

Sex Establishment Licensing Policy



This Statement will apply from

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You can also find much information and links to other sources of information on Oxford City Council's website: <http://www.oxford.gov.uk>

This document remains valid for three years, during which the Council is likely to amend it's website. So, rather than providing a direct link to "sex establishment licensing", we suggest either looking for links for "licensing" then "sex establishments" or "sexual entertainment venues", or using the website's "A-Z" search function.

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Annex One**Standard Conditions applicable to Sex Establishments****Definitions:**

In this Policy:

The “2009 Act” means the Policing and Crime Act 2009

The “1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982

The “2003 Act” means the Licensing Act 2003

“Section 27” means section 27 of the Policing and Crime Act 2009

“Schedule 3” means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

1 Purpose of the Policy

- 1.1 This policy sets out Oxford City Council's framework for the regulation of sex establishments in Oxford. Through the Sex Establishment Licensing Policy the Council aims to regulate the location and number of sex establishments. In doing so, it recognises both the importance of licensed businesses to the local economy and the rights of local residents and other stakeholders.
- 1.2 This document will guide the Licensing Authority when it considers applications for a Sex Establishment licence. It will inform applicants and those seeking to make representations of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.3 For the purposes of this policy, sex establishments include (but are not limited to) unless otherwise stated:
- i) Sex Shops
 - ii) Sex Cinemas
 - iii) Sexual Entertainment Venues

2 Consultation

- 2.1 In determining this policy, the Council has consulted the following people and bodies:
- Thames Valley Police;
 - Oxfordshire Fire & Rescue Services;
 - Oxford City Community Safety Partnership;
 - stakeholders in the sex establishment industry;
 - local residents.
- 2.2 We have also consulted various other professional people within the Council, which include:
- Planning;
 - Law & Governance;
 - City Centre Manager;
 - Property and Facilities Management;
 - Environmental Protection;
 - Health & Safety.
- 2.3 We will consider and take into account the views of all the appropriate bodies and organisations.

3 Review of the Policy

- 3.1 This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as three-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

4 Legislation and Current Provisions

- 4.1 Oxford City Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that we can licence sex shops, sex cinemas, and sexual entertainment venues in the City. In this policy, we refer to these as “sex establishments” unless we say otherwise.
- 4.2 We do not seek to take a moral stand in licensing sex establishments. We recognise that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is our role as a licensing authority to administer the licensing regime in accordance with the law.
- 4.3 The 1982 Act and the 2009 Act can be viewed at www.opsi.gov.uk.
- 4.4 In developing this policy, we took into account the legal requirements of the 1982 Act and our duties under:
- (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the City;
 - (b) the Regulators’ Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
 - (c) the Provision of Services Regulations 2009 to ensure requirements are:
 - (i) non-discriminatory,
 - (ii) justified by an overriding reason relating to the public interest,
 - (iii) proportionate to that public interest objective,
 - (iv) clear and unambiguous,
 - (v) objective,
 - (vi) made public in advance, and
 - (vii) transparent and accessible.

5 Delegation of Functions

5.1 This part of the document sets out how we will deal with applications for the licensing of Sex Establishments in the City of Oxford. The Council aims to provide a clear, consistent licensing service to all service users.

5.2 Delegation is laid out in the Council's Constitution as follows:

Full Council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- Recommends and reviews policies on licensing and registration
- Sets and reviews licence fees.

The General Purposes Licensing Committee appoints a Licensing and Registration Sub-Committee:

- Determine sex establishment licensing applications when there has been a relevant representation received from any interested party.

The Head of Environmental Development is authorised to:

- a) Issue a licence for a Sex Establishment and to attach such conditions as are necessary when no representation is received from an interested party.
- b) Refuse any application for the grant of licence, that:
 - i) in the opinion of the Head of Environmental Development does not comply with the Council's conditions and policies;
 - ii) where there is an objection from the Chief Officer of Police

5.3 The Head of Environmental Development does everything else

6 The Licensing Process

- 6.1 Unlike some other licensing regimes (such as for alcohol, entertainment, or gambling), a wide range of people can raise objections about sex establishment licences. The Chief Officer of Police is a statutory consultee for all applications.
- 6.2 Objectors should have something to say which is relevant to consideration of the statutory grounds for refusal that are set out in the 1982 Act. These are set out in Section 8 of this Policy.
- 6.3 We take the following approach to deciding applications:
- (a) each case will be decided upon its merits. This authority is mindful of the law and will not apply a rigid rule to its decision making;
 - (b) objectors can include residents'/tenants' associations, community associations, and trade associations. Councillors and MPs may also raise objections. Elected councillors may represent interested parties, providing they do not also sit on the Licensing Committee determining the application in question;
 - (c) we will give clear reasons for our decisions.
- 6.4 Objections should be:
- be made in writing
 - indicate the name and address of the person or organisation making the representation (although this will not be disclosed to licence applicants)
 - indicate the premises to which the objection relates
 - indicate the proximity of the premises to the person making the objection.
 - clearly set out the reasons for making the objections
- 6.5 We will not consider objections that are frivolous or vexatious, or which solely relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether objections are frivolous or vexatious will be made objectively by our officers and not on the basis of any political judgement. Where objections are rejected, the objector will be given a written reason.
- 6.6 Where relevant objections have been received, the Licensing Officer will compile a report that will be submitted to the Licensing and Registration Sub-Committee to determine the application. The report will also include the Guidance issued by the Secretary of State for the Home Office, a copy of the relevant representations, and a map showing the location of the premises for which the application relates.

7 Hearings

- 7.1 Under paragraph 10(19) of Schedule 3 of the 1982 Act, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the Licensing and Registration Sub-Committee that is responsible for determining the application.
- 7.2 The Licensing and Registration Sub-Committee consists of three Councillors. We allow both the applicant and the objectors equal opportunity to state their case in accordance with our protocol which is available on our website at www.oxford.gov.uk or from our licensing team.
- 7.3 Although the Licensing Authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 7.4 The outcome of the Hearing and the reasons for the decision shall be made available to all parties involved with the application by way of a Notification of Decision. This Notice will inform all parties of any right of appeal.

8 Grounds for Refusal of a Licence

- 8.1 Paragraph 12 of Schedule 3 of the 1982 Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

A licence must not be granted:

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

- 8.2 A licence may be refused where:
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.3 A decision to refuse a licence must be relevant to one or more of the above grounds.
- 8.4 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.
- 8.5 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.

9 Relevant Locality

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

- 9.2 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:
- (a) in relation to premises, it is the locality where they are situated; and
 - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
- 9.3 The decision regarding what constitutes the ‘relevant locality’ is a matter for the Licensing Authority. However, such questions must be decided on the facts of the individual application.
- 9.4 When considering a particular application case law has determined that is is inappropriate for the Council to treat the whole of the City as a relevant locality. **(OPTIONAL) However, the Council has determined that it is appropriate to consider each area type as a relevant locality. It has considered, in respect of each area, the number of sex establishments that it believes to be the appropriate number for that area.**
- 9.5 In considering the characteristics of a locality we shall particularly take account of the density and proximity of:
- (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children’s centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship
- 9.6 **(OPTIONAL) The Council recognises that different parts of the City have different characteristics, and the number of sex establishments appropriate for a locality, and the reasons why, are detailed below:**

AREA	NUMBER	REASON
North		
North East		
East		
Cowley		
South East		
Central, South & West		

10 Duration of Licences

- 10.1 Licences for sex establishments can be granted for up to one year.

11 Appeals

- 11.1 In the event that the Licensing Authority refuses an application for the grant, renewal or transfer of a sex establishment licence the applicant may appeal the decision in a magistrates' court, unless the application was refused under 12(3)(c) or (d) of the 1982 Act, in which case the applicant can only challenge the refusal by way of judicial review.

12 Exchange of Information

- 12.1 The authority may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.
- 12.2 Details of applications and objections which are referred to a Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 12.3 Where a notice of a hearing is given to an applicant, the Authority is required to provide the applicant with copies of the relevant representations that have been made. The names and address of interested parties will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (unless directed otherwise by the interested party). Such details will be made available to Councillors on the Licensing Committee.

13 Fees

- 13.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fee applicable takes into account the nature of the sex establishment (i.e. Sex Shop, Sex Cinema, Sexual Entertainment Venue, etc). Details of the current level of fees can be found on the Council's website or on application to the Licensing Office. Fees must be paid on application, in full.

14 Compliance and Enforcement

- 14.1 We will keep informed of developments as regards the work of the Better Regulation Executive and other central government bodies in its consideration of the regulatory functions of local authorities.

- 14.2 We recognise that sex establishments are not generally a source of crime or disorder. We will adopt a light touch inspection regime, carrying out simple inspections of premises, unless exceptional circumstances require otherwise.
- 14.3 Our approach to enforcement is set out in our enforcement policies which are available on request, and can be found on our website.

15 SEX SHOPS

15.1 Licences for sex shops are required where 18R films are sold, or where there is a “significant degree” of “sex articles” for sale. The phrase “sex articles” is defined in the 1982 Act as:

- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
- (b) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- (c) to any recording of vision or sound, which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

15.2 The phrase “a significant degree” is not defined. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, we will consider:

- (1) the ratio of sex articles to other aspects of the business
- (2) the absolute quantity of sales
- (3) the character of the remainder of the business
- (4) the nature of the displays in the business
- (5) turnover generated by sales of sex articles
- (6) the format of any literature, publicity or advertising materials
- (7) other factors which appear to be materially relevant.

15.3 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.

15.4 We can also refuse applications for new or renewed licences where:

- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
- (2) the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (iii) to the layout, character or condition of the premises.

- 15.5 In considering the characteristics of a locality we shall particularly take account of the density and proximity of:
- (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children's centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship
- 15.6 We will, unless there are exceptional reasons otherwise, grant any licences for the maximum duration of a year at a time to provide certainty to those operating businesses.
- 15.7 We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by the General Purposes Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).
- 15.8 We have a standard application form, including public notices, which are available on request from our licensing team.
- 15.9 We have adopted standard conditions for the operation of sex shops that are set out at Annex One. Where it is reasonable and necessary to do so, our Licensing and Registrations Sub-Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.
- 15.10 Our fees are set each year and details are available from our licensing team and on our website at www.oxford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making variations to a licence.

16 Sex Cinemas

- 16.1 A “sex cinema” means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
 - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.
- 16.2 The sale of sex articles is not permitted at a sex cinema. The phrase “sex articles” is defined in the 1982 Act as:
- (a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; and
 - (b) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (c) to any recording of vision or sound, which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.
- 16.3 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence, due to their age, domiciliary status or previous criminal convictions.
- 16.4 We can also refuse applications for new or renewed licences where:
- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which we consider appropriate for that locality;
 - (2) the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (iii) to the layout, character or condition of the premises.

- 16.5 In considering the characteristics of a locality we shall particularly take account of the density and proximity of:
- (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children's centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship
- 16.6 We will, unless there are exceptional reasons otherwise, grant any licences for the maximum duration of a year at a time to provide certainty to those operating businesses.
- 16.7 We do not consider it would be appropriate to permit waivers from the requirements to hold a sex establishment licence, except in extreme circumstances considered by the General Purposes Licensing Committee (for example, to allow a temporary re-location of a business following damage to licensed premises).
- 16.8 We have a standard application form, including public notices, which are available on request from our licensing team.
- 16.9 We have adopted standard conditions for the operation of sex cinemas that are set out at Annex One. Where it is reasonable and necessary to do so, our Licensing and Registrations Sub-Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.
- 16.10 Our fees are set each year and details are available from our licensing team and on our website at www.oxford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making variations to a licence.

17 SEXUAL ENTERTAINMENT VENUES

- 17.1 On 19 April 2010 Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment venues would apply in this District. The amended Schedule 3 gives the Local Authority more powers to control the number and location of lap dancing clubs and similar venues in the area. The new powers took effect in Oxford from 10th June 2010.
- 17.2 Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.
- 17.3 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) as “any live performance or 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 an audience (whether by verbal or other means).” An audience can consist of just one person, e.g. in a private booth.
- 17.4 In deciding whether entertainment is “relevant entertainment” we will judge each case on its merits, but will generally apply to:
- (1) lap dancing
 - (2) pole dancing
 - (3) table dancing
 - (4) strip shows
 - (5) peep shows
 - (6) live sex shows
- Adult entertainment not classed as “relevant entertainment” may still require licensing under the Licensing Act 2003.
- 17.5 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant themselves are unsuitable, due to their age, domiciliary status or previous criminal convictions.
- 17.6 We can also refuse applications for new or renewed licences where:
- (1) the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number the number which we consider appropriate for that locality;
 - (2) the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality, or
 - (ii) the use to which any premises in the vicinity are put, or
 - (iii) to the layout, character or condition of the premises.

- 17.7 In considering the characteristics of a locality we shall particularly take account of the density and proximity of:
- (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children's centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship
- 17.8 We will, unless there are exceptional reasons otherwise, grant any licences for the maximum duration of a year at a time to provide certainty to those operating businesses.
- 17.9 We do not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12-month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.
- 17.10 We have a standard application form, including public notices, which are available on request from our licensing team.
- 17.11 We have adopted standard conditions for the operation of Sexual Entertainment Venues that are set out at Annex One. Where it is reasonable and necessary to do so, our Licensing and Registration Sub-Committee will impose additional proportional conditions on a licence. Wherever possible, these will be discussed in advance with operators by our licensing officers.
- 17.12 Our fees are set each year and details are available from our licensing team and on our website at www.oxford.gov.uk. We charge separate fees for applying for a licence, renewing a licence, and for making variations to a licence.

18 Premises that are not Sexual Entertainment Venues

18.1 Paragraph 2A(3) of Schedule 3 of the 1982 Act as amended by the 2009 Act, sets out those premises that are not sexual entertainment venues. These are:

- premises which provide relevant entertainment on an infrequent basis

These are defined as premises where:

- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
- other premises or types of performances or displays exempted by an order of the Secretary of State.

18.2 Premises which provide relevant entertainment on an infrequent basis will continue to be regulated under the Licensing 2003 Act, insofar as they provide regulated entertainment under that Act, either by virtue of a premises licence or club premises certificate or a temporary events notice. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence under Schedule 3 unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.

19 Contacts

19.1 The sex establishment function is part of the Licensing and Development Division of the Environmental Development Service. Our address is:

Licensing Authority
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OX1 1EN

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ANNEX ONE

OXFORD CITY COUNCIL

**REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE
TO LICENSES FOR SEX ESTABLISHMENTS**

**THESE REGULATIONS ARE MADE BY THE OXFORD CITY COUNCIL
UNDER PARAGRAPH 13(1) OF THE THIRD SCHEDULE OF THE LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as
amended) AND COME INTO EFFECT ON 10TH JUNE 2010**

Notes

- (i) Except where the context demands otherwise the singular includes the plural and the 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 three Parts as follows:
 - Part I General
 - Part II Rules which apply to all premises
 - Part III Rules which apply to Sex Shops
 - Part IV Rules which apply to Sex Cinemas
 - Part V Rules which apply to Sexual Entertainment Venues
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.
- (iv) A Premises Licence may also be required for the operation of a Sex Cinema.

Part I General

Definitions

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
 - i) “Sex Establishment”, “Sex Cinema”, “Sex Shop”, “Sex Article” and “Sexual Entertainment Venue” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - ii) “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
 - iv) “Approved” means approved by the Council in writing.
 - v) “The Council” means the Oxford City Council.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part II Rules which apply to all premises

Exhibition of Licence

4. The copy of the Licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Times of Opening

5. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9 a.m. and shall not be kept open after 6 p.m. unless otherwise permitted.
6. The premises shall not open on Sundays or any Bank Holidays or any public holidays, unless otherwise permitted.

Responsibility of Licensee

7. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises
8. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.

Conduct and Management of Premises

9. The Licensee or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and upon the Premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. 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 shall be conversant with these rules a copy of which shall be held on the premises.
10. The Licensee or the responsible person approved under Regulation 9 shall maintain a daily register to be kept on the Premises in which he shall record the name and address of any person who is to be

responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the Council.

11. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council bearing the photograph of the employee and indicating his name and that he is an employee.
12. A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
13. Where the Licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
14. The Licensee shall maintain good order in the premises.
15. The Licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
16. 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.
17. Neither the Licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
18. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment
19. The Licensee shall comply with all statutory provisions and any regulations made thereunder.

External Appearance

20. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:

- i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - ii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
21. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
22. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council opaque curtains of a type and size approved by the Council. This regulation shall not be construed as lessening the obligations of the Licensee under Regulation 20 hereof.

State Condition and Layout of the Premises

23. The Premises shall be maintained in good repair and condition.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit"/graphic type.
 - (ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private".
 - (iii) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
25. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
26. The Licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
27. No fastening of any description shall be fitted upon any booth or cubicle within the premises nor shall more than one person (including any

employee) be present in any such booth or cubicle at any time.

28. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
29. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Maintenance of mean of escape

30. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
31. All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

Fire Appliances

32. Fire appliances and equipment as approved by the Fire Officer shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
33. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.

Lighting

34. The Licencee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.
35. The normal lighting shall be maintained alight and the lighting to 'EXIT' notices shall not in any circumstances be extinguished or dimmed while the public are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installations

36. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
37. 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 premises 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.

Change of Use

38. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and Thames Valley Police has been obtained thereto.
39. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council and Thames Valley Police
40. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or a Sexual Entertainment Venue.

Admission of Authorised Officers

41. Officers of the Council, Thames Valley Police, and other authorised agencies who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Part III Conditions Applying to Sex Shops

Goods Available in Sex Establishments

42. 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.
43. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
44. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Part IV Conditions Applying to Sex Cinemas

Film Categories

1. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	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 or over who are members (or their guests) of a properly constituted club.

Exhibition of Films

2. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985; i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.
3. No film shall be exhibited at the premises unless:
 - (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
 - (c) it has been passed by the Council as a U, PG, 12, 15, 18 (Oxford) or RESTRICTED (18) (Oxford) film.

RESTRICTED (18) films

4. 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

5. Not less than twenty-eight 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 rules 45 and 47 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.

Persons under 18 Notice

6. No person appearing to be under the age of 18 shall be admitted to any part of the programme and 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 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Category notices

7. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in form large enough for it to be read from any seat in the auditorium.

Timetable of films

8. The licensee shall display in a conspicuous position, to the satisfaction of the Council, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Advertisements

9. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
10. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground, that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the prior consent in writing of the licensing authority.

Objection to exhibition of film

11. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

Additional conditions for 'Club' Cinemas showing films in the restricted classification

12. (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.

(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:

"CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME".

(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).

(iii) The timetable of films required by rule 52 shall include the following addition to the categories shown;

"Category 'RESTRICTED 18' passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".

(iv) 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.

(V) Tickets shall in no circumstances be sold to persons other than members.

(vi) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vii) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(viii) Membership rules for these club cinemas shall 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 a restricted 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 thereunder.

(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 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.

Sale of sex articles

13. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

Part V Conditions Applying to Sexual Entertainment Venues

Times of Relevant Entertainment

1. Relevant entertainment shall be permitted at the premises on the following days....

And between the following times.....

Performances of Relevant Entertainment

2. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

Age Restrictions

3. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
4. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

Staff

5. All staff employed to work at any premises licensed as a Sexual Entertainment Venue shall be required to provide an Enhanced Criminal Records Bureau disclosure to the Licensing Authority in which the premises is located.

Club Rules

6. The premises must provide a copy of it’s Club Rules to the Council and Thames Valley Police.
7. All performers and staff shall be aware of the Club Rules.
8. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Management Operation Manual

9. A Management Operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by Thames Valley Police. This document shall be on going and under constant review.

Performers

10. Performers shall be aged not less than 18.
11. All performers shall be aware of the Management Operation.
12. A log book shall be maintained on the premises detailing the names, start and finish times of individual performers involved in all forms of adult entertainment.
13. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.
14. On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

Performances

15. Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.
16. There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.
17. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
18. No audience participation shall be permitted.
19. Signs displaying the rules on the performance relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.
20. In the event of the relevant entertainment be performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment.

Door Supervisors

21. An adequate number of registered Door Supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.
22. The Door Supervisors shall be on duty at the premises at all times when the premises provides relevant entertainment.
23. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing' supplied the NightSafe Manager.
24. The premises shall be a member of the Radiolink scheme.

Closed Circuit Television (CCTV)

25. A CCTV system shall be installed to cover all entrances and exits to the premises, and areas where relevant entertainment will take place. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 28 days with date and time stamping.
26. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
27. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
28. A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Thames Valley Police.
29. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises is open till the premises is clear of customers, cleared of staff and closed.

30. The premises will provide any footage upon request by Thames Valley Police or the Licensing Authority within 24 hrs of the request.
31. The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours.

Crime Survey

32. Upon completion of a crime survey by Thames Valley Police, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

Layout of premises

33. The approved activities shall take place only in the areas designated by the Licensing Authority and Thames Valley Police.
34. All dance booths are to be equipped with a panic alarm for safety.
35. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it.
36. The approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place.
37. The layout within areas used by customers shall not undergo substantial change without the prior written consent of both Thames Valley Police and the Licensing Authority.

Change of Use of Premises

38. The Licensing Authority and Thames Valley Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of Goods

39. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

Sex Establishment Licensing Policy

Licensing applications and enquiries:

The Licensing Authority
Oxford City Council
Ramsay House
10 St Ebbe's St
OXFORD OX1 1PT
tel. 01865 252565
fax. 01865 252344

email: licensing@oxford.gov.uk