



MANCHESTER  
CITY COUNCIL

# Sex Establishment Policy Document

Incorporating Sex Shops, Sex Cinemas  
and Sexual Entertainment Venues

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# 1. Introduction

- 1.1 This Policy statement provides Manchester City Council's (hereinafter "the Council") approach to the regulation of sex establishments (sex shops, sex cinemas, and sexual entertainment venues) as set out in the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, within the City of Manchester.
- 1.2 The Council's policy is that there is a rebuttable presumption against the grant of applications for a sex establishment licence in any area of Manchester. This policy does not apply to the renewal of existing licences. Of course, applications for new licences may still be made and will be considered accordingly by the Council.
- 1.3 The Policy sets out an overview of the administrative process for the licensing sex establishments including particular considerations that the Council will have in relation to the location of premises, which are set out at Section 4. Also included are the Council's Standard Conditions for sex establishments, which shall be considered the basic norm for premises licensed in Manchester.

## **Definition of Sex Shop**

- 1.4 A "sex shop" is defined as any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating –
  - a) sex articles; or
  - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging –
    - i) sexual activity; or
    - ii) acts of force or restraint which are associated with sexual activity.

## **Definition of Sex Cinema**

- 1.2. A "sex cinema" is defined as any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which –

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage -
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; or
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

but does not include a dwelling-house to which the public is not admitted.

### **Definition of Sexual Entertainment Venue**

- 1.3. 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.

“Relevant entertainment” means –

- a) any live performance; or
- b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

### **Premises that cannot be licensed as Sexual Entertainment Venues**

- 1.4. The following are premises that are not sexual entertainment venues:

- a) Sex shops and sex cinemas (which are separately defined in Schedule 3 of the 1982 Act)
- b) Premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –
  - i) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
  - ii) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  - iii) no such occasion has lasted longer than 24 hours
- c) Other premises or types of performance or displays exempted by an order of the Secretary of State

## **Information Relevant to Sexual Entertainment Venues**

- 1.5. Section 27 of the Policing and Crime Act 2009 introduced a new category of sex establishment called “sexual entertainment venue”, defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer”.
- 1.6. Paragraph 2A of Schedule 3 as inserted by Section 27 defines the meaning of ‘relevant entertainment’ as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether verbal or other means)”. An audience can consist of just one person. The definition of relevant entertainment is expected to apply to the following terms of entertainment as they are commonly understood:
  - Lap dancing
  - Pole dancing
  - Table dancing
  - Strip shows
  - Peep shows
  - Live sex shows
- 1.7. Relevant entertainment is not restricted to the above defined forms of entertainment and will be considered with regard to the nature of the entertainment, not the name it is given.
- 1.8. Paragraph 2A(14) of Schedule 3 sets out the definition of nudity with regard to ‘relevant entertainment’; in the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man, it means exposure of his pubic area, genitals or anus.
- 1.9. The ‘organiser’ means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. The ‘organiser’ must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment.

## 2. The Grounds for Refusal

2.1 A licence **must** not be granted:

### **Mandatory**

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

### **Discretionary**

2.2 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed, or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate having regard -
  - i) to the character of the relevant locality; or

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

2.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

2.4 When considering an application Manchester City Council will have regard to any rights the applicant or any other persons have under the Human Rights Act and the European Convention on Human Rights in particular: Article 1 Protocol 1, peaceful enjoyment of possessions. A licence is considered a possession in law and people should not be deprived of their possessions except in the public interest. Article 6 - right to a fair hearing. Article 8 - respect for private and family life. Removal or restriction of a licence may affect a person's private life. Article 10 - right to freedom of expression.

2.5 If, having considered an application for the grant, renewal or transfer of a licence, Manchester City Council decides to refuse it on one or more of the above grounds, the reasons for the decision will be provided in writing to the applicant.

2.6 Applications will only be refused where the Council considers it as necessary and proportionate to do so, and any decision shall be on a non-discriminatory basis.

## **3. The Application Process**

### **Application Form**

- 3.1 Applications for a sex establishment licence must be made on the prescribed form available upon request from the Licensing Unit or at: [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing).
- 3.2 Applications to increase the size of an existing premises should be made as a new licence application.
- 3.3 Changes to the permitted hours, internal layout of the premises and licence conditions may be made by way of a variation to the licence.

### **Electronic Submission of Applications**

- 3.4 Applications may be made electronically on the prescribed form available at [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing).

### **Advertisement of Application**

- 3.5 Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in Manchester no later than 7 days after the date the application is made.
- 3.6 Where the application relates to a premises, a notice must also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning on the day the application is made.
- 3.7 The notices shall be in the form prescribed and copies of the form notices are available upon request from the Licensing Unit.
- 3.8 Applicants for Sex Establishment Licences are encouraged to consult with local residents and businesses prior to submitting their application. Additionally, existing operators are encouraged to have regular dialogue with residents and businesses in the local area.

### **Fees**

- 3.9 The applications for grant, variation, renewal and transfer of a sex establishment have been established by Manchester City Council with regard to The European Services Directive: Guidance for Local Authorities and LACORS Guidance on the impact of the Services Directive on councils setting and administering local licence fees within the service sector.

## **Objections**

- 3.10 When considering an application for grant, renewal or transfer of a licence, the Council will have regard to any observations submitted to it on behalf of the chief officer of Greater Manchester Police as well as any objections received from anybody else within 28 days of the application.
- 3.11 Any person or organisation can object to an application and objections must be made in writing by post or email. The Council encourages any objector to provide full reasons for their objection and, where possible, demonstrate how their reasons are relevant to the mandatory and discretionary grounds for refusal (if any) as set out in this Policy.
- 3.12 No weight will be given by the Council to objections made on moral grounds or that are, in the opinion of the Council, frivolous or vexatious. In this policy, 'frivolous' and 'vexatious' have their ordinary meanings.
- 3.13 Where any objection is received, the applicant shall be notified of the general grounds of the objection, prior to the application being determined by the Council.
- 3.14 We will not disclose the name or address of any objector to the applicant unless the objector has provided consent to their details being disclosed. However, any objection should state the name and address of the person or organisation making the objection.

## **Consideration of 'late' Objections**

- 3.15 Although the Council is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

## **The Determination of Applications**

- 3.16 All applications for a new sex establishment will be determined by a delegated sub-committee of the Licensing and Appeals Committee.
- 3.17 Contested applications (i.e. where objection is received) for the renewal of a sex establishment will be determined by a delegated sub-committee of 3 members of the Licensing and Appeals Committee.
- 3.18 Non-contested applications (i.e. no objection received) for the renewal of a sex establishment will be determined by the Principal Licensing Officer subject to the approval of the Chair of the Licensing and Appeals Committee.
- 3.19 Reasons shall be given of the decision taken for all applications.

### **Licence Conditions**

- 3.20 The Council intends to adopt standard conditions, which will be imposed by way of regulations, in respect of sex shops and sexual entertainment venues, which will apply to all respective licences granted, unless such conditions have been expressly excluded or varied. These proposed standard conditions will be provided separately.
- 3.21 However, following a hearing, the Licensing and Appeals Committee may attach further conditions to a licence, considered necessary and proportionate in the public interest including, but not limited to, the interest of public policy, public security, public health or the protection of the environment. This could include conditions restricting the opening and closing times of the premises.

### **Duration of Licences**

- 3.22 Unless a shorter period is specifically stated, all licences will be granted for one year, which shall be the maximum duration for any licence.

### **Waivers**

- 3.23 The Council will not normally grant a waiver for a sex establishment licence but will consider applications on their individual merits. Applicants will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived.
- 3.24 Applications will be considered by the Licensing and Appeals Committee, or delegated sub-committee thereof, and reasons shall be given of the decision taken.

### **Suitability of Applicants**

- 3.25 The Council needs to be satisfied that the applicants for a sex establishment licence are suitable to operate the business by ensuring:
- a) that the operator is honest;
  - b) that the operator is qualified by experience to run the type of sex establishment in question;
  - c) that the operator understands the general conditions;
  - d) that the operator is proposing a management structure which will deliver compliance with operating conditions e.g. though:
    - i) managerial competence;

- ii) attendance at the premises;
  - iii) a credible management structure;
  - iv) enforcement of rules internally, e.g. through training and monitoring
  - v) a viable business plan, e.g. sufficient to employ door staff and install CCTV;
  - vi) policies for the welfare of performers (SEV only).
- e) that the operator can be relied upon to act in the best interests of the performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only);
  - f) that the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation;
  - g) that the operator can show a track record of management of compliant premises, or that s/he will employ individuals who will have such a track record;

3.26 All applications will be considered but they are unlikely to be granted if the following apply:

- a) the applicant has a criminal record. Offences that would be considered particularly relevant include:
  - convictions for dishonesty
  - violence
  - sexual offences
  - drugs
  - public order
  - people trafficking
- b) the applicant has previously been involved in running an unlicensed sex establishment;
- c) if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves.

3.27 It is anticipated that these expectations would be demonstrated by the operator through their completed application form and any accompanying

submissions as part of the application process. However, the Council may also take into account any oral submissions made at any hearing to determine the application.

## 4. The Location of Licensed Premises

- 4.1 All applications for sex establishment licences will be considered on their individual merits.
- 4.2 Without prejudice to the above, a licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises.
- 4.3 Manchester City Council considers that areas located outside the City Centre, as defined by the Planning Department's definition of the City Centre, are not appropriate locations for sex establishments. Therefore, the policy is that the appropriate number for sex establishments outside of the City Centre is nil.
- 4.4 Within the City Centre, the policy is that there shall be a rebuttable presumption that any application for the grant of a sex establishment licence shall be refused apart from in exceptional circumstances. Exceptional circumstances may include situations where a pre-existing operator has failed to renew their licence, or their licence has lapsed, as a result of a genuine administrative error.
- 4.5 Any application for a new licence proposed upon the surrender of an existing licence will be considered on its individual merits.
- 4.6 Applications for the grant of a sex establishment licence at any premises where a licence has been refused upon renewal, or revoked shall not be considered as exceptional.
- 4.7 Sex establishments will not normally be licensed near to:
  - a) Housing / Residential property;
  - b) in the immediate vicinity of major transport stops e.g. Railway stations, tram stops or clustered bus stops;
  - c) schools, play areas, nurseries or children's centres;
  - d) family shopping or leisure areas;
  - e) places of worship;

- f) historic buildings or tourist attractions;
- g) other places where relevant entertainment takes place;
- h) other sensitive uses that may be relevant e.g. women's hostel;

where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

4.8 The spatial distribution of licensed premises is very relevant particularly with consideration to their impact upon the character of the locality. The Council will have regard to the uses of all other premises in the area as well as any potential adverse impact upon:

- a) regeneration;
- b) tourism;
- c) the retail or commercial attraction of the area;
- d) social issues e.g. prostitution, anti-social behaviour.

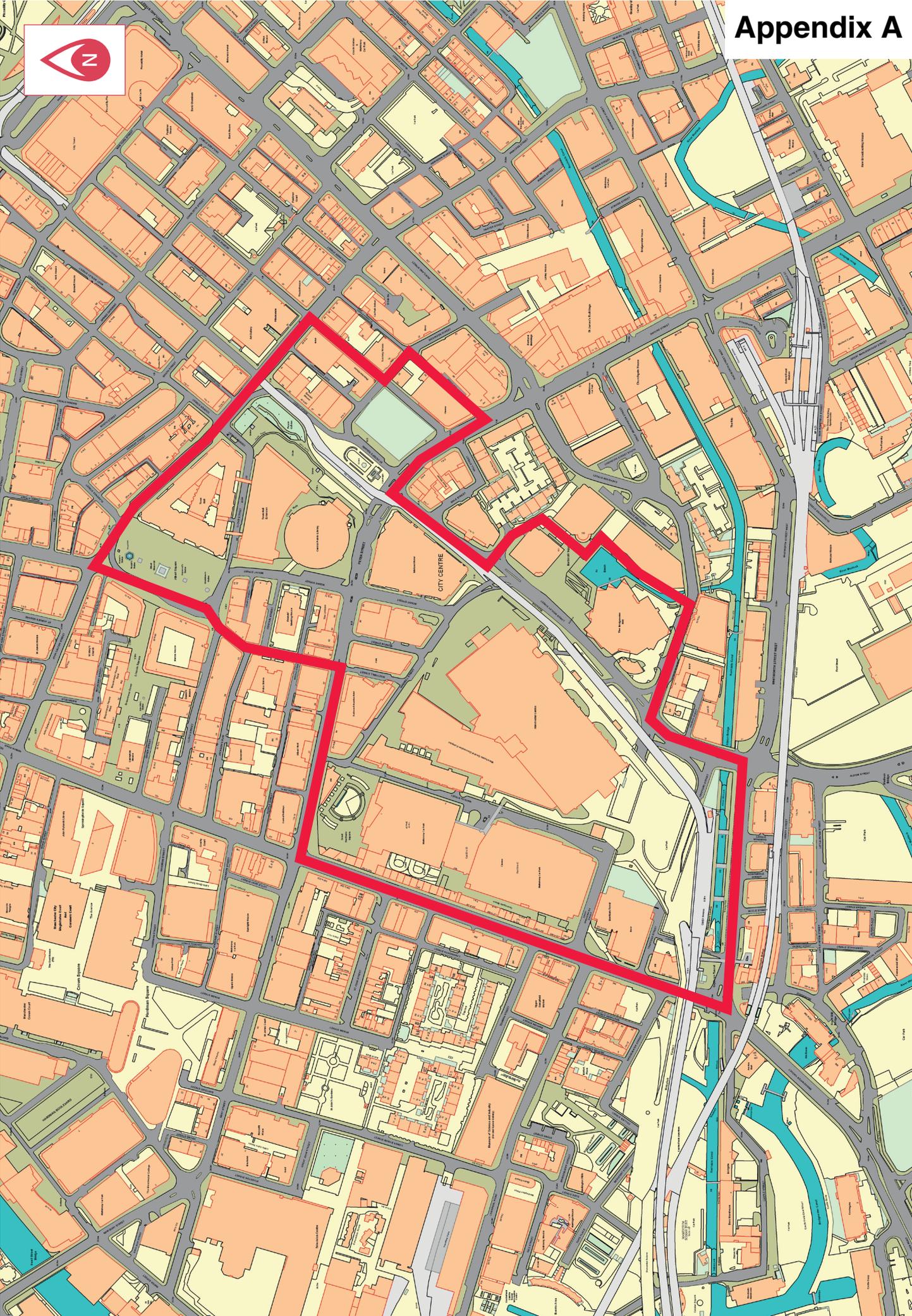
4.9 Within the city centre no licences shall be granted for premises within the following locations:

- a) parks or external areas/squares that attract large numbers of children such as, but not limited to, Castlefield Arena, Piccadilly Gardens, Albert Square, St Anne's Square, Exchange Square;
- b) entertainment centres which have children/family focussed entertainment;
- c) community buildings such as, but not limited to, places of worship, libraries, GPs surgeries;
- d) the area (framed by Deansgate to the west; Peter Street, Mount Street and Lower Mosley Street to the north; Portland Street, Oxford Street and Lower Mosley Street to the east; and Whitworth Street West to the south) as set out in Appendix A;
- e) where further sex oriented uses would change the character of an area;
- f) where further sex oriented uses would deter people from using the area comfortably/at all;
- g) where further sex oriented uses raises the fear of crime in the locality;

or where such locations form part of the relevant locality.

4.10 The Council may also have regard to the following factors:

- a) access routes to schools, play areas, nurseries or children's centres or other uses normally attended by children;
- b) any existing licensing permissions for the premises;
- c) the proximity of other licensed premises in the surrounding area and the terms of those licences;
- d) the Planning permission for the premises and surrounding uses;
- e) any existing Planning or Regeneration policy/plan/strategy relevant to the area;
- f) history of complaints relevant to the premises;
- g) the nature of the daytime and night-time economies in the surrounding area.



## **APPENDIX B – STANDARD CONDITIONS FOR SEX ESTABLISHMENTS**

### **Standard Conditions for Sex Shops**

1. Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule III and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop.
2. Over each entrance to the premises, in a position approved by the City Council, the Licensee shall affix and maintain in a permanent form a clear notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
3. No person under the age of 18 shall be permitted admission to the premises at any time the premises is being used under this licence.
4. No person under the age of 18 shall be employed at the premises or permitted to work in the premises on a self-employed basis.
5. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. There shall also be a clear notice displayed prominently stating that any person suspected of being under 21 years of age shall be required to produce valid photographic identification that they are over 18 years of age.
6. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.

7. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, foot plates or forecourts without the prior written approval of the Licensing Unit Manager. The only exceptions to this requirement are any notice displaying the name or trading title of the Licensee, any notice indicating the times of opening of the premises for business, any notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.
8. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building.
9. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period necessary to check a recording for fault by the licensee or for a period of not more than one minute for the sole purpose of demonstrating it to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
10. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
11. The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.

12. The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.
13. Where the Licensee is a body corporate or an unincorporated body-, any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days and such written details as the Council may require in respect of any new Director, Secretary and Manager are to be furnished within 14 days of a request in writing from the Council.
14. A copy of the licence shall be kept on the premises and be immediately available for inspection upon request by the Police or an authorised officers of the Council.
15. External doors shall be closed at all times except when persons are entering or leaving the premises. External doors shall be fitted with a device to provide their automatic closure and such devices shall be kept in good working order.
16. There shall be a CCTV system installed at the premises to the satisfaction of the Council.

## **Standard Conditions for Sexual Entertainment Venues**

### **External Appearance of the Premises and Public Displays of Information**

1. The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Unit Manager of Manchester City Council.
2. The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed on the exterior of the premises.
3. All charges for products and services shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
4. Rules for customers shall be displayed in prominent areas within the premises, and at each customer table and in the bar area.
5. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
6. There shall be no performers or persons employed at the premises in a state of undress, or scantily-clad, outside the premises at any time it is open.
7. The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.
8. The use of flyers and similar promotional material for the premises is prohibited.

### **Control of Entry to the Premises**

9. No person under the age of 18 shall be permitted admission to the premises at any time the premises is being used under this licence.
10. No person under the age of 18 shall be employed at the premises or permitted to work in the premises on a self-employed basis.
11. The Challenge 25 proof of age scheme shall be operated at the premises whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

***OR at the discretion of the Licensing Authority in individual circumstances the following condition may be applied:***

12. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system.
13. The premises shall maintain a Refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Council.
14. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
15. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
16. A policy of random searches of persons entering the premises shall be operated.
17. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take

such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.

18. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
19. The premises shall subscribe to the NiteNet radio system and radios shall be operational at all times the premises is open to the public.

**Conduct of performers and Rules relating to performances of sexual entertainment**

20. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the Council. The code shall include the following:
  21. There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
  22. The performer may not simulate any sexual act during a performance.
  23. Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
  24. Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
  25. There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.

26. There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
27. Performers must fully dress (i.e. no nudity) at the end of each performance.
28. Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council
29. There shall be no photography permitted by customers on the premises.
30. Customers must remain seated for the duration of a performance.
31. Performers shall not arrange to meet, or have further contact with, customers outside of the premises.

**The protection of performers and the prevention of crime on the premises**

32. Performers shall be provided with secure and private changing facilities.
33. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
34. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
35. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
36. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
37. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the entrance to the premises, at all times the premises is open to the public.

38. Any private booths shall be fitted with a panic button or security alarm.
39. There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

### **Record Keeping and Management**

40. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
41. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.
42. Payment and remuneration records for both performers and staff shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.
43. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
44. No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises.

### **CCTV**

45. The CCTV system must comply with:  
*British Standard 7958:2009 - Closed circuit television (CCTV).  
Management and operation. Code of practice.*
46. Where CCTV system incorporates a digital recording function, it must also comply with:  
*British Standard 8495:2007 - Code of practice for digital CCTV recording systems for the purpose of image export to be used as evidence.*

47. The DPS (as specified in any licence in force for the premises granted under the Licensing Act 2003)/premise owner must maintain an annual registration with the Information Commissioners Office - as stipulated under the Data Protection Act 1998.
48. At all times, the CCTV system and recordings must be kept in a secured environment under the control of the DPS (as specified in any licence in force for the premises granted under the Licensing Act 2003) or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.
49. The CCTV system must be maintained in good working order to:
  - a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
  - b) Have a recording capability capable of providing individual pictures.
  - c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
  - d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.
  - e) Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
  - f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.
50. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, who is competent in the operation of the CCTV equipment in order to:
  - a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
  - b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
  - c) facilitate the downloading CCTV footage.

51. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.
52. The CCTV system must:
  - a) Incorporate at least one camera on every entrance and exit to the premises - individuals must be identifiable.
  - b) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must be recognisable.
  - c) Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable.
  - d) Ensure that all other cameras at the premises allow for individuals to be recognisable.
  - e) Incorporate a dedicated CCTV camera for each private booth – individuals must be clearly identifiable.
53. In the event of a technical failure of the CCTV system, the nominated CCTV Operator will ensure the matter is reported to the MCC Licensing Unit within 24 hours.
54. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.
55. CCTV shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted.

### **Dress Code**

56. The premises shall operate a dress code for customers to the satisfaction of Greater Manchester Police.

## **Standard Conditions for Sex Cinemas**

1. Premises licensed as a Sex Cinema under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act 1982, shall be used only for the purposes of a Sex Cinema as defined in Paragraph 4 of said Schedule III and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Cinema.
2. Over each entrance to the premises, in a position approved by the City Council, the Licensee shall affix and maintain in a permanent form a clear notice stating that the premises are licensed as a Sex Cinema under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
3. No person under the age of 18 shall be permitted admission to the premises at any time the premises is being used under this licence.
4. No person under the age of 18 shall be employed at the premises or permitted to work in the premises on a self-employed basis.
5. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. There shall also be a clear notice displayed prominently stating that any person suspected of being under 21 years of age shall be required to produce valid photographic identification that they are over 18 years of age.
6. The Licensee of every premises licensed as a Sex Cinema shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.
7. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, foot plates or forecourts except any notice displaying the name or trading title

of the Licensee, any notice indicating the times of opening of the premises for business, any notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.

8. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible to persons outside the building.
9. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
10. The Licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
11. The Licensee or some responsible person nominated by him in writing for the purpose shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.
12. Where the Licensee is a body corporate or an unincorporated body, any change of Director, Company Secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days and such written details as the Council may require in respect of any new Director, Secretary and Manager are to be furnished within 14 days of a request in writing from the Council.
13. A copy of the licence shall be kept on the premises and be immediately available for inspection upon request by the Police or an authorised officers of the Council.

14. External doors shall be closed at all times except when persons are entering or leaving the premises. External doors shall be fitted with a device to provide their automatic closure and such devices shall be kept in good working order.
15. There shall be a CCTV system installed at the premises to the satisfaction of the Council.
16. No film shall be exhibited unless:
- (i) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
  - (ii) (ii) the film has been passed by the Council as U, PG, 12, 15, 18 or RESTRICTED (18).
17. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.