other relevant considerations

11.7 The Regulatory Committee will consider each Application on its own merits but is of the opinion that waivers will only be granted in exceptional circumstances. It will approach a Waiver Application with the presumption that it should be refused. The Applicant should attend the Regulatory Committee hearing and seek to rebut that presumption. The Regulatory Committee is unlikely to consider it would be appropriate to permit waiver from the requirements to hold a SEV Licence, particularly as the legislation allows an Occasional Use exemption.

11.8 If a Waiver is granted, it will be for a maximum period of 12 months.

11.9 The Waiver will have the same conditions that a SEV Licence would have (see Annex H - "Standard Licence Conditions"), except that Condition 9.1. (Notices outside the Premises) is instead:

The Organiser must display on the exterior of the Premises at each Customer entrance, in a position where it may be easily read by people outside the Premises, a Notice stating:

“This is a Sexual Entertainment Venue. No-one under 18 can enter. The Premises are monitored by CCTV. These Premises have a Waiver granted by North Lanarkshire Council, which means that they do not need a Licence for Sexual Entertainment." '

11.10 The Council will notify Police Scotland if a Waiver is granted (Schedule 2, Paragraph 5(6) of the 1982 Act).

11.11 A Waiver cannot be renewed. Once it expires, the Premises can only be used if

a Licence has been granted (it is not enough that a Licence has been applied for) or, a further Waiver has been granted. Or if an SEV licence is obtained,

11.12 If the Council grants a Waiver, it can later terminate it (Schedule 2, Paragraph 5(7) of the 1982 Act).

11.13 The Council will notify the Police if a Waiver is terminated (Schedule 2, Paragraph 5(8) of the 1982 Act).

# 12. Renewal of licences

12.1 If the Licence Holder applies for renewal of an SEV licence before it expires, the Licence stays in effect until a final decision on the Application is taken by the Council (Schedule 2, Paragraph 12(3) of the 1982 Act).

12.2 If the Expiry Date passes and the Licence Holder then applies for a Licence, this will be treated as an Application for a new grant of licence (as opposed to an Application for the renewal of an existing Licence) unless the following conditions are met:

* the Application is made no later than 28 days after the expiry date, and
* the Council is satisfied that there is good cause to accept a late application (Schedule 2, Paragraph 12(3A) of the 1982 Act).

12.3 The Applicant should state in writing if he/she claims there is a 'good reason' and provide details.

12.4 The procedures for a Renewal Application are the same as they are for a New Grant of a Licence but the Licence is not guaranteed to be renewed - the Local Authority is not obliged to grant a renewal. The Council will take into account the operation of the Premises during the Licence, and any allegations of offences and/or breaches of Licence Conditions.

12.4 Unlike Applications for the grant or renewal of other types of Licence, Applications for the grant or renewal of SEV Licences will be referred to the Regulatory Committee, and Delegated Powers will not be used.

# 13. Revocation of Licences

13.1 Under Schedule 2, Paragraph 13 of the 1982 Act, the Council may at any time revoke a Licence under this Schedule on the basis that—

(a) if any of the "Mandatory Ground of Refusal" (see Annex E- "Statutory Criteria") apply;

(b) if, in their opinion, any of the grounds relating to the suitability of the Licence Holder or anyone involved with the Licence apply;

(c) if a condition of the Licence has been contravened.

# Annex A - Definitions

**“premises”** – *any building, vehicle, vessel or stall, but not a private dwelling to which the public is not admitted*

**“SEVs”** – *any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser*

**“Sexual entertainment” –**

*(a) any live performance, or*

*(b) 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).*

**“Display of nudity”-**

*(a) in the case of a woman, the showing of (to any extent and by any means) her nipples, pubic area, genitals or anus,*

*(b) in the case of a man, the showing of (to any extent and by any means) his pubic area, genitals or anus.*

**“Audience” –** *this can include just one person so one to one performances are included within the scope of the legislation and would require a licence.*

**“organiser”-** *(a) the person (“A”) who is responsible for—*

*(i) the management of the Premises, or*

*(ii) the organisation or management of the sexual entertainment, or*

 *b) where A exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person"*

**“financial gain” -** *Financial Gain” includes Financial Gain arising directly or indirectly from the provision of the sexual entertainment*

# Annex B - List of Policy Consultees

In addition to a draft of this document being placed on a public website, notice of the consultation leading to the adoption of this SEV Policy Statement was sent to:

Lanarkshire Public health Gender based violence operational lead

United Voices of the world

GMB Union

GMB Union (Scotland Organiser)

Click

Lanarkshire Rape Crisis Centre

Women’s Support Project

NLC Service Co-ordinator (Domestic Abuse)

North Lanarkshire Youth Council

North Lanarkshire Women’s Aid

Motherwell Women’s Aid

Monklands Women’s Aid

GBV Services

NSPCC

Action for Children Scotland

Children 1st

SAMH

Penumbra

Cumbernauld Church of Christ

Church of Scotland

Bishop of Motherwell Diocesan Centre

Action of Churches Together in Scotland

Glasgow Buddist Centre

Scottish Council of Jewish Communities

Hindu Council UK

Young Scot North Lanarkshire

The Scottish Licensed Trade Association

Visit Scotland

Police Scotland

Chief Fire Officer, Scottish Fire & Rescue Service

NHS Lanarkshire

Chief Executive North Lanarkshire Council

Education Youth and Communities North Lanarkshire Council

Housing Solutions North Lanarkshire Council

Planning and Regeneration North Lanarkshire Council

Head of Regulatory Services and Waste Solutions North Lanarkshire Council

Children Families and Justice Social Work Services North Lanarkshire Council

Communities North Lanarkshire Council

North Lanarkshire Child Protection Committee

The Community Councils of North Lanarkshire:

Allanton & Hartwood

Auchinloch

Banton & Kelvinhead

Bellshill

Cairnhill

Caldercruix

Carbrain & Hillcrest

Castlecary

Central Wishaw

Chryston

Cleland

Coltness

Condorrat

Craigmarloch

Dullatur

Flemington

Glenboig

Glenmavis

Greengairs

Harthill & Eastfield

Kildrum

Kilsyth

Kirkwood

Ladywell

Monkland Glen

Muirhouse

Newarthill

Newmains & District

North Calder

Overtown & Waterloo

Plains

Queenzieburn

Salsburgh

Seafar & Ravenswood

Stepps & District

Thorniewood

The Village

Westerwood

# Annex C – Note of Application Process

When an Applicant asks the Council for the grant or renewal of a SEV Licence, the Applicant must do the following:-.

## Before lodging the Application

The Applicant must ask the Council:

(a) to specify a newspaper to be used for publication of an advertisement, or

(b) to dispense with the requirement to publish a newspaper advertisement (in which case the Council will publish notice of the Application electronically).

If the request is (b), the Applicant should specify why newspaper advertisement is thought not to be appropriate.

## When making the Application

(a) The Application must be in writing and must contain the information set out in Annex G ("Required Information");

(b) The Application should be accompanied by the prescribed fee. The fee will not be reduced or refunded if the Application is refused or the Licence is granted for less than was requested.

(c) The Applicant must display a "Notice of Application" (in the form prescribed below) on or near the Premises in a place where the Notice can conveniently be read by the public. This Notice must be displayed for 21 days, beginning with the date of the Application (Schedule 2, Paragraph 7(4)).

## After making the Application

The Applicant must

(a) not later than 7 days after the date of the Application:

Unless the Council has dispensed with newspaper advertisement, publish an advertisement in the newspaper circulating in the Council area previously specified by the Council; the advertisement must be in the prescribed form (see "Notice of Application" below). If the Council has dispensed with

newspaper advertisement, the Council will publish such a Notice electronically not later than 7 days after the date of the Application.

(b) not later than 7 days after the date of the Application:

give the Council a certificate confirming that this has been done;

(c) Where the application is in respect of a premises, notice of it shall in addition be displayed for 21 days, beginning with the date of the application, on or near the premises in a place where the notice can conveniently be read by the public.

(d) as soon as possible after the expiry of the period of 21 days for display of the Site Notice:

give the Council a Certificate stating that he/she has complied with the requirement to display the Site Notice, and a copy of the Site Notice.

(e) if relevant, as soon as possible after newspaper publication:

give the Council one complete copy of the newspaper containing the advertisement of the Application.

## Notice of Application

If displayed at or near the proposed SEV the Notice must be

- on A4-sized paper (or larger)

- printed legibly or typed in black ink

- in a font size of 16 points or larger

- arranged so as to ensure that it remains legible throughout the public notice period (for example, laminated or attached to the inside of a clear window facing out)

This Notice is prescribed by the Council under Schedule 2, Paragraph 7(7).

"Licensing of Sexual Entertainment Venues

Civic Government (Scotland) Act 1982 (as modified by Section 76 of the Air Weapons and Licensing (Scotland) Act 2015)

On [date of lodging] an Application was made to North Lanarkshire Council by [Applicant's Name] for the

[delete as appropriate]

Grant of a Licence

Renewal of a Licence

Waiver of the need to have a Licence

for a "Sexual Entertainment Venue" at

[Address of Premises].

Anyone wishing to state an Objection or Representation about this proposal must do so

- in signed writing (an email is not enough);

- specifying the grounds of Objection or Representation;

- specifying the name and address of the person making it;

- stating whether or not the person consents to the name and address being given to the Applicant;

The possible grounds for refusal of a Licence are stated in 1982 Act, Schedule 2, Paragraph 9(5).

The letter must be sent to:

The Clerk to the Regulatory Committee

North Lanarkshire Council

Civic Centre

Motherwell

ML1 1 AB

The Council will advise the Applicant of the general terms of any letter received, but will not reveal the sender's name or address unless the sender consents. The Council will assume that the sender does not consent unless the sender positively states otherwise. If the sender does not consent, the Council will redact the letter before sending it to the Applicant.

The sender will be invited to the meeting of the Regulatory Committee which decides the Application.

An Objection or Representation can only be accepted if is received by the Council within 28 days of the date of publication (if it has been posted by Registered or Recorded Delivery post to the Council so as to arrive by that date, it will be accepted as being in time even if it arrives later).

The Council is entitled (but not obliged) to accept a late letter if there is a sufficient reason why it was not made in time, so if the person sends a late letter it should explain what is the sufficient reason. There is no guarantee that the Council will accept a late letter. If a letter is sent late then there is the possibility that the Council will already have decided on the Licence Application. The Council cannot review decisions on the basis of late letters.

## Procedure in the Council

The Council's Licensing Office will notify all Councillors of the Application.

If the Council has dispensed with the requirement on the Applicant to publish a newspaper advertisement, the Council will publish the "Notice of Application" (above) on its website for at least 21 days.

A**nnex D- Legal Considerations**

1. The Committee considered other legislation in deciding whether or not to make the Resolution:

(a) the Provision of Services Regulations

(b) the Regulatory Reform (Scotland) Act 2014

(c) the European Convention on Human Rights

(d) Equality legislation

2. The Committee also considered the Scottish Government Guidance quoted below (See "Scottish Government Guidance", paragraph (e) below).

## (a) The Provision of Services Regulations

3. The Provision of Services Regulations protect UK businesses and consumer rights by maintaining obligations on UK competent authorities to ensure that their regulation of service activity is proportionate and justified in the public interest. For example, competent authorities continue to be required to design their licensing forms and authorisation schemes in a way that is proportionate and justified by a public interest objective. For the purposes of the Regulations, the Council is a "Competent Authority" and is therefore prohibited from establishing an "Authorisation Scheme" (such as a new Licensing system). As long as the above is satisfied then the Provisions of Service Regulations do not prevent the Council from establishing a system of SEV Licensing. The Committee were satisfied that the adoption of an SEV Licensing regime is bot proportionate and justified in the public interest. The Committee were satisfied that the Provision of Services Regulations does not prevent the Council from establishing a system of SEV Licensing.

## (b) Regulatory Reform (Scotland) Act 2014

4. The Council is a "Regulator" under the Regulatory Reform (Scotland) Act 2014 and therefore has a duty, in exercising its regulatory functions, to contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so (Section 4(1)).

5.. This does not oblige the Council to grant a Licence:

- where it would otherwise refuse it (for example, because the Applicant is not 'fit and proper' or the Premises are unsuitable for the proposed use);

- where the proposal contravenes any Policy limiting numbers of SEVs (or prohibiting them altogether).

6. The Committee were satisfied that the Regulatory Reform (Scotland) Act 2014 does not prevent the Council from establishing a system of SEV Licensing.

## (c) European Convention on Human Rights

7. The European Convention on Human Rights protects the rights of SEV operators who have existing businesses. There are in fact no SEVs in North Lanarkshire. There are in other parts of Scotland. If the Council there refuses a Licence Application from an existing Organiser, one of the arguments which might be made by the SEV Organiser is that the Council's action has breached the Organiser's right to freedom of possessions (European Convention of Human Rights, Protocol 1, Article 1). It might also be argued that the Council's action had deprived employees of their jobs, by closing their employer's business.

8. The Convention right protects existing property rights, but not rights which do not yet exist. Therefore, no action by a Council which did not already have SEVs in its area could be said to breach the Convention. As there are no SEVs operating in North Lanarkshire then the ECHR does not prevent the Council establishing an SEV licensing regime.

9. The Committee were satisfied that the Convention does not prevent North Lanarkshire Council from establishing a system of SEV Licensing.

## (d) Equality legislation

10. The Equality Act 2010 imposes duties on the Council:

(a) Section 1(1) ("Public sector duty regarding socio-economic inequalities"): the Council:

*"must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."*

(b) The Council is a "Relevant Authority" for the purposes of Section 149(1) of the Equality Act 2010 ("Public Sector Equality Duty"), being listed in Schedule 18 to that Act, so:

*"must, in the exercise of its functions, have due regard to the need to—*

*(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under [that Act];*

*(b) advance equality of opportunity between persons who share a "Relevant Protected Characteristic" and persons who do not share it;*

*(c) foster good relations between persons who share a "Relevant Protected Characteristic" and persons who do not share it."*

The "Relevant Protected Characteristics" are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The Committee considered these duties on 27 May 2021 and was satisfied that the Resolution was consistent with the Council's obligations under Equality legislation. The Committee noted that there are no SEVs in North Lanarkshire and the Council is not aware of any proposal for an SEV. Accordingly, the Committee were satisfied that the adoption of a Resolution would not prejudice any existing businesses or workers.

The Committee considered that adoption of a Resolution would indicate the Committee's recognition of the concerns stated in the two Scottish Government Policies referred to at Part 5.1.

An effective licensing system, for example monitoring the 'fit and proper' status of licence-holders and the suitability of Premises, helps progress towards one of the Priority Outcomes of ‘The Plan for North Lanarkshire Council’.

## (e) Scottish Government Guidance

11. The Scottish Government recognises that there are competing considerations. In exercising functions under the new legislation, the Council is obliged to have regard to the Guidance issued by the Scottish Government in March 2019, which includes:

*"19. The Scottish Government accepts the freedom of adults to engage in legal activities and employment. However, it will continue to promote, through all relevant means, gender equality and actions that tackle out-dated attitudes that denigrate or objectify particular groups or individuals.*

*20. 'Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls' was first published in 2014 and updated in 2016 and again in 2018. It sets out a definition of violence against women and girls which includes ‘commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and human trafficking’.*

*21. Whilst recognising the conflict between this definition and the licensing of SEV, this guidance will help to ensure that such activities take place in safe and regulated environments. When deciding whether to licence, and whether to limit, SEV in their area, local authorities will need to consider the interaction with their own local policies and strategies, as well as the legal implications around limiting a legitimate business activity to minimise the risk of legal challenge.*

*22. Equally Safe's aim is to work collaboratively with key partners across all sectors to prevent and eradicate all forms of violence against women and girls and the attitudes which perpetuate them. Its priorities are: achieving gender equality; intervening early and effectively to prevent violence; and maximising the safety and wellbeing of women, children and young people. 'Equally Safe: A Delivery Plan for Scotland’s strategy to prevent and eradicate violence against women and girls' was published in November 2017. It will help to ensure that the ambitions of the Equally Safe Strategy make a tangible difference.*

*23. The 'Trafficking and Exploitation Strategy' required under section 35 of the Human Trafficking and Exploitation (Scotland) Act 2015 was published on 30 May 2017. It sets out the Scottish Government's strategy to work with partners to make Scotland a more hostile place for human trafficking. The aims of the strategy are to identify victims and support them to safety and recovery; identify perpetrators and disrupt their activity; and address the conditions that foster trafficking and exploitation.*

*24. In developing the licensing regime, care has therefore been taken to balance the freedom of individuals to engage in legal employment and activities with the right of local authorities to exercise appropriate control and regulation of SEV that operate within their areas."*

12. The Guidance also contains:

*"32. In considering whether to pass a resolution to licence SEV, local authorities may wish to look carefully at their localities and consider a range of issues such as:*

*- whether there are any Sexual Entertainment Venues already operating;*

*- the location of schools;*

*- the location of places of worship;*

*- the location of heavily residential areas;*

*- the location of women’s refuges and shelters and other services focussed on supporting women, children and young people;*

*- whether there have been incidents involving anti-social behaviour, sexual assaults, prostitution or more minor harassment reported in any particular area; and*

*- whether there have been incidents of human trafficking or exploitation locally."*

# Annex E – Statutory Criteria

1. These are stated in the Civic Government (Scotland Act 1982, Schedule 2, Paragraph 9.

There are two types of Grounds of Refusal:

(a) Mandatory Grounds of Refusal: if these exist, the Council automatically refuses the Licence Application.

(b) Discretionary Grounds of Refusal: these are possible reasons for the Council to grant or refuse a Licence, so the Council will hold a Hearing attended by the Licence Applicant, the Police, and anyone who has stated objections or representations (such as local residents), and after hearing from everyone the Council will decide whether or not to grant the Licence.

2. The legislation sometimes refer to a "Sex Shop" instead of to a "Sexual Entertainment Venue". The reason for this is that the 1982 Act has always had a system of licensing "Sex Shops", and when the new provisions about "Sexual Entertainment Venues" were to be introduced, the Scottish Parliament did this by modifying the existing system rather than by creating a separate system. This was done by Section 45 B (6) (a) of the 1982 Act, which is:

*"(a) references to a Sex Shop are to be read as references to a Sexual Entertainment Venue"*

## Mandatory Grounds of Refusal

These are set out in Schedule 2, Paragraph 9 (3). They must refuse the Application if any of these apply:

(a) the Applicant is under the age of 18;

(b) the Applicant is disqualified from holding a SEV Licence;

(c) the Applicant has been convicted of an offence relating to the enforcement of SEV Licensing legislation;

(d) the Applicant has not resided in the United Kingdom for at least 6 months (or, if a Company, is not registered in the U.K.);

(e) the Applicant has been refused a SEV Licence in the past 12 months.

## Discretionary Grounds of Refusal

These are in Schedule 2, Paragraphs 9 (4) to 9 (6).

In determining whether or not the Applicant or anyone associated with the Applicant is a fit and proper person to hold the Licence, the considerations for the Council will include:

a) The relevant knowledge and experience possessed by that person;

b) Any evidence of the operation of any existing or previous licence(s), whether or not relating to SEVs, including any licence held in any part of the United Kingdom;

c) Any Objections or Representations.

# Annex F - The Council area

* 1. Based in the heart of Scotland North Lanarkshire has a population of around 339,000 people and covers one of the largest unitary authority areas in the country. The principal centres of population are:

## The Southern Area - Motherwell, Wishaw and Bellshill;

## The Central Area - Coatbridge and Airdrie; and

## The Northern Area - Cumbernauld and Kilsyth.

1.2 The table below shows the breakdown of population information for North Lanarkshire, by age bands and gender.

|  |  |  |  |
| --- | --- | --- | --- |
| Age Group | Total | Male | Female |
| 0-4 | 18,158 | 9,279 | 8,879 |
| 5-11 | 28,382 | 14,523 | 13,859 |
| 12-15 | 16,296 | 8,417 | 7,879 |
| 16-17 | 7,683 | 3,869 | 3,814 |
| 18-29 | 49,333 | 25,092 | 24,241 |
| 30-44 | 65,650 | 31,662 | 33,988 |
| 45-64 | 85,638 | 46,416 | 50,353 |
| 65-74 | 45,029 | 15,930 | 17,968 |
| 75+ | 25,201 | 10,175 | 15,026 |
| Total | 341,370 | 165,363 | 176,007 |

The 2019 update shows a population of 341,370, this is an increase of 1,190 people since 2018.

This data is updated in April each year.

# Annex G - Required Information

Anyone applying to the Council for the grant or renewal of a SEV Licence (or a Waiver removing the need to be licensed) should make a written Application to the Regulatory Committee, setting out:

## 1. Particulars of Applicant

The full name, date of birth and place of birth of both:

* the owner of the Premises; and
* the Premises Manager

Where the owner is a partnership or company:

* the full name of the partnership or company;
* the address of its registered or principal office;
* the full name, private addresses, date of birth and place of birth of all the people involved in the management or control of the partnership or company;
* if the Applicant is a company, copies of the Memorandum and Articles of Association of the company;
* if the Applicant is a partnership, a certified copy of the partnership deed;
* the full name, private address, and date and place of birth of the Premises Manager;

In relation to all of these people (the owner, Premises Manager and other persons) there should be statements:

(a) of what experience (if any) the person has had in operating SEVs or Premises Licensed for the sale of alcohol anywhere in the United Kingdom;

(b) Subject to the Rehabilitation of Offenders Act 1974 (as amended by the Management of Offenders (Scotland) Act 2019), of any unspent convictions or alternatives to prosecution relating to that person;

(c) any administrative penalties under legislation relating to Social Security or Immigration relating to that person;

A copy of any other licences for the Premises, vehicle, vessel or stall (for example, any Premises Licence under the Licensing (Scotland) Act 2005).

## 2. Layout Plan

The Application should include a Layout Plan at scale 1:100 (or more detailed). This should include a legend explaining the scale used and the symbols used.

The Layout Plan should describe the Premises, including

(a) the extent and dimensions of the external and internal walls of the Premises;

(b) the location and names of any streets surrounding the Premises from which members of the public have access to the Premises;

(c) the location and width of each point of access to and egress from the Premises;

(d) the location and width of any other escape routes from the Premises;

(e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;

(f) the location of any steps, stairs, elevators or lifts on the Premises;

(g) the layout of rooms and features of the Premises (such as stages, bars, cloakrooms, performance areas, and dressing rooms);

(h) the extent of the public areas outlined in blue;

(i) the staff-only areas outlined in red;

(j) the location of any toilets on the Premises (identified as male, female or disabled as appropriate);

(k) the location and field of view of any CCTV camera;

(l) drawings showing the front elevation as proposed including any proposed signage, advertising and window display;

(m) for any stage or raised area, the location and height relative to the floor;

(n) the position of any ramps, lifts or other facilities for the benefit of disabled people.

## 3. Location Plan

The Application should include a Location Plan at scale 1:1,500 (or more detailed). This should include a legend explaining the scale used and the symbols used. The Location Plan should:

- cover an area with a radius of not less than 1,000 metres from the boundary of the Premises, showing the Premises in relation to surrounding streets and buildings;

- identify Sensitive Premises in that area.

## 4. Premises etc.

The Application must state in writing:

(a) the address of the Premises

(b) the date(s) and time(s) that Sexual Entertainment will be provided, on each day of the week;

(c) the type(s) of Sexual Entertainment proposed

(d) the minimum ages of the Performers;

(e) The numbers of people who will be on the Premises at any one time:

- Customers (this will be the 'Customer capacity' figure stated in the Licence or Waiver);

- Performers

- Stewards

- Other staff

(f) The arrangements proposed for stewarding

(g) Confirmation that no-one aged under 18 will be allowed on the Premises while Sexual Entertainment is being provided

## 5. Planning Permission

The Applicant should give the Licensing Office a copy of the Decision Notice or other document issued by the Planning Office confirming that the proposal to use the Premises as a SEV is consistent with Planning Permission.

## 6. Permitted Hours

The Applicant must state what days and times it is proposed that the Premises should be open to the public. The Council may restrict these.

**Annex H - Standard Licence Conditions**

Both the Standard Conditions and any Special Conditions are subject to any Mandatory Conditions prescribed by the Scottish Ministers under Section 45E.

Any SEV Licence may also be subject to additional conditions as determined by the Council in relation to a particular SEV licence.

Any SEV Licence will have the following Standard Conditions made by the Council under Section 45F.

Definitions

"Performer" - a person who is engaged to provide "Sexual Entertainment";

"Customer" - a person who is on the Premises but does not work for the Organiser;

"Premises Manager" - a natural person (not a company or partnership) so named on the Licence (or an "Acting Premises Manager" authorised under Condition 11). The Premises Manager is treated as a Joint Holder of the Licence and will be named in the Licence document.

**1. Records and copy documents**

1.1. Where these Conditions require the keeping of records and copy documents,

these must be kept in writing or on computer.

1.2. The Licence Holder must ensure that at all times:

* these things are available for viewing by the Police, the Civic Licensing

Standards Officer, and any other authorised Council officer on request;

* there is a member of staff who is able to access these things, display them

(if on computer or television monitor), and make copies.

1.3. Where these Conditions require that records and copy documents should be

kept, these things should be kept for 12 months beginning:

(a) if relating to a Performer or other member of staff, when that person

**stopped** working on the Premises;

(b) if relating to a Customer, when that person was admitted to or excluded

from the Premises; or, if less, 12 months after the event recorded.

Those records and copies shall be available to the Police, the Civic Licensing

Standards Officer, and any other authorised Council officer on request at all

Times.

**2. Notices**

2.1. Where these Conditions require the display of a Notice, Licence or other

document that thing must be:

* On A4 sized paper (or larger)
* Printed legibly or typed in black ink
* In font size of 16 points or larger
* Placed in a conspicuous and well-lit place where all Customers, Performers and staff can easily read it.

**3. Incident Log**

* 1. The Licence Holder must keep an incident log of:
* All alleged crimes reported to the venue;
* All ejections of Customers;
* Any complaints received from anyone;
* Any incidents of disorder;
* Seizures of drugs or offensive weapons;
* Any faults in the CCTV system or searching or scanning equipment;
* Any refusal of the sale of alcohol;
* Any visit by the Council, Police Scotland or any other Statutory Service;
* Any breach of licence conditions reported by a Performer.

**4. CCTV**

4.1. CCTV shall be installed in each room, save for the toilets and staff only areas,

within the premises where the public has access including areas outside the

Premises near any Customer entrance to the Premises.

4.2. The CCTV must make recordings capable of providing pictures of evidential

quality in all lighting conditions and must allow for facial recognition.

4.3. All cameras shall continuously record whilst the premises are open to the public

and recordings shall be retained for a minimum of thirty days and if requested

by Police, for such longer period or until such event as they specify.

4.4. A member of staff who is fully trained in the use of the CCTV system shall be

on duty at all times when the premises are open until the premises are clear of

customers.

4.5. The premises will provide copies of any recordings upon request by a Police

Officer or an authorised officer of the Council within 24 hours of request.

**5. Staff Records**

5.1. The Licence Holder must, before allowing a Performer to work on the Premises,

make a record of the following details of the Performer:

* full name, and any alias or stage name;
* Address;
* telephone number;
* date of birth;
* place of birth.

5.2. If the Performer has a current Passport issued in the United Kingdom, the

Licence Holder must, before allowing the Performer to work on the Premises,

keep a copy.

5.3. If the Performer does not have a current Passport issued in the United

Kingdom, the Licence Holder must, before allowing the Performer to work on

the Premises, both:

(a) make a copy of the Performer's any official documents (such as

Passport, Visa, EU driving licence, or National Identity Card); and

(b) contact the Home Office and obtain written confirmation that the

Performer has a right to work in the United Kingdom.

5.4. In either case the Licence Holder must keep copies of any documents inspected.

**6. Welfare of Performers**

6.1. The Premises shall provide private spaces for Performers to use when not

working. These spaces must have:

* Lockable doors;
* The provision of hygienic changing and showering facilities;
* A toilet with access to hot water exclusively for the use of the Performers;
* A prominent ‘Staff Only’ sign posting.

6.2. No locks or fastenings shall be fitted to any public area of the Premises (other

than toilet cubicles).

6.3. The Licence Holder must set break times for Performers.

6.4. The Licence Holder must arrange for Performers to be escorted by security staff

to a nominated taxi or to their car at the end of their shift.

6.5. The Licence Holder must allow Performers access to medical checks and

sexual health advice on the Premises.

6.6. The Licence Holder must keep the Premises clean and tidy.

6.7. The Licence Holder must ensure Performers are fully clothed out with the

performance areas in the Premises.

**7. First Aid**

7.1. The Premises must have a First-Aid Kit and this should be readily accessible

to anyone on the Premises, whether Customers, Performers or other staff.

7.2. A member of staff (not a Performer) qualified in First Aid should be on duty in

the Premises at all times that they are open to the public.

**8. Stewards**

8.1. The Licence Holder must, before allowing a steward to work on the Premises,

make a copy of his/her Security Industry Authorisation (SIA) and keep it. All stewards must hold current SIA authorisations.

**9. Customers**

9.1. The Licence Holder must display on the exterior of the Premises at each

Customer entrance, in a position where they may be easily read by people

outside the Premises, Notices stating:

*“This is a Sexual Entertainment Venue. No-one under 18 can enter. The*

*Premises are monitored by CCTV. The Premises are licensed by North Lanarkshire*

*Council."*

9.2. The Licence Holder must display within the Premises, at each Customer

entrance, Notices stating:

“Rules for Customers

Any Customer breaking any of these rules will be excluded from the Premises

and barred permanently:

1. There must be no physical contact between Customer and Performers;
2. Customers must not enter any ‘Staff Only’ areas
3. Customers must remain fully clothed at all times;

 (d) Customers must not seek sexual favours or offer Performers payment in

 return for sexual favours;

 (e) Customers must not offer their contact details to Performers or ask for

 any form of contact details from Performers;

 (f) Customers must not engage in any unlawful activity on Premises;

 (g) Customers must not take any photographs or video recording of the

 Performers (whether consent is given or not).

 (h) Customers must remain fully clothed at all times.”

9.3. The Licence Holder must eject any Customer who breaks any of these rules

and bar him/her from Premises permanently.

**10. Age Limit**

10.1. No person under the age of 18 years of age (whether a Customer or a

Performer) shall be admitted to or allowed on the Premises.

10.2. Before admitting a Customer to the Premises, the Licence Holder must carry

out the same age verification processes which are required before alcohol is

sold on Premises Licensed under the Licensing (Scotland) Act 2005.

10.3. The Licence Holder must keep a written record of the name, address and date

of birth of any person who is refused entry due to being under 18.

**11. Premises Manager**

11.1. The Licence will name a natural person (not a company or partnership) to be

“Premises Manager”.

11.2. The “Premises Manager” will have day-to-day responsibility for the “Premises” and for compliance with the Licence Conditions and any other legal obligations.

11.3. The “Premises Manager” must be on the “Premises” at all times that they are open to the public:

Except that the “Premises Manager” or the “Licence Holder” may authorise, in writing, another natural person to be "Acting Premises Manager" for a maximum period of thirty (30) continuous days, provided that the total days authorised do not exceed sixty (60) days per calendar year (1January to 31 December). That person will have all the responsibilities of the “Premises Manager”. Both the “Licence Holder” and the “Premises Manager” will be responsible for that “Acting Premises Manager”.

11.4. The “Licence Holder” will be held responsible for any conduct or omission by the “Premises Manager” or the "Acting Premises Manager".

**12. Management of Premises**

12.1. At all times that the “Premises” are open to the public, the Licence (or a copy of

it certified by the Council) will be displayed prominently on the “Premises”.

12.2. The “Premises” must only be used in accordance with the Layout Plan and during

the Licensed Hours stated in the Licence. The “Premises” must not exceed the

Customer capacity stated in the Licence.

12.3. No alterations or additions either internal or external and whether permanent or

temporary to the structure, lighting or layout of the “Premises” shall not be made

without the prior written approval of the Council.

12.4. The “Licence Holder” must notify the Council in writing within seven days if the

“Licence Holder” or any person working on the “Premises” is charged or convicted

of any crime or offence, where-ever the incident leading to the prosecution is

alleged to have happened.

12.5. The “Premises” shall be screened from outside so that no-one outside can see

inside.

12.6. The windows, doors, walls and all external parts of the “Premises” including the

roof shall not contain any form of writing, sign or display save for:

* The address of the premises;
* The licenced name of the premises (which shall not be offensive);
* A notice stating the opening hours of the establishment.

12.7. The “Licence Holder” shall not display outside the “Premises”, or on any

advertising material, photographs or other images which indicate that Sexual

Entertainment can be seen on the “Premises”.

12.8. No-one concerned in the conduct or management of the “Premises” (the “Licence Holder”, “Premises Manager”, “Performers” and other staff) shall seek to obtain custom by means of personal solicitation or touting, nor enter into any

agreement with a third party to do so.

**Annex I – Application Form**

Please complete the application form below.

