

# **Regulations Prescribing Standard Conditions applicable to Licences for Sexual Entertainment Venues**

**Agreed by City Council 4<sup>th</sup> April 2012**

## **1. Definition**

- 1.1 In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
- 1.2 “Sexual Entertainment Venue” shall have the meaning ascribed to them in the Third Schedule of Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- 1.3 “The City Council” means the Council of the City of Newcastle upon Tyne.
- 1.4 “The Licensee” means the person in whose name the licence has been granted in accordance with the Local Government (Miscellaneous) Provisions Act 1982.

## **2. General**

- 2.1 These Regulations apply to the grant of a licence for a Sexual Entertainment Venue under the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- 2.2. The sub headings inserted in these Regulations are inserted for the purposes of convenience only and shall not affect in any way the meaning or construction thereof.

## **Part A**

### **3. Conduct and Management of Sexual Entertainment Venues**

- 3.1 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 to the City Council in writing within 14 days of such change and such written details as the City 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 City Council.

- 3.2 The Licensee must remain in personal control of the premises at all times or nominate an individual, or individuals, in writing, who are over the age of 21, and who have the authority to direct activities within the premises. The Licensee or one of the nominated individuals must be present at the premises whilst it is in operation. The nominated individuals must first be approved by Northumbria Police.
- 3.3 Any individual employed by the Licensee to conduct a security activity on the premises (within the meaning of paragraph 2(1)(a) of Schedule 2 private Security Industry Act 2001) must be licensed in accordance with the relevant legislation.
- 3.4 The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the premises (floor supervisors) whilst performances are being given under this licence.
- 3.5 No person under the age of 18 shall be admitted to the premises. Customers who appear to be under age of 21 must be asked to provide photographic proof of their age. The Licensee must provide prominent notices at each entrance to the premises to this effect.
- 3.6 The Licensee shall not permit the display outside of the premises of photographs, company logos or other images which may be deemed offensive. All such displays to be approved by the City Council in addition to statutory approvals. Furthermore, the Licensee shall not cause or permit the advertising of the premises, or the nature of the entertainment thereat, by means of flyers, the content or design of which may be deemed to be offensive.

- 3.7 Where the City Council have given notice in writing to the Licensee objecting to an advertisement, or other images, on the grounds that, if displayed, it would offend against good taste or decency, or be likely to encourage or incite crime, or to lead to disorder or to be offensive to public feeling, that advertisement or image shall not be displayed.
- 3.8 The Licensee shall ensure, to the City Council's satisfaction (including where required necessary planning or building control consents), that the interior of the premises is not visible from the outside of the premises, and that the exterior decoration, signage and advertising is maintained to the satisfaction of the City Council. At no point may performers be visible from outside the premises.
- 3.9 Performances shall only take place on the stage or designated dance areas as agreed, in writing, with the City Council at the point of granting the licence.
- 3.10 The Licensee shall submit a policy to the City Council for approval at the time of the application, to ensure the safety of the performers when they perform and when they leave the premises after a period of work. This policy is to be implemented when the premises are operating.
- 3.11 Performers must dress fully at the end of each performance.
- 3.12 Performers must not accept any telephone number, email address, address, or contact information from any customer.
- 3.13 Performers must never be alone in the company of a customer except in an area open to the public within the premises, or in the dancer areas that are supervised.
- 3.14 The Licensee is to ensure a sufficient number of security staff are employed inside the premises whilst sexual entertainment is provided to supervise the performers and customers.
- 3.15 The Licensee must ensure that during performances to which this licence relates:

- a) Performers may not perform any sexual activity or sex show or any act that clearly simulates any sexual act.
  - b) Performers may not intentionally touch a customer at any time during the performance.
  - c) Performers may not use inappropriate, suggestive or sexually graphic language at any time
  - d) Performers must never intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to touch their genitals or breasts.
  - e) Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.
  - f) Performers only perform nude or semi-nude dancing (of any description) within areas specified by the City Council when the licence is granted.
- 3.16 The Licensee must ensure that during performances to which this licence relates
- i) Customers may not dance at any time.
  - ii) Customers must remain appropriately clothed at all times.
- 3.16A The Licensee, following any such request from the City Council, shall maintain a register of the names and addresses of the performers and, if appropriate, the details of the agencies who supply the performers and such records shall be maintained for no less than 3 months and shall be made available to the City Council as soon as reasonably practicable upon request.
- 3.17 The Licensee shall ensure that CCTV is installed and maintained to the satisfaction of the Licensing Authority and

Northumbria Police, and that any images are retained for a period of no less than 28 days and made available upon request by a Police Officer or an authorised officer of the Licensing Authority.

- 3.18 The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the council in relation to compliance with this licence.
- 3.19 Films classified as Restricted 18 by the British Board of Film Classification must not be shown at any time unless statutory approval, in the form of a Sex Cinema licence, has been obtained.

## **PART B**

### **4. Conditions relating to Destination Lap Dancing Bars**

In addition to the conditions in Part A, the following conditions shall also apply to those premises considered by the City Council to be Destination Lap Dancing Bars

- 4.1 Performers shall be not less than 18 years of age. The licensee must maintain adequate records of the names, addresses, and dates of birth of performers, including details of identity checks that have been carried out.
- 4.2 Performers must not perform a nude table dance unless in an area supervised by a member of staff or within five meters of a floor supervisor.
- 4.3 The Licensee must ensure that during the performance of a table dance:
  - a) the customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a dancer can start a table dance.
  - b) Customers must remain seated during the entire performance of the dance
  - c) For the purpose of restraint only, performers may only touch a customer above the customer's chest with their hands only
  - d) Performers must not sit on or straddle the customer
  - e) Performers must not place their feet on the seats.

## **PART C**

### **5. Conditions relating to Premises which are not considered by the City Council to be Destination Lap Dancing Bars but which do provide relevant entertainment**

In addition to those listed in Part A, the following conditions shall apply to those premises which are not considered by the City Council to be Destination Lap Dancing Bars.

- 5.1 Performers shall be not less than 18 years of age.
- 5.2 All relevant entertainment is to be provided only on a stage, podium or in an area agreed with the Licensing Authority at the point of granting the licence.
- 5.3 No private dances, private performances or table dances are to be allowed in the premises.