POLICY STATEMENT

SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES

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1 Introduction

1.1 This document sets out South Norfolk Council's policy in respect of the regulation of sex establishments and the procedure relating to sex establishment licensing.

1.2 A twelve week consultation on the draft policy took place from 3 December 2025 to 25 February 2026. Following consultation, the policy was approved by Council on 20 July 2026.

1.3 The policy will continue to be reviewed in light of developing practices, guidance and secondary legislation.

1.4 Any significant future amendment to this policy will only be implemented after further consultation with the individuals and partner agencies originally consulted.

1.5 All such amendments to this policy will be undertaken in accordance with the South Norfolk Council Constitution.

1.6 Any significant amendment under the relevant legislation is defined as one that:

- Is likely to have a significant financial effect on the licence holders;
- Is likely to have a significant procedural effect on the licence holders;
- Is likely to have a significant effect on the community;
- Is likely to have a significant effect on any person involved in the sex establishment industry.

1.7 Any minor amendments to this policy may be authorised by the Chair of Licensing, Appeals and Complaints Committee and undertaken in accordance with the Council's Constitution.

1.8 The Authority maintains the right to review the policy as deemed necessary by the Licensing Team Manager, in consultation with the Chair of the Council's Licensing, Appeals and Complaints Committee, or as required due to legislative changes and Government guidance.

1.9 When considering and reviewing this policy the Authority has and will continue to consider local and regional strategies and policies including crime prevention, equality and disability discrimination law. The Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations on employers and operators such as Health and Safety at Work etc Act 1974, the Environmental Protection Act 1990, Children Act 2004, Disability Discrimination Act 1995 and the Regulatory Reform (Fire Safety) Order 2005.

1.10 The Authority is aware of its obligations under the Equality Act 2010 and will have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

1.11 The licensing of sex establishments is governed by Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.12 The Authority adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 on 20 July 2026, to take effect from 1 September 2026.

1.13 In this policy:

- the Local Government (Miscellaneous Provisions) Act 1982 as amended is referred to as the Act unless otherwise stated,
- South Norfolk Council as the relevant Licensing Authority is referred to as the Authority.
- A glossary of definitions and terms is provided at section 3.

1.14 The adoption of the Act enables the Authority to control and regulate the operation of certain kinds of sex establishments within the South Norfolk district and no sex establishment can operate in the district unless it has been granted a licence from the Licensing Authority.

1.15 The Authority has regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales March 2010.

1.16 Under Section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on and do all that they can to prevent crime and disorder in their area. This policy has regard to the likely impact of such licences on related crime and disorder in the area.

1.17 The policy should be read in conjunction with, and without prejudice to, other existing national and European Union legislation, such as the Human Rights Act 1988 and the Equality Act 2010.

1.18 The policy relates to applications for sex establishment licences which fall into the following categories:

- Sex shops
- Sex cinemas
- Sexual entertainment venues

1.19 The objectives of the policy are to:

- Promote South Norfolk Council's visions and values; and
- Protect the rights and health and safety of the general public, workers, residents, small businesses, minority and vulnerable groups.

1.20 The policy sets out the Authority's approach for both applicants and operators. It also aims to guide and reassure the general public and other public authorities, ensuring transparency and consistency in decision-making. When the Council's decision-making powers are engaged, each application will be considered on its own merit.

1.21 Whilst the Authority must have regard to this policy as part of their decision making process, they are not rigidly bound by it. Should the Authority choose to depart from this policy, clear and concise reasons for doing so will be provided.

1.22 The procedure outlines:

- The procedure for making an application; and
- The process the Authority will follow in considering and determining applications for a sex establishment licence.

1.23 Sex establishment licences will contain conditions to restrict how the premises may trade within the South Norfolk district.

1.24 The policy should not be regarded or interpreted as an indication that any requirement of the relevant law may be overridden.

1.25 The Authority does not take a moral stance through the adoption of this policy. 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 regulate such premises in accordance with the law.

2 Consultation

2.1 Consultation on this policy took place (and will take place at each full review) with:

- The Chief Officer of Norfolk Constabulary;
- One or more persons who appear to the Authority to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the South Norfolk district;
- One or more persons who appear to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment in the South Norfolk district;
- One or more persons who appear to the Authority to represent the interests of persons likely to be affected by or otherwise have an interest in the policy, including the Planning Authority, Fire Authority, Community Safety, Environmental Protection and Child Protection;
- Interested parties such as resident associations, trade associations and others as considered appropriate;
- Ward Councillors;
- Town and Parish Councils.

1.26 The Authority gave due weight to the views of those consulted and the policy was amended as appropriate. In determining what weight to give particular representations, the factors taken into account included;

- Who made the representation and what was their expertise and interest;
- How many other people expressed the same or similar views;
- How the representation related to the matters the Authority should include in its policy.

1.27 A full consultee list, comments received and the Authority's considerations can be obtained by email at licensing@southnorfolkandbroadland.gov.uk.

1.28 The policy is published via the Council's website at www.southnorfolkandbroadland.gov.uk.

3 Definitions

1.29 In this policy the following words, expressions and abbreviations have the corresponding meanings:

3.1.1 *The Act* – this refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

3.1.2 *The Policy* – this refers to the South Norfolk Council Sex Establishment Policy.

3.1.3 *Sex Cinemas* – A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which:

- Are concerned primarily with the portrayal of, or primarily deal with or relate to or intend to, stimulate sexual activity, acts of force or restraint associated with sexual activity;

- 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 are not admitted.

3.1.4 *Sex Shops* – A sex shop is any premises, vessel, vehicle or stall used to a significant degree for selling, hiring, exchanging, lending, displaying or demonstrating:

- Sex articles;

- Other things intended for use in connection with or for stimulating or encouraging:
  i. sexual activity;
  ii. acts of force or restraint associated with sexual activity.

3.1.5 *Sex Articles* – A sex article is anything for use in connection with or for stimulating or encouraging:

- Sexual activity;
- Acts of force or restraint associated with sexual activity;
- Anything:
  i. 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
  ii. to any recording or vision or sound, which:
    a. 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 associated with sexual activity, or
    b. is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs or urinary or excretory functions.

3.1.6 *Significant Degree* - Licences for sex shops are required where there are 18R films being sold, or where there is a "significant degree" of "sex articles".

The phrase "significant degree" is not defined in the Local Government (Miscellaneous Provisions) Act 1982. When considering if a business is selling a significant degree of sex articles thus requiring a licence, the following criteria will be considered:

- the ratio of sex articles to other aspects of the business
- the absolute quantity of sales
- the character of the remainder of the business
- the nature of the displays in the business
- turnover; and
- other factors which appear to be materially relevant

3.1.7 *Sexual Entertainment Venues* –

a. A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'.

b. The meaning of 'relevant entertainment' is '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 the audience (whether by verbal or other means)'. An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

c. The Authority judges each case on its' individual merits. However, it considers that the definition of relevant entertainment would apply to the following forms of entertainment:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows
- Topless bars
- Premises where private entertainment booths as defined in paragraph b are present.

d. The Authority does not consider the list to be exhaustive as the nature of premises may vary. Decisions to licence premises as sexual entertainment venues shall depend on the content of the entertainment provided and not the name it is given.

e. Premises not classed as sexual entertainment venues are:

- Sex shops and sex cinemas
- Premises which provide relevant entertainment on an infrequent basis, defined as premises where:
  - No relevant entertainment has been provided on more than 11 occasions within a 12 month period;
  - No such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - 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.

f. Premises providing relevant entertainment on an infrequent basis will continue to be regulated under the Licensing Act 2003 (the 2003 Act).

g. Premises holding a sexual entertainment venue licence will not require a premises licence under the 2003 Act unless the premises is carrying on other licensable activities, e.g. the sale of alcohol or the provision of regulated entertainment.

h. Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the 2003 Act.

3.1.8 *The Organiser* - This is any person who is responsible for the organisation or management of:

a) Operation of the relevant entertainment or

b) The premises

3.1.9 *Premises* – Includes any vessel, vehicle or stall but does not include any private dwelling to which the public are not admitted.

3.1.10 *Display of Nudity* –

This means:

- In the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- In the case of a man, exposure of his pubic area, genitals or anus.

3.1.11 *Relevant Locality* – This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment. The locality and the area that this covers is a matter for the Licensing Authority to decide at the time it considers the application for the grant, renewal or transfer of a sex establishment licence.

3.1.12 *Permitted Hours* – These are the hours of activity and operation that have been authorised under a sex establishment licence.

3.1.13 *Appropriate Authority* – South Norfolk Council is the 'appropriate authority' for the purposes of the licensing regime introduced by Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

4 General Policy Principles

4.1 Specific mandatory grounds for the refusal of a licence are set out in the Act.

A licence cannot be granted to:

a. any person under 18 years of age;
b. to any person that has held a licence that has been revoked within the last 12 months (from the date of revocation) and who was disqualified from holding a licence during that period;
c. to any person who has been refused a new licence or a renewal of a licence within the last 12 months (from the date of making the application);
d. to an individual who is not resident in the UK or who has not been resident for 6 months prior to the making of the application;
e. to a company not incorporated in the UK.

Applications which fall into this category will be deemed invalid applications. **Please note there is no right of appeal against failure to grant a licence on these grounds.**

4.2 In determining an application relating to a sex establishment licence the Authority will assess the application on its individual merits having regard to the content of this policy, the relevant legislation and any relevant guidance that may be issued by central Government.

4.3 Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons for doing so will be given. Only the Council's Licensing, Appeals and Complaints Committee may authorise a departure from the policy if it is felt appropriate for a specific application.

4.4 Further consideration to grant a licence will be given where a premises, as defined by the Act, wishes to display a high profile exterior frontage and/or wishes to depict external nude images. Any decision to depart from the Authority's standard conditions will be referred to the Licensing, Appeals and Complaints Committee for final approval.

4.5 Where it is intended to sell alcohol, provide regulated entertainment or late night refreshment, as defined under the Licensing Act 2003, at the premises, a premises licence or Temporary Event Notice (TEN) will be required to authorise the relevant activity(ies).

4.6 An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence, or a transfer of an existing one, the Authority will take the following into account:

- Previous relevant knowledge and experience of the applicant;
- Information relating to the operation of any existing or previous licence(s) held by the applicant, including any licence held in any other local authority area;
- Information about the applicant and management of the premises received from objectors, council officers or the Police, including any known criminal convictions or cautions the applicant or any persons listed on the application may have.

4.7 The Licensing Authority may refuse a licence if the applicant is considered unsuitable to hold a licence, if the applicant has been convicted of an offence, or for any other reason deemed relevant by the Licensing, Appeals and Complaints Committee. The determination of the suitability of the applicant is a matter for the Authority to decide at the time the application is made.

4.8 Whilst every application will be considered on its individual merits the Authority will be unlikely to grant an application from any person, or for the benefit of any person, with one or more unspent criminal convictions.

4.9 Applications for a sex establishment licence may be refused where the Authority is not satisfied that the application has been advertised in accordance with requirements of the Act.

4.10 The Authority may refuse to accept an application where it considers that relevant information has been omitted or an application is incomplete.

4.11 Where the Authority refuses to grant, renew or transfer a licence, a notice of the reasons for the decision will be sent in writing to the applicant within seven days of that decision.

4.12 In order to protect and safeguard those persons employed in (and customers of) relevant premises, all persons working in the premises, including performers, must be aged over 18 years of age, and legally entitled to work within the UK before they perform at or work in relevant premises. The Licensee will be required to maintain a record of the names, addresses and dates of birth of performers and employees, including details of relevant identity checks. This record must be retained at the premises and made available, upon request, for inspection by the police and by authorised officers.

4.13 It will be a condition of each SEV licence issued that the licence holder ensures no dancers are trafficked, exploited or controlled for another's gain.

4.14 In the case of all relevant premises, licence holders will be expected to safeguard performers, employees and customers by ensuring compliance with the conditions attached to their licence. This can include the provision of CCTV, engagement of

security staff and the implementation of codes of conduct, setting out clear expectations and standards for all those present at such premises.

5 Relevant Locality

5.1 Every application for the grant, renewal or transfer of a sex establishment licence will be considered on its own merits on a case by case basis.

5.2 Applications may be refused on grounds relating to an assessment of the "relevant locality", including the impact on the local amenity. A licence may 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 an appropriate number.

5.3 This Authority considers the "relevant locality" to mean the area which surrounds the premises specified in the application; and, in accordance with legislation, does not seek to further define any precise boundaries or markings. Each application and its relevant locality will be considered on its own merits.

5.4 A decision to determine the number of sex establishment venues appropriate for this particular area has not been made. However, this may be subject to review.

5.5 The Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. The Authority shall normally take into account:

i. the character of the relevant locality;
ii. the use to which any premises in the vicinity are put; or
iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

5.6 The relevant locality will be determined in accordance with where the premises is situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter for the Authority to decide at the time the application is made. Each application will be considered on its own merits.

5.7 In determining the character of relevant locality and the appropriate number of sex establishments in the relevant locality, the Authority will take into account but not limit its determination to:

a. the use to which any premises in the vicinity are put;

b. the number of existing sex establishments both in total and also in respect of each type, i.e. sex cinemas, sex shops or sexual entertainment venues;

c. the number of existing premises engaged in and/or offering entertainment of an adult or sexual nature or entertainment associated with an adult or sexual nature, e.g. tattooing, piercing, etc;

d. the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons;

e. the proximity of educational establishments to the premises;

f. the proximity of places of worship to the premises;

g. access routes to and from schools, play areas, nurseries, children's centres or similar premises;

h. the proximity to shopping centres;

i. the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs.

j. the potential impact of the licensed activity on crime and disorder and public nuisance;

k. the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises is situated;

l. the nature and concerns of any objections received from relevant parties objecting to the licence application;

m. any evidence of complaints about noise and/or disturbance caused by the premises;

n. current planning permission/planning requirements on the premises;

o. any current planning policy considerations;

p. whether there is planned regeneration of the area;

q. any current licensing permission related to the premises in relation to activities, uses and hours.

6 Crime and Disorder

6.1 In accordance with Section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effect on crime and disorder. The possible impact of crime and disorder is clearly a relevant factor in the consideration of all applications. In giving 'due regard' to these possible implications, the Council will consider all information available and representations made by all objectors, the applicant and Norfolk Constabulary.

7 Application Process

7.1 Applications can be made in the following ways:

7.1.1 Via email to licensing@southnorfolkandbroadland.gov.uk

7.1.2 Online via the Council's website where there is a facility to do so

7.2 Applicants for a sex establishment licence must complete and submit the specified application form, at Appendix D, together with:

- A floor plan, drawn to scale and showing all items listed at 7.3;
- A plan showing the existence and front elevation of the premises depicting all signage;

- A plan (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
- In the case of SEVs a copy of their "House Rules" or code of conduct for performers. Such House Rules must contain the required conduct of performers which shall include matters containing conditions of the licence, i.e. no touching, no meeting customers outside of the licensed premises for any purpose, no sex acts, no giving or taking phone numbers (including exchange of business cards). Such House Rules will form part of the licence (if granted) and may be subject to amendment by the Authority prior to approval;
- The correct fee as set out by the Council.

7.3 Applicants can find guidance at Appendix E to aid them in completing the application.

7.4 The plans submitted to accompany the application must be drawn to scale (1:100 or 1:50) outline the area where relevant entertainment and/or retail activity will take place, and should include the following information:

a) the boundary of the building, all external and internal walls of the building and, if different, the perimeter of the premises
b) all points of access to and egress from the premises including escape routes and emergency exit from the premises
c) the areas within the premises to which the public has access
d) the areas within the premises to which only staff (including dancers) have access
e) the location of rooms containing toilets for public use
f) the location of fixed structures or objects such as a bar, furniture, stages and poles as well as any fixed or moveable items that will obscure or obstruct in any way the supervision by the licensee, staff or contractors of areas to which both the public and performers will have access
g) the location of all CCTV cameras. The plan must also identify each camera with a unique number and show the direction and extent of the range of view for all CCTV cameras
h) the location of any ramps, steps, stairs, elevators or lifts on the premises
i) any parts of the premises that may be inaccessible to people with a disability
j) the location of any fire safety and any other safety equipment (for example a first aid kit)
k) if the premises is a sexual entertainment venue, the areas within the premises where the applicant proposes to provide relevant entertainment (we expect this area to be different in some respects to c) above)
l) the location of rooms used exclusively by dancers m) the location of rooms containing toilets for the exclusive use by dancers

If a premises licence under the Licensing Act 2003 exists for the premises, the layout of the premises must reflect the authorised plan attached to the premises licence or club premises certificate

7.5 A copy of the application will be given to Norfolk Constabulary, Norfolk Fire and Rescue Services, local ward Councillors, the relevant parish council and any other relevant person as deemed appropriate by the Authority within 7 days of the date the application is made to the Authority.

7.6 As part of the application process, applicants are required to post a white A4 notice at the proposed site for 21 days, from the date the application is lodged with the Authority, setting out the application details. An example notice is at Appendix F.

7.7 The notice must be posted in a prominent position on the premises for the whole of that time so that it can be easily read by passers-by.

7.8 Applicants must place a completed public notice as specified at Annex F in a local newspaper at their own expense. The newspaper notice should appear in the publication within 7 days of the application being lodged.

7.9 The applicant shall supply a copy of any advertisement published under paragraph 7.8 to the Authority.

7.10 The Licensing Authority will not determine an application for the grant of a licence unless the applicant allows any authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

7.11 To ensure that technical standards are and continue to be met, responsible authority authorised officers may choose to inspect the premises prior to the granting of any licence and during the licence period, this includes Council licensing officers and community protection officers, Norfolk Constabulary and Norfolk Fire and Rescue Services.

7.12 If work is required to the premises to bring it to an acceptable standard, the applicant will be notified in writing. No licence will be granted until all required works are satisfactorily completed.

7.13 Applicants are advised that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which he/she knows to be false in any material respect, or which he/she does not believe to be true, is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.

7.14 Any licence approved does not constitute any approval under any other Acts, e.g. the Town and Country Planning Act 1990 or by-laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.

8 Application Objections

8.1 Any person wishing to object to an application must submit a written objection by post or email (or via the approved online form if available) to the Authority within the specified 28 day consultation period.

8.2 Objections submitted before the application is submitted can be taken into account. The Authority has the discretion to consider objections made after the 28 day consultation period, this will be assessed on a case by case basis.

8.3 The Authority will have regard to objections submitted within the prescribed timescales as set out in Schedule 3 Para 10(15) of the 1982 Act. Legislation imposes no pre-qualifications on who may be objectors, or whether objectors are likely to be affected by the operation of an establishment. As such the Authority will consider the views of any person or corporate persons that are submitted in writing.

8.4 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 of the 1982 Act for refusing a licence:

8.4.1 that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the

premises, vehicle or vessel or stall in respect of which the application is made.

8.5 Objections should not be based on moral grounds/values and the Authority should not consider objections that are not relevant to the grounds set out in paragraph 12 of schedule 3.

8.6 Objections must be made in writing (email is acceptable) and should include the following:

8.6.1 the name and address of the person or organisation making the objection
8.6.2 the premises to which the objection relates
8.6.3 the proximity of the premises to the person making the objection; a sketch map or plan may be helpful to show this
8.6.4 the reasons for making the objections, which are clearly set out in relation to the grounds for refusal (as stated above).

8.7 Any Petitions made in respect of an application (in support or against) must meet the following minimum requirements:

- It must be clear to which premises/application the petition relates
- The petition must relate to one or more of the four licensing objectives
- Objections relating to the impact of a new business or a change to a new business on existing trade cannot be taken into account
- Each page must include information as to the purpose of the petition (so it is clear signatories were aware of what they were signing)
- Full names and addresses must be supplied, in a legible manner
- It should show the date the signatures were collected on each page
- It should be made clear to all signatories that a copy of the petition, containing their details may be passed to the applicant and contained within the committee papers, which, in the event of a hearing may become public documents
- The first named respondent is taken to be the instigator of the petition, and will be used as the point of contact in terms of any queries about the petition
- The first named respondent will be expected to represent the signatories at a hearing and to communicate any information to other signatories as appropriate – the Authority will not contact each signatory as if they were making individual representations
- The Authority reserves the right to make such checks as to the validity of the petition signatories as it feels appropriate

Petitions not received by the Authority in this format are unlikely to be classed as a relevant representation.

8.8 The Authority must be confident that those signing the petition were aware what they were signing for; in the interest of clarity for those signing best practice would be to have the objection at the top of each page, especially where several people are involved in collecting signatures. The Committee will decide on the merits of the case and the weight to be given to objections raised through petitions.

8.9 It should be noted that submissions to the Authority may also be in support of an application. These should also contain the same information as stated above.

8.10 The Authority will notify applicants of any objections made within the prescribed period. The names and addresses of objectors will not be disclosed to applicants, or published in public reports, without the consent of the person making the objection, in accordance with Paragraph 10 (17) of Schedule 3 to the Act.

8.11 Details of applications and objections which are referred to the Licensing, Appeals and Complaints 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. Certain items or information will therefore have to be excluded from the public domain as permitted by the Local Government Act 1972.

8.12 The Licensing, Appeals and Complaints Committee will determine all applications where there are relevant objections.

9 Duration of Licence

9.1 Sex establishment licences will normally expire on an annual basis but can be issued for a shorter term if deemed appropriate.

10 Refusal of licences

10.1 Except where the Authority is prohibited from granting, renewing, varying or transferring a licence, the Authority will not refuse a licence without first:

10.1.1 Notifying the applicant or holder of the licence in writing of the reasons;

10.1.2 Giving the applicant (or holder) of the licence the opportunity of appearing and making representations before a Licensing, Appeals and Complaints Committee.

10.2 As stated above, in accordance with Paragraph 12(1) of Schedule 3 to the Act the Authority must refuse to grant or transfer a licence in certain mandatory cases and these will be deemed invalid applications.

10.3 In accordance with Paragraph 12(2) of Schedule 3 to the Act the Authority may refuse:

10.3.1 an application for grant or renewal of a licence on one or more of the grounds shown below;

10.3.2 an application for transfer of a licence on either or both of the grounds shown at a and b below.

10.4 The grounds for refusal are:

a. That the applicant is unsuitable by reason of having been convicted of an offence or for any other reason that the committee deems relevant;
b. That 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 him/her self;
c. That 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 considers is appropriate for that locality;
d. That the grant or renewal of the licence 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, vehicle, vessel or stall in respect of which the application is made.

11 Conditions

11.1 The policy provides for a set of “standard conditions” to be attached to each licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied. These conditions may be found at Appendices A to C.

11.2 Further conditions may be attached to individual licences where the authority deems it necessary. The relevant standard conditions are applicable to sex establishments, i.e. SEVs, sex cinemas and sex shops.

11.3 The Authority will seek to avoid duplicating licence conditions where a premises holds licences under both the Licensing Act 2003 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

11.4 The Authority will endeavour to avoid imposing conditions on either licence that are contradictory to one another.

12 Renewal of Licence

12.1 To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of the existing licence.

12.2 The Authority will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

13 Variation of Licence

13.1 Applications for variations of licences are subject to the site and newspaper notice requirements set out by statute.

13.2 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes to the licensee must be the subject of a transfer application.

13.3 All variation applications for sex establishment licences must be referred to the Council's Licensing, Appeals and Complaints Committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

14 Transfer of Licence

14.1 The Authority will not determine an application for the transfer of a licence unless the applicant allows authorised officers a reasonable opportunity to enter the proposed sex establishment to make such examinations and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

15 Revocation of licence

15.1 The Authority is given jurisdiction to revoke a sex establishment licence by virtue of Schedule 3 paragraph 17(1) of the Act.

- on any of the mandatory grounds which are detailed in section 4.1 above
- or either of the grounds in respect of (a) or (b) detailed at section 16.4 above, namely that the applicant or licence holder is unsuitable or that the manager or beneficiary of the licence is unsuitable.

15.2 The Authority will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing, Appeals and

Complaints Committee. They may call a hearing, without requiring a third party to request such a hearing, and give the licence holder an opportunity to appear before them.

15.3 Should the Authority revoke a Sex Establishment licence then full reasons for the revocation will be provided to the licence holder within 7 days of the decision.

15.4 Revocation of a Sex Establishment licence would disqualify the licence holder from holding or obtaining another Sex Establishment licence in the Authority's area for a period of 12 months. However, this does not prevent the licence holder from holding a licence in another Authority's area.

16 Cancellation of licence

16.1 The licence holder may surrender the licence at any time and may request the Authority in writing to cancel the licence.

16.2 In accordance with Paragraph 15 of Schedule 3 to the Act, in the event of the death of a licence holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked. The representatives must comply with the conditions of the licence and should not be someone who would not normally be granted a licence in their own right.

16.3 Where the Authority is satisfied that it is necessary for the purpose of winding up the estate of the deceased licence holder, and that no other circumstances make it undesirable, it may extend or further extend the period in which the licence remains in force.

17 Hearings

17.1 The Authority will give applicants, licence holders and prospective transferees (where relevant) the opportunity of appearing before the Licensing, Appeals and Complaints Committee before a decision is made to refuse the grant, renewal, variation or transfer of a licence.

17.2 Where the Authority is required to determine an application by reference to a Licensing, Appeals and Complaints Committee, the applicant and objectors will be advised of the date, time and venue of hearing.

17.3 In preparation for the hearing, all parties will receive a copy of the Licensing Officer's report prior to the hearing. The report will contain a summary of the application, objections and any other relevant information.

17.4 t the hearing, all parties will have the opportunity to address the Licensing, Appeals and Complaints Committee and ask questions of all parties that they feel relevant to the determination process.

17.5 The Licensing, Appeals and Complaints Committee will communicate their decision at the end of the hearing and all parties will receive written confirmation of the decision within seven days.

17.6 Whilst the Act does not stipulate a timescale for hearing applications where objections have been submitted and accepted, the Authority aims to determine an application within 3 months from the last day of advertising. In consultation with the Licensing,

Appeals and Complaints Committee Chair, the application determination period may be extended beyond this timeframe.

18 Right to appeal a decision

18.1 If an application is refused, or licence revoked, following a hearing, then the applicant or licence holder will be informed of the decision and whether there is any right of appeal.

18.2 The Act strictly limits who can appeal to a magistrates' court and the matters about which they can appeal. The Act affords rights of appeal to those persons detailed at paragraph 27 of Schedule 3. The decisions against which a right of appeal lies are refusals of grants, renewals, transfers or variations, the imposition of conditions and also revocations.

18.3 Appeals must be made to the local magistrates' court within 21 days, starting from the date the applicant or licence holder is notified of the Authority's decision. It should be noted that a fee may be payable to the magistrates to lodge such an appeal. Applicants or licence holders can appeal against the refusal of a grant, renewal, variation or transfer application, or against the decision to revoke a licence. They can also appeal against conditions or restrictions imposed. Please note there is no appeal against the Authority's decision if the application was refused on the grounds that:

- 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; or

- that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

18.4 Where an application is lodged against refusal to renew or for revocation of a licence, the licence remains in force until such time as the appeal is determined.

18.5 Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

18.6 The Magistrates' court will determine the appeal application. Applicants who do not agree with the decision made by the magistrates' court, can appeal to the local Crown court. The decision made by the Crown court will be final. The Authority must comply with a decision made by the Magistrates or Crown court.

19 Enforcement, Compliance and Monitoring

19.1 The Authority expects licence holders to ensure proper and adequate monitoring and supervision of the activities which take place at premises which benefit from a sex establishment licence.

19.2 The Authority will adopt an intelligence led and risk-based approach to its monitoring and inspection regime. In general, this will involve carrying out inspections of premises normally once a year unless exceptional circumstances require otherwise. The Authority also reserves the right to conduct random spot checks from time to time as it sees fit.

19.3 It is further recognised that Sexual Entertainment Venues are also regulated by other legislation due to the nature of those operations and therefore may require more

frequent inspection. However, it is anticipated that, wherever possible, consolidated enforcement inspections will be undertaken.

19.4 The Authority's approach to enforcement is set out in the Council's enforcement policy which is available on the Council's website. The Authority will also have regard to the Regulator's Code.

19.5 Breach of conditions or legislative requirements may result in formal action being taken by the Authority which can include revocation of, or a decision not to renew a licence. The Authority may also prosecute in respect of serious offences.

19.6 In pursuing the above objectives the Authority will operate a proportionate and reasonable enforcement regime.

20 Human Rights

20.1 In determining applications, the principles of the Human Rights Act 1998 must be taken into consideration. The Act acknowledges that local authorities are entitled, amongst other things, to act where this is in the 'general interest'.

20.2 Should it be decided to refuse or to grant an application, or to attach conditions, the rights of appeal that exist through the Magistrates' Court will ensure that the principles of the Human Rights Act are adhered to.

20.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right.

21 Exchange of Information

21.1 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.

Appendix A - Standard Conditions for Sex Establishment Licence

Local Government (Miscellaneous Provisions) Act 1982

Standard Sex Establishment Licence Conditions, Restrictions and Terms Applicable to Sex Shops and Sex Cinemas

Introduction

1. In these Conditions "The Council" shall mean South Norfolk Council.
   All enquiries concerning this licence shall be directed to the Licensing Team, South Norfolk Council, Horizon Business Centre, Peachman Way, Norwich, NR7 0WF

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed, varied or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are applied to all Sex Establishments

4. South Norfolk Council reserves the power to alter, modify or dispense with these conditions as it sees fit, at any time.

Management of the Premises

1. The licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for, and be present on the premises, for the entire time the premises are open to the public.

2. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

3. A copy of the licence and any special conditions attached shall always be displayed in a prominent position on the premises, to be available for inspection by all persons using the premises, the police, the fire authority, and authorised officers of the Council.

4. The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be prominently displayed within the premises, throughout the period during which he is responsible for the conduct of the premises.

5. The licensee shall retain control over all areas of the premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

6. The licensee shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities where provided for customers.

7. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.

8. No person under the age of 18 shall be admitted to the premises and a notice to this effect, in accordance with condition 24, shall be displayed on the outside of the premises.

9. A Challenge 25 age verification policy must be implemented at the Premises. Persons who appear to be under the age of twenty-five will be required to show proof of age prior to admittance. A notice to this effect must be displayed at all entrances to the Premises.

10. The licensee shall ensure that during the hours that the premises is open for business, every employee wears a badge of a type approved by the Authority indicating their name and that they are an employee.

11. All persons working in the Premises shall be aged not less than 18 years. The licensee must maintain a record of the names, addresses and dates of birth of persons working in the Premises, including details of relevant identity checks. The record shall be retained at the Premises and immediately made available for inspection, on request, by police or authorised officers of the Council.

12. The licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day, within thirty minutes of the Sex Establishment being opened for business, and is to be available, upon request, for inspection by the police and by authorised officers of the Authority.

13. The licensee shall provide, upon request, copies of any documents or other material reasonably required by police or an authorised officer of the Council in relation to compliance with this licence.

Opening of the Premises

14. The premises shall not, without the written consent of the Authority, be opened and used for purposes for which the licence is granted except during the following hours:
    - Monday to Saturday 09:00 to 18:00

15. The premises shall not, without written consent of the Authority, be opened and used for the purposes for which the licence is granted on Sundays, Good Friday or Christmas Day.

Conduct of the Premises

16. Approval from the Council is required for changes from:
    - A sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue.
    - Sex cinema to either a sex-shop or sexual entertainment venue.
    - A sexual entertainment venue to either a sex cinema or sex shop.

    This will require consideration of an appropriate application.

17. No sex articles or other things intended for, or capable of, 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.

18. The primary use of a sex shop must be for the purpose of the sale of goods by retail.

19. No film, video, or digital recording (or computer game) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification, and bears a certificate to that effect.

20. No moving picture shall be provided or displayed at the licensed premises unless it is that of an advertising digital recording on a loop system or allowing a prospective purchaser a short preview, being no longer than three minutes in length, of films upon request.

External Appearance

21. The holder of a sex establishment licence may exhibit on the outside of the premises the name of the business and a notice, capable of being enclosed by a rectangle one square meter in area or such other size as agreed with the Authority, consisting of the words “Licensed Adult Establishment”.

22. The windows, doors, fascia board, walls and all external parts of the Premises, including the roof, shall not contain any form of writing, sign or display save for:
    i. The licensed name of the premises may be displayed unless the Council determines that the name is of a profane or sexual nature and gives other cause for concern.
    ii. The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
    iii. A notice stating the opening hours of the Premises.
    iv. The wording “PRIVATE SHOP” or “ADULT SHOP” but no other indication as to the nature of the business carried on at the licensed Premises.

23. The lettering used in respect of such permitted items:
    In the case of the permitted items at paragraph 22(i) (ii) and (iv) the lettering used shall not exceed 15cm in height for each letter.

24. The holder of a sex establishment licence shall exhibit on the outside of the premises a notice capable of being enclosed by a rectangle one square meter in area, the times of opening and of the words “No person under the age of 18 allowed. Persons over the age of 18 but under the age of 25 will be required to show proof of their age”.

25. No other words, advertisement, letter, model, sign, placard, notice, board, sign, device, representation, drawing, writing, display, or any other matter, shall be displayed on the outside of the premises or in the vicinity of the premises, except those mentioned in conditions 22 and 24 or otherwise approved by the Authority in writing.

26. No external loudspeakers may be installed.

27. Windows and openings of the Premises shall be of a material or covered with material that will render the interior of the premises invisible to passers-by.

28. No items will be stored on the Premises in a way that they can be viewed from any external window or door.

State, Condition and Layout of the Premises

29. Notwithstanding the licensee’s duties under the Health and Safety at Work etc. Act 1974 and related legislation and his/her obligations under any lease or other

agreement for the use of the premises, he/she shall maintain the premises in good repair and condition.

30. Subject to Fire Safety requirements, external doors shall be closed but not locked, at all times, other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide their automatic closure, and such devices shall be maintained in good working order.

31. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure, and such devices shall be maintained in good working order.

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

33. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises. The notice must also include a statement that proof of age may be requested.

34. Internal lighting shall be in operation continuously during the whole of the time that the sex establishment is open to the public.

35. The external appearance of the premises must be approved, in writing, by the Council. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Authority. A variant application will be required in order for consent to be considered.

36. Any facilities for previewing films, video recordings or other similar material shall be physically separated from the display area of the shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.

37. No fastenings of any description shall be fitted upon any booth or cubicle within a sex establishment, nor shall more than one person (including any employee) be present in any such booth or cubicle at any time. Appropriate fastenings are permitted on toilet doors.

Safeguarding, Safety and Security

38. The licensee shall submit details of the steps to be taken, for the approval of the Authority, to check the age of customers entering the shop who appear to be between the ages of 18 and 25 to ensure they are not younger than 18. The licensee shall ensure that the approved steps are implemented.

39. The licensee shall ensure that a Digital closed-circuit television system (CCTV) is installed internally and externally to the satisfaction of Norfolk Constabulary and the Authority.
    a) The system shall always be operational at the Premises when licensable activities are being carried out, and at all times when members of the public are present on the Premises.
    b) The CCTV system shall have sufficient storage retention capacity for retention for a minimum of 31 days' continuous footage, which shall be of good quality.
    c) Any CCTV images captured on cameras installed at the Premises shall, on the lawful request of police or an authorised officer of the Council, cause any

required footage to be downloaded immediately or, where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer(s).

d) The Licensee must ensure compliance with the relevant provisions of the Data Protection Act 2018, and GDPR, in so far as they relate to the Premises.

Goods Available in Sex Establishments

40. All sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and other items displayed for sale, hire, exchange or loan within a sex establishment shall be clearly marked to show persons who are inside the sex shop the respective prices being charged.

41. All printed matter, DVD video and other formats capable of storing readable / viewable material offered for sale, hire, exchange or loan shall be openly displayed and available for inspection prior to purchase and a notice to this effect must be prominently displayed inside the sex establishment. (This regulation does not require that films or video films be exhibited (played) to customers).

42. No film, DVD, or video recording (or computer game, or other formats capable of storing readable / viewable material) shall be exhibited, sold, or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

43. No 18R classified films may be sold, or supplied, by Mail Order.

44. The licensee shall, without charge, display and make available in the sex establishment such free literature concerning counselling on matters related to sexual problems as may be published by the FPA (formerly the Family Planning Association) and by such other similar organisations, and particularly any such materials related to HIV and AIDS. Such literature is to be displayed in a prominent position approved by the Authority adjacent to all points of sale in the sex establishment.

Licensed Name

45. The Council at the time of granting the licence in respect of the Premises shall.

    a) designate a name referred to as “the licensed name” by which it is intended that the Premises shall be known, and the licence holder shall ensure that the Premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such licensed name shall have been provided on the application form.

    b) An application in respect of a change of the licensed name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such a change.

Appendix B - Standard Conditions for SEVs

Local Government (Miscellaneous Provisions) Act 1982

Standard Sex Establishment Licence Conditions, Restrictions and Terms Applicable to Sexual Entertainment Venue Premises

Introduction

1. In these Conditions "The Council" shall mean South Norfolk Council. All enquiries concerning this licence shall be directed to the Licensing Team, South Norfolk Council, Horizon Business Centre, Peachman Way, Norwich, NR7 0WF

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed, varied or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are only applicable to a "Sexual Entertainment Venue" Premises ("the Premises")

4. South Norfolk Council reserves the power to alter, modify or dispense with these conditions as it sees fit, at any time.

Management of the Premises:

1. The licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment ("the manager"), shall have personal responsibility for, and be present on the premises, for the entire time the premises are open to the public.

2. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

3. A copy of the licence and any special conditions attached shall always be displayed in a prominent position on the premises, to be available for inspection by all persons using the premises, the police, the fire authority, and authorised officers of the Council.

4. The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be prominently displayed within the premises, throughout the period during which he is responsible for the conduct of the premises.

5. The licensee shall retain control over all areas of the premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

6. The licensee shall ensure that the public is not admitted to any part of the premises that has not been licensed, other than toilet facilities, where provided for customers.

7. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.

8. The licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day, within thirty minutes of the Sex Establishment being opened for business, and is to be available, upon request, for inspection by the police and by authorised officers of the Authority.

9. The Licensee must submit a set of "House Rules" to the Authority as part of the application process; these rules will form part of the licence and must be observed at all times. The licensee must ensure that all performers are fully conversant with, and sign, the agreement to adhere to such House Rules.

10. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the Premises (nor any person acting on behalf of any such person) shall display advertisements promoting the entertainment or the Premises in any unlawful manner.

11. Where the Council have given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed.

12. The licensee shall provide, upon request, copies of any documents or other material reasonably required by police or an authorised officer of the Council in relation to compliance with this licence.

Opening of the Premises

13. Relevant entertainment as defined in schedule 3, paragraph 2A (2) of the Local Government (Miscellaneous Provisions) Act 1982 may only be provided during the hours permitted by an authorisation under the Licensing Act 2003 unless a specific condition on the sexual entertainment venue Licence permits otherwise.

Operation of the Premises

14. Approval from the Council is required for changes from:

    - A sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue.
    - Sex cinema to either a sex-shop or sexual entertainment venue.
    - A sexual entertainment venue to either a sex cinema or sex shop.

    This will require consideration of an appropriate application.

15. No sex articles or other things intended for, or capable of, 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.

External Appearance

16. Whilst relevant sexual entertainment is taking place, no customer under 18 shall be on the Premises, and clear notices shall be prominently displayed at all entrances to the Premises, so that they can easily be read by persons entering, in the following terms:

NO PERSONS UNDER 18 TO BE ADMITTED

ENTERTAINMENT WITHIN THESSE PREMISES INVOLVES A FORM OF NUDITY

IF YOU ARE LIKELY TO BE OFFENDED, PLEASE DO NOT ENTER.

Notices must also include a statement that persons who appear to be under 25 will be required to show proof of age prior to admittance.

17. The exterior design of the premises shall be such that the interior of the premises is not visible to passers-by.

18. The windows and openings of the Premises shall be of a material or covered with a material, which will ensure the interior of the Premises is not visible to passers-by. At no time shall performers or persons working in the premises be visible from outside of the Premises, with the exclusion of Door Supervisors.

19. There shall not be displayed outside the Premises, in the immediate vicinity, or elsewhere within the district, any advertisements (except for the registered trademark, trading name or trading symbol that has been provided to the Authority, and approved) photographs or other images, that indicate or suggest that any form of Relevant Entertainment takes place on the Premises.

20. Promotional literature circulated outside the premises must not display photographs, or other images of nude, or partially nude, performers or show photographs, or other images or words that may reasonably construed as offensive.

21. All promotional literature must include clear statements as to the requirements of the Challenge 25 proof of age scheme.

22. Any promotional website for the Premises must comply with the Advertising Standards Agency (ASA) regulations and will not display photographs or other images of nude, or partially nude, performers, or show photographs or other images that may reasonably be construed as offensive. The Premises website must also include a clear requirement for compliance with the Challenge 25 proof of age scheme.

23. The windows, doors, fascia board, walls and all external parts of the Premises, including the roof, shall not contain any form of writing, sign or display save for:

    i. The licensed name of the premises may be displayed unless the Council determines that the name is of a profane or sexual nature and gives other cause for concern.
    ii. The form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
    iii. A notice stating the opening hours of the Premises.

24. The lettering used in respect of such permitted items:

    In the case of the permitted items at paragraph 22(i) and (ii) the lettering used shall not exceed 15cm in height for each letter.

25. No other words, advertisement, letter, model, sign, placard, notice, board, sign, device, representation, drawing, writing, display, or any other matter, shall be displayed on the

outside of the premises or in the vicinity of the premises, except those mentioned in conditions 16 and 22, or otherwise approved by the Authority in writing.

26. No external loudspeakers may be installed.

State, Condition and Layout of the Premises

27. Notwithstanding the licensee's duties under the Health and Safety at Work etc. Act 1974 and related legislation and his/her obligations under any lease or other agreement for the use of the premises, he/she shall maintain the premises in good repair and condition.

28. Subject to Fire Safety requirements, external doors shall be closed but not locked at all times, other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide their automatic closure, and such devices shall be maintained in good working order.

29. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises. Such inner entrance door or screen shall be fitted with a device to provide for their automatic closure, and such devices shall be maintained in good working order.

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

31. A notice stating that no person under the age of 18 shall be admitted to the premises must be displayed on the outside of the premises. The notice must also include a statement that proof of age may be requested.

32. Internal lighting shall be in operation continuously during the whole of the time that the sex establishment is open to the public.

33. The external appearance of the premises must be approved, in writing, by the Council. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Authority. A variant application will be required in order for consent to be considered.

34. There shall be no private booths, cubicles, or private performing areas provided on the Premises, unless specifically permitted in writing by the Council.

35. Where the use of private booths, cubicles or VIP/ private performing areas is permitted (and approved in writing, by the Council) the design must be such that there is adequate lighting, and no curtain, or other visual barrier, can be drawn across the entrance, thus concealing activities within that area.

36. All booths, cubicles and VIP/ private performing areas must be designed in such a way to allow supervisors / SIA Registered door supervisors clear and direct supervision of activities within, to ensure the safety of dancers performing inside and to ensure club rules are being strictly adhered to at all times. Direct supervision does not include remote supervision by CCTV.

37. An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers.

As a minimum:

a) Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use
b) The location of such room(s), must be marked on the plan of the premises
c) Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority
d) Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment
e) e) Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and
f) Such room(s) should provide separate and private smoking / vaping facilities for performers. Where direct access to separate and private smoking/vaping facilities for performers is not available or practical, other arrangements for separate and private/vaping smoking facilities may be implemented subject to the approval of the authority.

Safeguarding

38. No persons under 18 will be admitted to the premises

39. No under 18's events will be hosted anywhere on the premises at any time.

40. The Premises must operate a 'Challenge 25' scheme, whereby anyone who appears to be aged 25 or younger is asked for photographic ID proof of age. The only photographic ID that will be accepted are passports or driving licences. The above list of acceptable proof of age limits may be extended to other forms of ID in the future with advance written agreement of the police without the need to review the actual licence.

41. The 'Challenge 25' scheme and the stipulated forms of acceptable age verification must be clearly stated both on the premises website and on all membership applications, booking forms, customer contractual documents and promotional literature etc.

42. All persons working in the premises, including performers, shall be aged over 18 years of age, and legally entitled to work within the UK before they perform at the Premises. The Licensee must maintain a record of the names, addresses and dates of birth of performers including details of relevant identity checks. The record shall be retained at the Premises and immediately made available, upon request, for inspection by the police and by authorised officers.

43. The licence holder must ensure no dancers are trafficked, exploited or controlled for another's gain.

44. The licensee will implement a policy to ensure all performers will be escorted from the Premises, after a period of work, to their transport (e.g. taxis) to ensure their personal safety and security.

45. Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers. Any persons found in breach of this rule will be required to leave the Premises

Safety and Security

46. The Licensee will ensure the number of SIA registered door supervisors, as stipulated in writing by the police and/or Authority, are working during the time relevant Entertainment takes place on the Premises

47. The Licensee must ensure that a suitable, and sufficient, number of trained staff are employed to supervise the interior of the Premises ("floor supervisors") to ensure compliance with these conditions, especially the "no touching" conditions, and to ensure the safety of performers.

48. The Licensee shall ensure welfare training is provided to a designated person responsible for the welfare of the performers, to include safeguarding, health and safety, and wellbeing.

49. The licensee shall ensure that a Digital closed-circuit television system (CCTV) is installed internally and externally to the satisfaction of Norfolk Constabulary and the Authority.

    a) The system shall always be operational at the Premises when the relevant entertainment being carried out, and at all times when members of the public are present on the Premises.
    b) The CCTV system shall have sufficient storage retention capacity for retention for a minimum of 31 days' continuous footage, which shall be of good quality.
    c) Any CCTV images captured on cameras installed at the Premises shall, on the lawful request of police or an authorised officer of the Council, cause any required footage to be downloaded immediately or, where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer(s).
    d) CCTV must be capable of monitoring the whole of the Premises, in particular any private booths, cubicles or VIP/ private performing areas, to ensure the safety and security of performers and other persons within the Premises.
    e) The CCTV system must be monitored at all times that the Premises are in operation.
    f) The Licensee must ensure compliance with the relevant provisions of the Data Protection Act 2018, in so far as they relate to the Premises.

50. The Council may specify, in writing, the number of members of the public that shall be present on the Premises at any time whilst relevant entertainment takes place, on grounds which may include public safety, prevention of public nuisance or crime and disorder. The Licensee shall ensure that the number specified is not exceeded at any time.

51. Alcohol must not be supplied for consumption Off the Premises.

52. An incident register will be maintained at the premises and will record the following:
    - all crimes reported to the venue
    - all ejections of patrons
    - any complaints received
    - any incidents of disorder
    - any faults in the CCTV system
    - any visit by a relevant authority or emergency service
    - any first aid treatment given by staff to a member of the public

    The register shall be retained at the Premises and immediately made available, upon request, for inspection by the police, and authorised officers.

Provision of Relevant Entertainment

53. Relevant entertainment will only take place in specified designated areas within the premises, as identified on the plan attached to the licence. Performers shall only perform in designated areas, specified on the approved licence plan, to seated customers or in such other areas of the licensed Premises as may be agreed, in writing, with the Council.

54. Performers must remain clothed in public areas and all other areas in the Premises except while performing in areas approved by the Council for the provision of relevant entertainment.

55. Performers must not perform a nude, or partially nude, table dance unless in an area directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door. Direct supervision will not include remote supervision by CCTV.

56. Performers are never to be in the company of a customer except in an area open to the public within the Premises. However, this excludes toilets areas, as performers must not use the public toilets whilst the Premises is open to the public.

57. The Licensee must ensure that during the performance of a table or lap dance:

    1) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides before a performer can start a table dance.
    2) Customers must remain seated during the entire performance of the dance.
    3) For the purpose of restraint only, performers may only touch a customer above the customer's chest (excluding the head) with their hands only.
    4) Performers must not sit on or straddle the customer.
    5) Performers must not place their feet on the seats.
    6) Customers must not deliberately touch a performer either immediately before, during, or after a dance (except as allowed in condition 60).

58. The Licensee must ensure that during performances of relevant entertainment:

    1) Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
    2) Performers must never intentionally touch the genitals, anus or breasts of another performer or to knowingly permit another performer to intentionally touch their genitals, anus or breasts.
    3) Performers may not intentionally touch a customer any time during the performance unless accidentally or due to the act of a third party.
    4) Performers may not use inappropriate, suggestive or sexually graphic language at any time.
    5) 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.
    6) Performers must only perform nude or semi-nude dancing (of any description) within areas specified by the Council.

59. The Licensee must ensure that during performances of relevant entertainment:
    1) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for relevant entertainment.
    2) Customers must remain appropriately clothed at all times.

3) Only performers / entertainers are authorised to provide the relevant entertainment, and audience participation is prohibited at any time.

60. There must be no deliberate physical contact between customers and employees, or other persons working within the premises, at any time, in any part of the premises, except for the following:

- The payment of an entry fee by customers to authorised members of staff.
- The payment of a fee for relevant entertainment.
- The purchasing of drinks by customers from authorised members of staff.
- The customer shaking hands with the performer and/or leading a customer by the hand from a seated area to a booth, cubicle or VIP/Private area for a private dance.
- The placing of bank notes by the customer in a garter or armband worn by a performer.
- SIA door staff in the execution of their duties.
- Any other activity for which the prior written approval of the Council has been given.

61. Notices outlining condition 57 will be clearly displayed at each entrance to the premises and in the specified designated areas. Notices must state that no touching relates to customers touching performers and other persons working within the premises and vice versa.

62. Performers must stop immediately and move away from any customer who is offensive or attempts to touch them, and shall report this and any other inappropriate behaviour, or breach of house rules, to the management of the Premises. If, after receiving a warning, a customer continues to behave inappropriately, the customer must be requested to leave the Premises and should be escorted from the Premises by appropriately authorised staff only (i.e. SIA registered door supervisors)

63. At the conclusion of their performance, a performer must replace sufficient articles of clothing to comply with condition 54 and prevent any nudity in an area not designated and approved by the Council for the provision of relevant entertainment. This does not prevent performers going to their non-public dressing area to change their clothing.

64. Performers may not accept any telephone number, email address, address, contact information or social media contact information, or business card, from any customer.

65. Performers may not give any personal information, including telephone number, email address, address, contact information, social media information or business card, to any customer, or in any way solicit themselves.

Licensed Name

66. The Council at the time of granting the licence in respect of the Premises shall

a) designate a name referred to as “the licensed name” by which it is intended that the Premises shall be known, and the licence holder shall ensure that the Premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such licensed name shall have been provided on the application form.

b) An application in respect of a change of the licensed name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such a change.

Appendix C - Standard Conditions for Mail Order Sex Shop Premises

Local Government (Miscellaneous Provisions) Act 1982

Standard Sex Establishment Licence Conditions, Restrictions and Terms Applicable to Mail Order Premises

Introduction

1. In these Conditions “The Council” shall mean South Norfolk Council. All enquiries concerning this licence shall be directed to the Licensing Team, South Norfolk Council, Horizon Business Centre, Peachman Way, Norwich, NR7 0WF.

2. These conditions are imposed by the Council, pursuant to its powers under paragraph 13 (1) of Schedule 3 to the above Act, as terms, conditions and restrictions on a subject to which a licence is, in general, to be granted, renewed, varied or transferred by the Council save, and insofar as, they do not conflict with the provisions of the Act itself.

3. These conditions are applied to all “Mail Order Sex Shop” Premises (the Premises).

4. The sex establishment shall be used exclusively for ‘mail-order’ purposes only, selling sex articles and other articles that do not fall within the definition of sex articles in Schedule 3, paragraph 4(3) of the Local Government (Miscellaneous Provisions) Act 1982.

5. South Norfolk Council reserves the power to alter, modify or dispense with these conditions as it sees fit, at any time.

Management of the Premises

6. The licensee, or a responsible person over the age of 18 having been nominated by him and approved in writing by the Council for the purpose of managing the sex establishment (“the manager”), shall have personal responsibility for, and be present on the premises, for the entire time the premises are open to the public.

7. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such written details as the Authority may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

8. A copy of the licence and any special conditions attached shall always be displayed in a prominent position on the premises, to be available for inspection by all persons using the premises, the police, the fire authority, and authorised officers of the Council.

9. The name of the person responsible for the management of the premises, whether the licensee or the manager, shall be prominently displayed within the premises, throughout the period during which he is responsible for the conduct of the premises.

10. The licensee shall retain control over all areas of the premises and shall not let, licence or surrender possession of any area. The Council must be immediately notified in the event that any area of the premises is affected by the termination of a lease or other event affecting the licensee’s control of the premises.

11. The licensee shall ensure that the public is not admitted to any part of the Premises. No person under the age of 18 years will be admitted to the Premises at any time, for whatever reason or purpose.

12. All persons working in the Premises shall be aged not less than 18 years. The licensee must maintain a record of the names, addresses and dates of birth of persons working in the Premises, including details of relevant identity checks. The record shall be retained at the Premises and immediately made available for inspection, on request, by police or authorised officers of the Council.

13. Neither the licensee nor any employee or agent shall personally solicit custom for the sex establishment outside or in the vicinity of the premises.

14. The licensee shall maintain a daily register in which shall be recorded the name and address of any person who is to be responsible for managing the sex establishment in the licensee's absence, and the names and addresses of those employed in the sex establishment. The register is to be completed each day, within thirty minutes of the Sex Establishment being opened for business, and is to be available, upon request, for inspection by the police and by authorised officers of the Authority.

15. The licensee shall provide, upon request, copies of any documents or other material reasonably required by police or an authorised officer of the Council in relation to compliance with this licence.

Conduct of the Premises

16. Approval from the Council is required for changes from:

    - A sex shop (including a mail-order shop) to either a sex cinema or sexual entertainment venue.
    - Sex cinema to either a sex-shop or sexual entertainment venue.
    - A sexual entertainment venue to either a sex cinema or sex shop.

    This will require consideration of an appropriate application.

17. No sex articles or other things intended for, or capable of, 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 Mail Order Sex Shop Premises.

18. The Premises shall be used exclusively for mail-order purposes only, selling sex articles and other things that fall within the definitions contained in Schedule 3, paragraph 4 (1)(a) or (b) of the Local Government (Miscellaneous Provisions) Act 1982.

19. The Sex Establishment will be used exclusively for "Mail Order" purposes only.

20. All advertisements, catalogues. Sales documents used in connection with the business intended or likely to be seen by customers will clearly and prominently state 'MAIL ORDER ONLY'.

21. All deliveries/dispatches of parcels shall be in plain wrapping not identifying what is inside.

External Appearance

22. No external nameplate, advertisement board or any other written or pictorial or graphic display connected with the business shall be observable from outside the building or from other units within the building or from common parts of the building.

23. The exterior design of the building shall be such that the interior of the premises are not visible to passers-by.

24. The windows and openings of the premises shall be of material or covered with a material which will ensure the interior of the premises is not visible to passers-by.

25. No items should be stored on the premises so that they can be viewed from any external window or door.

State, Condition and Layout of the Premises

26. Notwithstanding the licensee's duties under the Health and Safety at Work etc. Act 1974 and related legislation and his/her obligations under any lease or other agreement for the use of the premises, he/she shall maintain the premises in good repair and condition.

27. Subject to Fire Safety requirements, external doors shall be closed but not locked at all times, other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide their automatic closure, and such devices shall be maintained in good working order.

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

29. The external appearance of the premises must be approved, in writing, by the Council. Alterations or additions, either internal or external, shall not be made to the Premises without prior written consent from the Authority. A variant application will be required in order for consent to be considered.

Goods Available in Sex Establishments

30. No film, DVD, or video recording (or computer game or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.

31. No 18R rated films may be sold or supplied by Mail Order premises (even those with a Sex Establishment licence), in accordance with Section 7 (b) and (c) of the Video Recordings Act 1984 and case law.

Licensed Name

The Council at the time of granting the licence in respect of the Premises shall:

a) designate a name referred to as "the licensed name" by which it is intended that the Premises shall be known, and the licence holder shall ensure that the Premises are known solely by that name and by no other, save as provided for by paragraph (b) below. Such licensed name shall have been provided on the application form.

b) An application in respect of a change of the licensed name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such a change.

Appendix D - Application for Sex Establishment Licence

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

(EXAMPLE) APPLICATION FOR A SEX ESTABLISHMENT LICENCE

I/We, the individual or body identified in question 2 below, apply to South Norfolk Council as the appropriate authority, for a licence to use the premises/vehicle/vessel/stall identified herein as a sex establishment, pursuant to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended.

PREMISES / LOCATION DETAILS	
1. Does this application relate to:	☐ A set of fixed premises *Please give details of the premises in section a), below* ☐ A vehicle, vessel or stall *Please give details of the vehicle, vessel or stall in section b), below*
a) Fixed premises	
Please give details of the premises to which this application relates:	
i. Trading name *(if any)*	
ii. Postal address *(including postcode)*	
iii. If the premises form part of a larger building, describe the nature of the building and the location of the premises within it	
iv. Please describe the nature of the applicant's interest in the premises:	☐ Freeholder ☐ Leaseholder ☐ Other: _____
b) Vehicle, vessel or stall	
Please give details of the vehicle, vessel or stall to which this application relates:	
i. Application is in respect of:	☐ a vehicle ☐ a vessel ☐ a stall
ii. Registration mark of vehicle, name of vessel, or trading name of stall *(if any)*	
iii. Location at which the vehicle, vessel or stall will be situated when used as a sex establishment *(postal address, or, if none, description of*	
iv. Intended frequency of use as a sex establishment in this location	
APPLICANT DETAILS	

2. Is this application made by:

☐ An individual
Please give details of the individual in section a), below
☐ A body corporate or an unincorporated body
Please give details of the body in section b), below

a) Individual applicant

Please give details of the individual making this application:

i.	Full name of individual	
ii.	Permanent address *(including postcode)*	
iii.	Telephone number and/or email address *(if any)*	
iv.	Date and place of birth	/ /
v.	National Insurance number	

vi. Has this individual been resident in an EEA state throughout the period of six months immediately preceding the date on which this application is made? ☐ Yes ☐ No

Please give details of any previous name(s) used in the last 5 years, on a separate page.

b) Body corporate or unincorporated body

Please give details of the body corporate or unincorporated body making this application:

i.	Full name of body	
ii.	Registered or principal office address *(including postcode)*	
iii.	Telephone number and/or email address *(if any)*	
iv.	Legal status of body *(e.g. partnership, limited company)*	
v.	Registration number *[Body corporate only]*	

vi. Is this body incorporated in an EEA state? *[Body corporate only]* ☐ Yes ☐ No

Please also complete and submit Appendix A with your application (included with this form), giving details of the directors, company officers, partners, or other persons responsible for the management of the applicant body.

APPLICATION DETAILS

3. This application is for: *(please tick and complete details for all that apply)*

☐ the grant of a new licence	*Please complete section a) below*
☐ the renewal of a current licence	*Please complete section b), below*
☐ the transfer of a current licence	*Please complete section c), below*
☐ the variation of a current licence	*Please complete section d), below*

a) Grant of new licence

i. Is the premises, vehicle, vessel or stall subject to a current sex establishment licence issued by any authority (including South Norfolk Council)? ☐ Yes ☐ No

ii. Is the premises, vehicle, vessel or stall subject to a current licence issued by South Norfolk Council under another statutory provision? ☐ Yes ☐ No

If either of these questions has been answered 'yes', please give details of the licence(s) under question 11, below.

b) Renewal of current licence

Please give details of the current licence for this sex establishment:

i. Licence number	
ii. Expiry date	

c) Transfer of current licence

Please give details of the individual/body that currently holds the licence for this sex establishment:

i. Licence number	
ii. Expiry date	
iii. Name of current licensee	

iv. Has the current licensee consented to the transfer of this licence? ☐ Yes ☐ No
If yes, please submit Appendix B, completed and signed by the current licensee.
If no, please outline below the steps you have taken to try and obtain this consent:

d) Variation of current licence

Please describe in detail the proposed variation(s) to the terms, conditions or restrictions subject to which the licence is held:
If you are seeking to amend the layout of the premises, your application should also be accompanied by an updated scale plan of the premises, which indicates the locations and areas in which regulated activities will be carried on.

4. The sex establishment is to be used as:
Please tick all that apply

- ☐ a sexual entertainment venue
- ☐ a sex cinema
- ☐ a sex shop

5. Please give the times during which the applicant proposes to operate the sex establishment:

	From	To	Any non-standard timings
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday			

6. Please describe the activities that are to be provided under the authority of the licence:
Please see guidance notes for assistance in completing this question

7. Please describe any special measures that you have undertaken, or will undertake, to limit the impact of these activities: *Please see guidance notes for assistance in completing this question*

PREVIOUS REFUSALS & CONVICTIONS *Please read guidance notes before completing this section*

In the following questions, 'any person connected with the application' will include the applicant; the directors, company officers, partners, or other persons responsible for the management of an applicant body; and any person who will be/is responsible for the management of the premises/vehicle/vessel/stall to which this application relates.

8. In the last 12 months, has any person connected with the application been refused a licence [or the renewal of a licence] for the premises, vehicle, vessel or stall to which this application relates? ☐ Yes ☐ No

   If yes, was that decision subsequently reversed upon appeal? ☐ Yes ☐ No

9. In the last 12 months, has any person connected with the application had a licence revoked by this authority in respect of any premises, vehicle, vessel or stall? ☐ Yes ☐ No

10. Has any person connected with this application previously been convicted of an offence in the U.K. or in any other jurisdiction? ☐ Yes ☐ No

    It is not necessary to declare any convictions which are considered to be spent under the provisions of the Rehabilitation of Offenders Act 1974

If question 10 has been answered 'yes', please also complete and submit Appendix C with your application (included with this form), giving details of the conviction(s) in question.

ANY FURTHER INFORMATION

11. Please give any further information which you wish the authority to take into account when considering this application:

ENCLOSURES

Payment of the relevant application fee of £_____is enclosed. *Please make cheques payable to South Norfolk Council.*	
A scale plan of the premises, or a site plan of the location at which the vehicle/vessel/stall will be located, is enclosed. ***PLEASE SEE GUIDANCE NOTES FOR PLAN REQUIREMENTS***	☐
If transferring or varying the licence: The original, current licence is enclosed.	☐
If transferring the licence: Written consent to the transfer of the licence from the current licensee, or a statement explaining why it has not been possible to provide this, is enclosed.	☐

DECLARATION AND SIGNATURE

I/We will arrange for publication of notice of this application, in the form prescribed by the authority, in a local newspaper circulating in the authority's area, not later than 7 days after the date of application.	☐
For applications relating to premises only: I/We will display a notice in the form prescribed by the authority at or near the premises to which this application relates for a period of 21 days beginning from the application date, placed so that it can be conveniently read by the public.	☐

I/We will send a complete copy of this application to the Chief Officer of Police not later than 7 days after the application is given to the licensing authority. ***(other than where the application has been made via the council's electronic application facility)*** ☐	
I/We declare that the information given in this application is true and complete in all respects. I/We understand that it is an offence to make a false statement (i.e. one which is known to be false in any material respect or which is not believed to be true) in connection with an application for a sex establishment licence. ☐	

Signature		**Date**	
Capacity	I / We *(print full name and capacity)* …… sign on behalf of and have authority to bind the applicant.		

Please indicate below the name, postal address and other contact details of a person who can provide further information or assistance in respect of this application, and to whom any correspondence relating to the application should be sent:

Contact name and address for correspondence associated with this application:	
Telephone number *(if any)*	
Email address *(if any)*	

How we use your data

Broadland District Council or South Norfolk Council takes your privacy seriously and will only use your personal data to process applications/notices, process payments for applications, issue notices/licences, generate annual fees, investigate complaints, undertake enforcement action, offer advice, and provide information and updates to legislation and guidance.

Each Council is what is known as the 'Data Controller' for your data, and act as independent, sole data controllers. The Council where the premises are located is the 'Data Controller' for your personal data for the duration of your licence.

We may check the information collected on this form, which may involve sharing your data with other agencies or individuals such as Disclosure & Barring Service, Home Office, other officers within the Council, legal providers, councillors who sit on the licensing committee, Norfolk Constabulary and additional constabularies, additional local authorities, Phonographic Performance Ltd & Performing Rights Society, Department for Digital, Culture, Media & Sport, Norfolk County Council Multi-Agency Safeguarding Team, Norfolk County Council Local Authority Designated Officer, Norfolk County Council Trading Standards, Norfolk County Council Public Health, Norfolk Fire & Rescue, Security Industry Authority, Norfolk Safeguarding Children partnership and the Charity Commission. We may also use or pass information to certain third parties to prevent or detect crime, to protect public funds, or in other ways as permitted by law.

To view our full Privacy Notice please click **here.**

Appendix 1 of Appendix D

DETAILS OF DIRECTORS, COMPANY OFFICERS, PARTNERS OR OTHER PERSONS RESPONSIBLE FOR MANAGEMENT OF APPLICANT

If the application for a Sex Establishment Licence is made by a body corporate or an unincorporated body, this page must be completed and submitted with the application form, giving details of the full names and private addresses of the directors, company officers, partners or other persons responsible for the management of the body or of the sex establishment. If further space is required, please continue on either a blank piece of paper, or a further copy of this page.

You do not need to complete this appendix if the application is made otherwise than by or on behalf of a body corporate or an unincorporated body.

Name of applicant body:	

Full name of person(s) responsible for management of body	**Private address**	**Role / title** *(e.g. partner, director, company secretary, premises manager)*	**Date & place of birth**

Appendix 2 of Appendix D

CONSENT OF LICENCE-HOLDER TO TRANSFER OF LICENCE

This appendix should be completed by the current licence-holder (or by a person with the authority to sign on their behalf), and submitted with any application to transfer a sex establishment licence.

I/We, ...

[full name of licence holder(s)]

being the holder(s) of a sex establishment licence relating to:

.....

.....

[name and address of premises (or vehicle, vessel or stall) to which the application relates]

hereby give my/our consent for the transfer of this licence to:

.....

[full name of applicant]

Signed: .....

Print name: .....

Capacity: ..... Dated: .....

Appendix 3 of Appendix D

CONVICTIONS OF APPLICANT OR OTHER PERSON(S) CONNECTED WITH THE APPLICATION

If any person connected with the application has previously been convicted of an offence, whether in the U.K. or abroad, details of the conviction(s) must be provided with the application. Convictions which are considered to be 'spent' under the Rehabilitation of Offenders Act 1974 do not need to be declared, and will not be taken into consideration when the authority determines the application.

Please supply the required information for all persons connected with the application with previous convictions, using either a blank piece of paper, or a further copy of this appendix.

Name of person:			
Role: *(e.g. individual applicant, partner, company director, premises manager)*			
Date of conviction	**Convicting court**	**Offence**	**Sentence**

Appendix E - Guidance Notes for Application for a Sex Establishment Licence

APPLYING FOR A SEX ESTABLISHMENT LICENCE GUIDANCE NOTES

These notes are intended to provide guidance on the process of making an application for a sex establishment licence, and should be read in conjunction with the relevant application form.

We recommend that all prospective applicants for sex establishment licences seek independent legal advice prior to making an application. The legislation surrounding this area of regulation is complex, and operators must ensure that they are fully aware of the various restrictions that may affect their activities. South Norfolk Council cannot give legal advice to applicants or licence holders.

What activities are licensable?
A location must be licensed if it is to be used as a sexual entertainment venue, a sex cinema, or a sex shop. A single location can be licensed for more than one of these functions.

- A **sexual entertainment venue** is any premises at which a live display of nudity or other live performance is provided before an audience, solely or principally for the purpose of sexually stimulating, verbally or otherwise, any member of a live audience (including an audience of one), for the financial benefit of the organiser or the entertainer. Nudity is defined as the exposure of the pubic area, genitals or anus by a man, or the exposure of the pubic area, genitals, anus or nipples by a woman.

(Premises at which sexual entertainment is provided on no more than 11 occasions in any 12-month period, where each occasion lasts for a maximum of 24 hours, with at least one month between each occasion, are not required to hold a sex establishment licence.)

- A **sex cinema** is any premises (other than a dwelling-house to which the public is not admitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, which portray or are intended to stimulate or encourage sexual activity or associated acts of force or restraint; or are concerned primarily with the portrayal of genital organs, or urinary or excretory functions.

- A **sex shop** is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

    - any object used to stimulate or encourage sexual activity, or acts of force or restraint which are associated with sexual activity;
    - any article containing or embodying matter to be read or looked at (or used for the manufacture of such an article), which is concerned primarily with the portrayal, stimulation or encouragement of sexual activity or associated acts of force or restraint; or the portrayal of genital organs, or urinary or excretory functions; or
    - any recording of vision or sound, which portrays or is intended to stimulate or encourage sexual activity or associated acts of force or restraint; or is concerned primarily with the portrayal of genital organs, or urinary or excretory functions.

A licensing authority may waive the requirement for a sex establishment licence, if the authority considers that it would be unreasonable or inappropriate to require a licence to be held. Waivers may be granted for a limited period and are entirely at the authority's discretion. Generally, they will only be granted in exceptional circumstances, and not to permit the ordinary business of a sex

establishment. You may apply for a waiver at the same time as the grant of a licence. If a waiver is declined, the authority will then continue to consider your licence application.

Completing the application form

Question 1
Licences may be granted in respect of fixed premises, or a vehicle, vessel or stall situated at a particular location. Please indicate which you are applying in respect of, and give the appropriate details requested.

Question a) iii. Asks whether the premises comprises part of a larger building, and if so, the nature of that building and the specific location of the premises. For example, if a unit in a shopping centre is the subject of the application, describe the overall centre, give a specific address for the premises (e.g. a unit number) or detailed description of the location, and refer to any other businesses or organisations who occupy other units. If the premises occupy space in a multi-storey building, please identify which area/floor(s) is occupied by the business, and refer to the other occupiers of the building.

It is assumed that applicants will have obtained the right to occupy premises in respect of which they are making an application, or permission to situate their vehicle/vessel/stall at the location to which the application relates, prior to making their application. Evidence of this may be requested during the application process. A sex establishment licence does not convey any right of occupation of private or public property.

Question 2
Applications may be made either by an individual, or by a body corporate (e.g. a limited company), or by an unincorporated body (e.g. a partnership). Please indicate in which capacity the application is made, and give the appropriate details.

Applicants for sex establishment licences must either be resident in or incorporated in a European Economic Area (EEA) state.

If an individual applying for a licence has been known by any other names in the last 5 years (for instance, a maiden name prior to marriage, or where a name has been changed by deed poll), details of all names used in that period must be provided with the application.

If the application is made by a body corporate or an unincorporated body, details of all partners, directors, company officers and persons in similar roles must be also given with the application. A form is provided for this purpose, at Appendix A.

Question b) v. requires the registered number of the applicant and the name of the registering authority. For most limited companies, this will be the company registration number issued by Companies House, or for applicants incorporated in other EEA states, the equivalent local registrar.

Question 3
Please indicate the type(s) of application you are making. More than one type of application may be made at a time. For instance, simultaneous applications to transfer and renew the licence. In this case, the relevant sections of the form relating to both transfer and renewal should be completed. Payment of the application fees (see relevant section later in these notes) for every type of application would also be required in these circumstances.

- If applying for the grant of a new licence, please answer the questions in section a), about any other licences that are held for the premises, vehicle, vessel or stall. Details of any other licences should be given in the response to question 11 (further information).
- If applying to renew an existing licence, please give details of that licence in section b).
- If applying to transfer an existing licence, please give details of that licence and of the current holder of the licence in section c). The form at Appendix B, completed and signed by the current holder of the licence, should also be submitted with the application. If it is not possible to obtain the licence-holder's consent, a statement should be submitted explaining the reason for this, and outlining the steps that were taken to try and obtain this consent.
- If applying to vary any of the terms, conditions or restrictions to which the licence is subject, please describe in detail the changes you are seeking. Please identify any specific conditions which you wish to be removed, or set out in full any amendments or additional conditions you wish to see added to the licence. If the variation relates to a physical change to the layout of the premises, please supply an updated scale plan to reflect this change.

Question 4
Please indicate the use(s) or proposed use(s) of the sex establishment. Details of the meaning of each of these categories are given on the first page of these notes.

Question 5
Please set out the times during which you propose to operate the sex establishment, if a licence is granted, using timings in the 24-hour clock format (e.g. 09:00 to 21:00). If there are any specific occasions on which different hours are sought (e.g. bank holidays, New Years Eve), please set these out in the box provided for non-standard timings, giving the proposed times for each specified occasion.

When determining the application, the authority may impose a condition limiting the use of the licence to within the timings sought here, or such shorter hours as the authority deems appropriate.

Question 6
This question asks you to describe the activities for which authorisation is sought. Your answer here should give enough detail for the authority to form a comprehensive picture of the operation of the sex establishment, including the management structure.

For a sexual entertainment venue, please describe the nature of the entertainment to be provided, including the expected frequency of entertainment and the number of performers expected to be involved at any one time. Please also describe the expected size and proximity of the audience.

For a sex cinema, please describe the type of recordings that would be exhibited, and the method and location of exhibition (e.g. projected in a dedicated cinema facility, in a private booth, on television screens around the premises, etc).

For a sex shop, please describe the type of articles that would be made available, and the transaction method (whether they would be sold, rented, etc).

Question 7
The provision of sex-related activities is often contentious, and this section of the form is provided to allow an applicant to set out any control measures that they intend to implement to limit the impact of their activities, should the licence be granted. These

measures are likely to be dependent upon the proposed use of the premises, but may include:

- Details of procedures to prevent underage access to the sex establishment;
- Details of measures to ensure that activities are not visible from outside the premises, and description of any external advertising material that will be utilised;
- Details of 'house rules', to ensure performers safety and welfare (e.g. rules on contact and conduct, statement on the use of drugs and/or alcohol, restrictions on partners frequenting the premises, arrangements for secure changing areas and access routes, provision of security personnel to ensure these rules, and so on).

We would expect any applicant to make themselves familiar with any standard conditions applying to the relevant category of sex establishment licence. Those conditions should be used as a starting point for answering this question.

Questions 8-9
Although every application will be considered on its merits, in some specific circumstances the licensing authority is under a legal obligation to refuse an application (see Decision section, below). These questions require the applicant to declare whether or not they fall within two of those circumstances, due to the refusal or revocation of a licence in the last 12-month period.

Please ensure that these questions are answered accurately, as making a false statement in connection with an application is a criminal offence, carrying a maximum fine of £20,000 upon summary conviction.

Question 10
This question asks the applicant to declare whether they or any person connected with the applicant, including individuals who will be responsible for managing the sex establishment if the licence is granted, have previously been convicted of any offences either in the United Kingdom or abroad. If this question is answered yes, the form at appendix C should be completed for each person connected with the application who has unspent convictions.

The licensing authority is duty bound to consider whether previous convictions will make an applicant unsuitable to hold a sex establishment licence, and may refuse an application if it believes this to be the case. However, each application will be considered on its merits, and previous unspent convictions will not automatically preclude the grant of a licence.

There is no need to declare 'spent' convictions here. The Rehabilitation of Offenders Act 1974 provides that after a certain amount of time from the date of conviction, dependent upon the nature of the sentence given, convictions for offences are to be regarded as 'spent' and will be disregarded when we consider applications. For advice as to whether particular convictions are 'spent', please contact the Licensing Team, or an independent legal adviser.

Question 11
This space may be used to give any further information that you think the licensing authority should be aware of when considering your application. This may include, but should not be limited to, answers from previous questions where you have been asked to provide fuller information.

For example, if you already operate licensed sex establishments, you may wish to

provide details of those premises in this space.

Enclosures
Applications should be accompanied by a number of documents, dependent upon the application type. Please check the boxes on the application form to confirm which enclosures have been sent.

Application fees
Applications for new sex establishment licences, or renewals/transfers/variations of existing licences, must be accompanied by payment of the relevant application fee. Fees are subject to periodic changes - for details of our current fee amounts, please see our web pages at https://www.southnorfolkandbroadland.gov.uk/

Payments by cheque should be made payable to South Norfolk Council.

Plan of premises
Applications for new sex establishment licences, or applications to vary existing licences to effect changes to the layout of the premises, must be accompanied by a plan of the premises, drawn to an appropriate scale. See the Council's full policy document for further details. The plan must be clear and legible in all material respects, and should include the following matters:

a) the boundary of the building, all external and internal walls of the building and, if different, the perimeter of the premises
b) all points of access to and egress from the premises including escape routes and emergency exit from the premises
c) the areas within the premises to which the public has access
d) the areas within the premises to which only staff (including dancers) have access
e) the location of rooms containing toilets for public use
f) the location of fixed structures or objects such as a bar, furniture, stages and poles as well as any fixed or moveable items that will obscure or obstruct in any way the supervision by the licensee, staff or contractors of areas to which both the public and performers will have access
g) the location of all CCTV cameras. The plan must also identify each camera with a unique number and show the direction and extent of the range of view for all CCTV cameras
h) the location of any ramps, steps, stairs, elevators or lifts on the premises
i) any parts of the premises that may be inaccessible to people with a disability
j) the location of any fire safety and any other safety equipment (for example a first aid kit)
k) if the premises is a sexual entertainment venue, the areas within the premises where the applicant proposes to provide relevant entertainment (we expect this area to be different in some respects to c) above)
l) the location of rooms used exclusively by dancers m) the location of rooms containing toilets for the exclusive use by dancers

The above items may be shown on the plan through the use of symbols or colour-coding, in which case a legend should also accompany the plan to indicate the meaning of each symbol and colour used.
Applications in respect of vehicles, vessels and stalls should also be accompanied by a site plan showing the location at which it is intended to operate the sex establishment.

Declaration and signature
Please read all of the statements in this section, and tick those that apply to your application, to indicate that you agree with those requirements. The application should

then be signed by a person with the authority to bind the applicant. For individual applicants, this will usually be the applicant themselves, unless they have authorised an agent or legal representative to sign on their behalf. For corporate applicants, the form should be signed by a director of the company, a senior partner, a company officer or similar, or by an agent or legal representative if the applicant has authorised one to sign on their behalf.

Contact name and address
Please specify in this section of the form the contact details that you would like us to use to correspond with you about your application. If the application is made on your behalf by a legal representative or authorised agent, with whom you wish us to correspond, their details should be entered in this space. If no details are given, we will correspond directly with the applicant using the details given in question 2 of the form.

Consultation
A copy of the complete application (including any enclosures, other than the application fee) will be circulated to Norfolk Constabulary, Norfolk Fire and Rescue Services, local ward Councillors, the relevant parish council and any other relevant person as deemed appropriate by the Licensing Authority within 7 days of the date the application is made to the Licensing Authority.

The police and any other affected party may object to the application within 28 days of the date on which the application was received by the authority. Objections must include and set out the ground(s) upon which that objection is made. Although the applicant will usually be sent a copy of any objections or police observations, the authority is required to obscure names and addresses of any private individuals who have made those objections unless they have explicitly consented to their details being provided to the applicant.

All applications for sex establishment licences may be considered and determined by the council's Licensing Sub-Committee at a hearing. Any objections received in respect of an application will be taken into account during this process.

Advertising your application
Applicants for the grant, renewal or transfer of a sex establishment licence must publicise their application.

All applicants must arrange for the publication of a notice in one issue of a local newspaper, available in the area in which the sex establishment will be situated. This notice must appear within 7 days of your application being given to the licensing authority. Classified advertising publications are not suitable for this purpose – your notice must appear in a publication with news content.

Applicants in respect of fixed premises must also arrange for the display of an A4-sized (or larger) notice, at or near the premises, placed so that it can be conveniently read by members of the public outside the premises. This notice must be maintained so as to be visible 24 hours a day, for a period of 21 days beginning from when your application is given to the licensing authority.
Applications for vehicles, vessels or stalls are not subject to this requirement.

Decision

Applications **must** be refused if the applicant:
- is aged under 18 years;
- has had a licence revoked by the authority in the preceding 12-month period;

- (if an individual) has not been resident in an EEA state throughout the period of six months immediately preceding the date when the application was made;
- (if a body corporate) is not incorporated in an EEA state; or
- has been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in the preceding 12-month period, unless the refusal has been reversed on appeal.

The authority **may** also refuse an application if:

- the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- the business to which the application 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;
- the number of sex establishments in the local area at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that area;
- the authority considers that the grant or renewal of the licence would be inappropriate, having regard to the character of the local area, the use to which any other premises in the vicinity are put, or the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Transfer applications may only be refused the first two points above.

Each application will be considered on its merits. An application will not be refused unless the applicant has been given the opportunity to appear before and make representations to the council's Licensing Sub-Committee.

If a licence is granted, it will be valid for a period of up to 1 year, as determined by the licensing authority. Renewal applications must be received before the expiry of the previous licence if the applicant wishes to continue trading while their application is considered.

Other points to note

- A sex establishment licence does not convey any entitlement under planning laws. Some sex establishments will require specific planning consent for their activities – please view the council's webpage for further details - https://www.southnorfolkandbroadland.gov.uk/planning

- Persons employed at premises to exercise certain security functions, such as door supervisors, must be licensed or otherwise authorised for that function by the Security Industry Authority (SIA). The operator of the premises must ensure that anyone carrying out such a function is correctly licensed to do so, and is advised to keep formal records of these checks. This will be of particular relevance to sexual entertainment venues, which may employ security staff both to regulate admission to the premises and to oversee customers' behaviour within the premises.

- The remote sale of R18-certificate videos and DVDs (for example, by mail order) is prohibited under the Video Recordings Act 1984. Such recordings may only be sold in person, in licensed sex shops.

Appendix F - Notice of Application

Example of Public Notice

NOTICE OF APPLICATION FOR
GRANT / RENEWAL/VARIATION/TRANSFER
OF A SEX ESTABLISHMENT LICENCE

Local Government (Miscellaneous Provisions) Act 1982
Schedule 3

NOTICE IS HEREBY GIVEN that I/we [*insert name of applicant(s)*]

Of [*insert applicant's full address*] have made an application to South Norfolk Council, being the Licensing Authority for the purpose of Section 2 of the above "Act" for the [*insert type of application e.g. grant, renewal etc*.] of a *[insert type of licence e.g. sex shop, sex cinema, or sexual entertainment venue*] licence in respect of premises known as *[insert trading name of premises*] at [*insert full address of premises*] .

Anyone wishing to object to this application should do so, in writing, stating reasons by [*enter date*] to the Licensing Team, South Norfolk Council, Horizon Business Centre, Peachman Way, Norwich, NR7 0WF.

Notes:

- This notice may also be used to display the application on the premises or for publication in the local newspaper.

- The date to be inserted in the notice, by which objections must be made, will be that of the 28th day following the day on which the application is submitted to the Council.

Newspaper Notice:

- It must be published in a local newspaper circulating in the vicinity of the premises.

- The Notice must be published on AT LEAST ONE OCCASION during the period of **SEVEN DAYS** starting on the day after the day on which the application was submitted to the Council.

Premises Notice:

- This Notice must be of a size **EQUAL TO OR LARGER THAN** A4 paper. It must be **PRINTED IN BLACK INK** or **TYPED IN BLACK** in a **FONT SIZE EQUAL TO OR LARGER THAN 16.**

- It must be displayed prominently on or near the premises, to which the application relates, where it can be conveniently read from the exterior of the premises.

- The Notice must be displayed for a period of NOT LESS THAN 21 CONSECUTIVE DAYS starting on the day after the day on which the application was submitted to the Council