

Report for:	Licensing Health & Safety Enforcement Sub-Committee
Date of meeting:	12 February 2013
PART:	4
If Part II, reason:	

AGENDA ITEM: 6

SUMMARY



Title of report:	Application for new Sex Establishment Licence: After 8, 166-168A Marlowes, Hemel Hempstead
Contact:	Ross Hill – Licensing Team Leader, Legal Governance
Purpose of report:	This report sets out details of an application in respect of a sex establishment licence, which requires consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and objections made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	Safe and Clean Environment <ul style="list-style-type: none"> Sex-related activities are regulated to protect public safety and the public amenity.
Implications:	<u>Financial/Value for Money/Risk Implications/Equalities/Health And Safety</u> None
Consultees:	The applicant is required to notify the chief officer of police of the application, and to give public notice at the premises and in a local newspaper.
Background papers:	Dacorum Borough Council Sex Establishment Licensing Policy
Glossary of acronyms and any other abbreviations used in this report:	

1. BACKGROUND – LEGISLATIVE CONSIDERATIONS

- 1.1. In 1984, Dacorum Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of the licensing of sex establishments. In February 2011, the Council re-adopted the schedule with amendments under section 27 of the Policing and Crime Act 2009, so as to additionally require sexual entertainment venues to be licensed.

- 1.2. The effect of adoption is to require any person wishing to operate a sex shop, a sex cinema or a sexual entertainment venue within the Borough of Dacorum to first obtain a sex establishment licence from the Council. These operations are defined in legislation as follows:

Sex shops: any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles (including printed or recorded material depicting or intended to stimulate sexual activity), or other items used in connection with, to stimulate or to encourage sexual activity or acts of force or restraint associated therewith.

Sex cinemas: any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures which primarily depict sexual activity or acts of force or restraint associated therewith, or are intended to stimulate or encourage such; or which primarily relate to genital organs or urinary or excretory functions. There is no licence requirement in respect of exhibitions within private dwellings, where no public admission is offered.

Sexual entertainment venues: any premises at which relevant entertainment is provided before a live audience (comprising one or more persons) for the financial gain of the organiser or entertainer. Relevant entertainment comprises any live performance or live display of nudity provided solely or principally for the purpose of sexually stimulating any member of the audience, such as lap dancing, pole dancing, strip shows, peep shows or live sex shows. Nudity includes any exposure of the entertainer's nipples (female entertainers only), pubic area, genitals or anus (Premises will not require a licence if they provide relevant entertainment on no more than 11 occasions per year, providing there is at least one full month between each occasion, and that each occasion lasts no longer than 24 hours).

- 1.3. Paragraph 20 of Schedule 3 to the Act creates an offence of using a premises, vehicle, vessel or stall as a sex establishment without or in breach of a sex establishment licence. A person committing such an offence shall be liable, on summary conviction, to a fine of up to £20,000.
- 1.4. A person may make an application to the Council for the grant, renewal, variation or transfer of a sex establishment licence, or to waive the requirement to hold a licence. Applications must include any particulars reasonably required by the authority, and must be accompanied by payment of a fee set by the authority to cover the cost of administering the licensing regime.
- 1.5. Applicants must give notice of their application, by forwarding a copy of the entire application to the chief officer of police for the area, and by placing public notices at or near the premises for a 21-day period, and in one edition of a local newspaper published within 7 days of making the application.
- 1.6. Written objections to a licence application may be made by any person within a period of 28 days from the date of the application. Objections must set out, in general terms, the grounds for objection. These grounds must be notified to the applicant for his consideration, although the authority may not divulge the identity of the objector without their express consent.

- 1.7. In considering an application, the authority must have regard to any observations made by the police, objections received from any other person, and submissions made by the applicant, either at a hearing or otherwise.
- 1.8. Applications **must** be refused if:
- a) The applicant is under the age of 18;
 - b) The applicant is disqualified from holding a licence by virtue of the revocation of a previous licence issued by the same authority in the preceding 12-month period;
 - c) The applicant has not been continuously resident in an EEA state throughout the period of 6-months preceding the date of application;
 - d) The applicant, as a body corporate, is not incorporated in an EEA state;
 - e) The applicant was previously refused a licence for the same premises, vehicle, vessel or stall in the 12-month period preceding the date of application.
- 1.9. Applications **may** be refused if:
- a) The applicant is unsuitable by virtue of convictions, or for any other reason;
 - b) The business would be managed by or carried on for the benefit of a person who would be refused a licence if he applied himself;
 - c) The number of sex establishments in the relevant locality is equal to or exceeds the number the authority considers appropriate for that locality;
 - d) It would be inappropriate to grant the application, having regard to the character of the relevant locality, to the use of any premises in the vicinity, or to the layout, character or condition of the premises, vehicle, vessel or stall.
- 1.10. Licences may be granted for a maximum duration of one year, or, in exceptional circumstances, for such shorter period as the authority sees fit.
- 1.11. Licences shall be subject to any standard conditions prescribed by the authority in regulations (which may include variations for different types of premises and situations), and any further terms, conditions or restrictions as may be imposed on a case by case basis. However, no condition may be specified in respect of a matter which is otherwise regulated under the Regulatory Reform (Fire Safety) Order.

2. BACKGROUND – POLICY CONSIDERATIONS

- 2.1. When re-adopting the statutory provisions in February 2011, the Council also adopted a policy on the licensing of sex establishments, which remains in force today. A copy of the policy is appended to this report, at Annex F.
- 2.2. Paragraph 1.2 of the policy notes that the regulated activities are permitted by statute, and as such no moral judgement of the activities should be made. The right to freedom of expression, subject to any applicable regulatory controls passed by the State, is also engaged. Accordingly, applications must be considered and determined strictly upon the likely impact of the grant of a licence.
- 2.3. Section 4 of the policy deals with sexual entertainment venues, and provides further guidance on how the authority will consider the grounds for refusal relating to locality. At the present time, the policy does not stipulate a maximum number of sex establishments considered appropriate for any part of the Borough.
- 2.4. The policy includes appendices setting out schedules of standard conditions for inclusion on sex establishment licences, as prescribed by the Council in regulations.

Appendix A of the policy sets out a schedule of standard conditions for inclusion on the licences of sexual entertainment venues. It should be noted that the imposition of these standard conditions will not affect the Sub-Committee's ability to impose any further term, condition or restriction, should a licence be granted.

- 2.5. To date, three sex establishments have been licensed by the authority – a sex shop in Apsley and sexual entertainment venues in Flamstead and Hemel Hempstead Old Town.

3. APPLICATION

- 3.1. An application for the grant of a sex establishment licence was received from After 8 Entertainment Ltd on the 26th November 2012, seeking authorisation for the use of premises at 166-168A Marlowes, Hemel Hempstead, HP1 1BA as a sexual entertainment venue. A copy of the application is included at Annex A of this report, a copy of the proposed internal layout of the premises at Annex B, and a site map showing the location of the premises at Annex C. The premises is currently vacant, but previously traded as a bar/restaurant.
- 3.2. The applicant proposes to provide strip tease entertainment at the premises, between the hours of 20:00 to 03:00 Sunday to Thursday, and 20:00 to 06:00 on Fridays, Saturdays, Bank Holidays and days preceding Bank Holidays.
- 3.3. In support of the application, the applicant has provided a copy of the proposed House Rules, Staff Welfare Policy, House Fees and Fines Policy, and a schedule of proposed conditions that the applicant wishes to see imposed on the licence, if granted. Copies of these documents have been included with the application at Annex A.
- 3.4. The proposed conditions are largely compatible with the Council's standard conditions, with the exception of proposed condition 18 (which requires persons appearing under the age of 18 who wish to access the premises to be challenged to produce accredited identification). Standard condition 10 requires that persons appearing under the age of 25 should be challenged. The Sub-Committee are directed to regulation 2 of the Council's regulations prescribing standard conditions, which states that in the event of a conflict between a standard condition and a special condition, the special condition will prevail.
- 3.5. The application notes that the applicant currently holds a similar licence for premises in Upper George Street, Luton, and was previously refused a licence for premises in Lurke Street, Bedford, on the grounds on inappropriate location.
- 3.6. Public notices were displayed on the front door of the premises, and published in the 28th November edition of the Hemel Gazette.

4. POLICE OBSERVATIONS AND OBJECTIONS

4.1. Observations in respect of the application were received from Hertfordshire Constabulary on the 20th December 2012, expressing concerns about the proposal. A copy of the police's observations is appended at Annex D. The police have highlighted that:

- The entrance to the premises may cause conflict with the adjacent taxi rank;
- The proximity of residential property, and the potential for disturbance from the rear smoking terrace;
- The proposed trading hours extend considerably later than other licensed leisure premises in the locality;
- The plan provided by the applicant conflicts with their schedule of proposed conditions, in respect of raised areas and direct access from stage to changing room. The applicant's agent has subsequently responded (comments included within the police's submission) that the plan provided is provisional only, and will be subject to further consideration between the applicant and architect, should a licence be granted.

4.2. Four other objections were received against the application, including three from residents of Hemel Hempstead and one from Mike Penning, the Member of Parliament for Hemel Hempstead. Three of the objections relate to the location of the proposed premises, and cite concerns over the proximity of vulnerable persons, the lateness of the proposed trading hours, and a negative effect of the perception and reputation of the town. The fourth objection is made on moral grounds.

5. OTHER MATTERS

5.1. The premises lies within a parade of mixed retail and leisure use units. To the front lies a 24-hour taxi rank, serving the town centre. There is no vehicular access (other than public service vehicles and taxis) to the front entrance of the premises. A number of service entrances and private yards serve the rear of the parade. There are residential properties directly opposite the premises (above an elevated parade of retail and leisure units), and interspersed to the rear of the parade.

5.2. The application does not make reference to wheelchair access, either in the form of details of how this will be provided, nor as a request for exemption. Standard condition 28 requires licensed sexual entertainment venues to make provision for access to and use by members of the public who are disabled.

5.3. While trading as 'Indy Jax', the premises was licensed under the Licensing Act 2003 for regulated entertainment, late night refreshment and the supply of alcohol, from 11:00 to 00:00 Monday to Thursday, 11:00 to 01:00 Friday to Saturday, and 11:00 to 23:00 Sunday. The premises licence lapsed upon the dissolution of the company holding the licence in August 2012, and no authorisation is currently in force under that Act for the premises.

5.4. Under the Hemel Hempstead Town Centre Masterplan 2011-2021, as adopted by the Council, it is proposed that the stretch of Marlowes between Bridge Street and Hillfield Road, which runs directly in front of the premises to which this application relates, will become used as the town centre's principal bus interchange (in place of the current taxi rank). Should a licence be granted, any renewal application must be considered in light of the usage of premises and land in the locality at the time of that consideration.

6. OPTIONS AVAILABLE TO THE SUB-COMMITTEE

- 6.1. Having regard to the application, any observations made by the police, any objections made by other persons, and submissions made by the applicant, the Sub-Committee may take one of the following actions:
 - 6.1.1. Grant the application for a sex establishment licence for a period of one year (or a lesser period if the Sub-Committee believes that exceptional circumstances warrant this), subject to the applicable standard conditions;
 - 6.1.2. Grant the application for a sex establishment licence for a period of one year (or a lesser period if the Sub-Committee believes that exceptional circumstances warrant this), subject to the applicable standard conditions and any further terms, conditions or restrictions as may be specified;
 - 6.1.3. Refuse the application on one or more of the grounds set out in paragraphs 1.8 and 1.9.

ANNEX A
APPLICATION FOR SEX ESTABLISHMENT LICENCE



Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009
Applicaton for Sexual Entertainment Venue

All answers are to be typewritten, or written in block capitals with black ink. Applicants are advised to read the Council's Sex Establishment Licensing Policy prior to submitting this application.

To: The proper officer of the Dacorum Borough Council

1. I (full name) _____

of (permanent address) _____

Telephone No: _____

Date of Birth: _____

Or:

2. We (Name of Body) After 8 Entertainment Limited _____

whose registered or principal office situated at (full address and postcode)

239 Bullsmoor Lane, _____

Enfield _____

Middlesex, ES1 4SB _____

Telephone No. _____

[and which company is registered in England and Wales ~~(or in Scotland)~~* under

07117455 [registration number] *delete as appropriate

of which the full details of the Directors or other persons responsible for its management are as follows:

Surname	First Names	Full private address
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED]

3. **HEREBY MAKE APPLICATION FOR** a licence for the use of the premises situated at

166-168A Marlowes,

Hemel Hempstead

HP1 1BA

AND TO BE KNOWN BY THE BUSINESS NAME OF:

After 8

as a Sexual Entertainment Venue, as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Note: if the application relates to a vehicle, vessel or stall, it must state where it is to be used as a sex establishment.

4. Please describe what entertainment is to be provided:

Strip Tease

5. Give details of the proposed opening hours:

	From:	To:
Monday	20:00	03:00
Tuesday	20:00	03:00
Wednesday	20:00	03:00
Thursday	20:00	03:00
Friday	20:00	06:00
Saturday	20:00	06:00
Sunday	20:00	03:00

Will the premises require any seasonal or other variations e.g. Bank Holidays?

All days before Bank Holidays and Bank Holidays until 06:00

6. What advertising is proposed for the venue? Please provide examples.

Name of premises on the front door but no further advertising at the premises.

7. What steps will be taken to prevent the interior of the premises being visible to passers-by?

All potential sites which may be visible will be blacked out

8. What steps will be taken to prevent children under the age of 18 gaining entry to the premises?

A rigid Age Verification Policy will be observed during opening hours.

9. Have the premises benefited from the infrequent events exemption in the Act to allow relevant entertainment without a licence? If so, please give full details:

Dates	Times	Types of Entertainment
N/A		

10. Please provide details of any other person who may be involved in the management of the premises in the absence of the Licence Holder.

Forename	Surname	Former name	Date of birth	Permanent address
[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

Please provide details of previous convictions of all persons listed in this application:

(Note all convictions must be disclosed, unless "spent" convictions as defined in the Rehabilitation of Offenders Act 1974)

Forename None

Surname _____

Former Name _____

Any other names known by _____

Date of conviction _____

Place of Conviction _____

Offence _____

Sentence (including any fine) _____

Please provide details of all previous convictions against the body or company

Company None

Date of Conviction _____

Place of Conviction _____

Offence _____

Sentence (including any fine) _____

(Please continue on separate sheet where necessary)

11. Have you any reason to believe any prosecutions are pending against any persons/bodies named in Questions 1, 2 or 10? Give details:

No

12. Has any person named in this application been associated with an application for a sexual entertainment venue licence anywhere within the United Kingdom, including where an application for a licence was refused? Give full details:

Forename [REDACTED]

Surname [REDACTED]

Address of premises After 8, 15-17 Upper George Street, Luton, LU1 2RD

Local Authority Role in respect of premises Issue of SEV Licence

Is there any further information which the applicant would wish the Council to take into account when considering this Application?

The premises is currently trading and has been operating for the last 3 years without incident.

Also please see attached documents

12. continued

The Pad, 2 Lurke Street, Bedford, MK40 3HY
Refused on grounds of inappropriate location.

Dated this 23 November day of 2012

Signed by: *N. Walton*

Full name NICHOLAS WALTON

SOLICITOR POPPLESTON ALLEN

If an authorised officer of a company, position with the company:

The fee to accompany this application is £2500 and if approved a balance of £300 is required.

NOTES:

- (1) A copy of any application for a licence must be sent to the Superintendent, Hertfordshire Constabulary, Combe Street Hemel Hempstead Hertfordshire HP1 1HH, not later than seven days after the date of application.
- (2) The applicant must give public notice of the application by publishing an advertisement in a local newspaper circulating in the appropriate authority's area no later than 7 days after the date of the application.
- (3) Notice of the application must be displayed where it can be conveniently read by the public on the near the premises for a period of 21 [redacted] with the date of the application. The notice must identify the premises, and in the case of a notice that relates to a vehicle, vessel or stall, where it is to be used as a sex establishment.
- (4) A plan at a scale of 1:100 of the interior of the premises to which an application relates must be submitted as part of the application.

AFTER 8

166-168A Marlowes Hemel Hempstead, HP1 1BA

Application For Sexual Entertainment Venue Licence

Proposed Conditions

1. Total nudity, exposing of genitals, shall only be permitted on a stage or raised area.
2. No sex acts shall take place.
3. There shall be no physical contact between persons appeared on a stage or raised area and the audience.
4. The entertainment shall be given only by performers/ entertainers and the audience shall not be permitted to participate. Where a member of the audience is invited to dance they shall remain fully clothed and no performers/ entertainers shall participate.
5. Persons appearing on a stage or raised area shall have direct access to the dressing room without passing through or in close proximity to the audience.
6. Performers and any other person concerned in the organisation or management of the entertainment shall not encourage or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers.
7. There shall be no physical contact between customers and dancers. Notices to this effect shall be clearly displayed at the entrance to the premises.
8. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/ his manager or supervisor.
9. There shall be no physical contact between dancers whilst performing.
10. The topless dancers shall at all times wear a g-string or similar piece of clothing that covers the appropriate part of the body except when performing in designated areas such as a stage or private area.
11. Dancers shall not respond verbally or physically to any contact or provocation.

Proposed Conditions

12. Management will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
13. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
14. No dancer may perform if they are intoxicated or not in a fit state to perform.
15. No member of the public shall be permitted or allowed to remain in the dance area if they appear to be intoxicated or under the influence of illegal substances.
16. At the conclusion of any performance, dancers shall re-dress completely before walking around the premises.
17. No person under the age of 18 will be admitted to the premises.
18. Persons who appear to be under the age of 18 years shall be required to produce proof of age by way of a recognised proof of age accredited by the Proof of Age Standards Scheme (PASS), photographic driving licence, passport or military card.
19. No poster advertisement, photograph or other material shall be displayed, sold or supplied externally to the premises.
20. No other words apart from the name of the venue shall appear on the fascia or area surrounding the entrance to the premises.

After 8

166-168A Marlowes, Hemel Hempstead, HP1 1BA

Application For Sexual Entertainment Venue Licence

HOUSE RULES 2012

THE CLUB

The club is open Monday to Sunday from 21:00hrs until 05:00hrs.

Please be on the floor ready for work at these times.

NAKED AREAS

There are two naked areas, one either side of the changing room entrance.

These areas are reserved for naked dances only, whereas topless dances can be performed throughout the club.

No naked dances are to be performed in the rest of the club.

No floor work is allowed.

No putting anything into any orifices.

Please do not put your feet on the furniture and keep one foot on the floor at all times, for example no straddling the customers.

After 8 operates a 'no distance but no contact' rule, meaning you can get as close to the customer as you like as long as no contact is made between yourself and the customer.

THE STAGE

The stage is the club's focal point and plays a huge part in our customer entertainment. Please take the opportunity to make an effort and show yourself off to all customers present. All girls are expected to perform continuously throughout the evening and must perform two dances back to back to two songs. The first song is fully clothed and the second is topless. Think Sexy.

TABLES AND FURNITURE

As a management team, we strive to make our club look great at all times. This means that tidiness and furnishings of tables is greatly important. Please put stools, chairs and tables back if you have been sitting an area.

You are also asked not to lounge either around or on areas with your legs and feet on our furnishings. If your feet are aching please find another way of resting them.

SIT DOWNS AND DANCE VOUCHER PAYMENTS

If customers request and pay for a sit down then generally this means he/ she is paying for the girls in question. Please consider the following before enduring the period you are with the customer:

1. Payment is required up front before the sit down begins.
2. Ensure you make a note mentally of the starting and finishing time and tell your customer. This will encourage him/ her to consider extending the time later on.
3. Do not join in unless you are invited.
4. Do not ask outright to be paid for joining in. Wait for the customer to ask you.
5. Do not surround the customer and make yourself look desperate for cash.
6. Ensure that both the manager and waitress on duty know you are having a sit down. This will enable the manager to interact with the customer to fulfil the needs and the waitress to ensure your customer is getting great service.
7. Please remember that you are still expected to perform on the stage whilst at a sit down.

8. Try to retrieve information, e.g "where are you staying" if not local, are you driving, do you have any friends out with you. This information can be used by the manager to make the customer's experience hospitable, i.e. get them a taxi, arrange a parking space, get their friends into the club at a discounted rate etc.
9. A customer paying for sit downs generally has a reasonable amount of cash to spend and if you make him/ her feel special then they will stay. Communicate with the manager, DJ and waitresses who can then give the rest of the experience needed to make the customer feel special.
10. Any girl found to be mentioning or politicking to meeting outside work or providing a contact number will be breaching House Rules and will be dismissed.

COURTESY

You can approach customers on arrival and you are welcome to be seated with them. However, please allow time for a waitress to take an order and serve drinks before you approach for dances. Given them space to breathe and they will stay.

CHANGING ROOMS

The changing rooms are there for you to use. Please keep them clean and tidy and keep your clothing and general belongings stored in the boxes provided. The club and company take no responsibility for any personal items lost or stolen whilst on the premises.

Please ensure you do not bring anything of great value to work. If you do need any items secured please ask a member of the management team and we will be happy to secure items for you in the house safe.

COMMISSION, FINES AND FEES

Commission is charged at the beginning of the evening. Please speak to a member of your management team regarding the daily house fees.

Commission, fines and any other fees are subject to change at any time without prior notice.

GENERAL


Please ensure that the following is considered and adhered to.

As a management team we endeavour to watch the following areas:-

- Time keeping
- Attitude
- Behaviour
- Abuse of alcohol or illegal substances while on the premises
- Attire
- Laziness
- Appearance
- Grooming
- Bad language
- Adherence to house rules as a whole

We at After 8 are very strict when it comes to drugs or illegal substances and operate a no tolerance policy. Any dancer caught using or carrying drugs on the premises will be immediately dismissed and, depending on the circumstances, police will be informed.

These rules are not only set out to benefit our customers but also to protect you and enhance everybody's experience here at After 8.


General Manager, After 8

AFTER 8

166-168A Marlowes Hemel Hempstead, HP1 1BA

Application For Sexual Entertainment Venue Licence

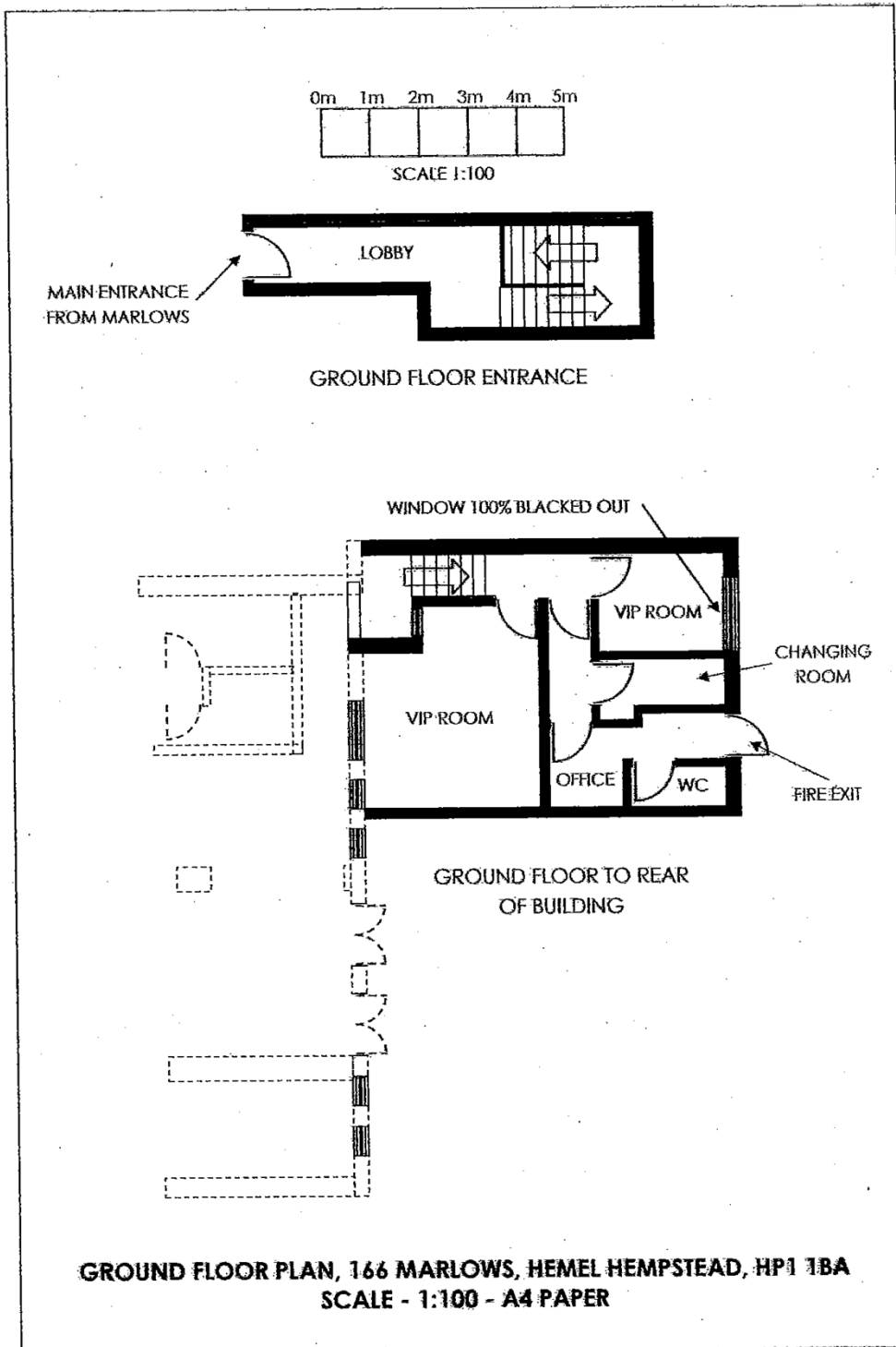
Staff Welfare Provisions

The management of the premises take great care to ensure that all members of staff are suitably protected and are comfortable with their workplace surroundings.

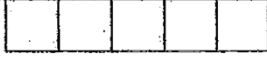
Steps taken to ensure employee's welfare include:

1. Completion of a "dancer questionnaire" at commencement of employment.
2. Private rooms accessible by key code for the use of all performers during rest periods and following performances.
3. CCTV coverage of the whole of the trading area of the premises.
4. Door staff patrolling and dedicated staff viewing CCTV in the trading area continuously.
5. Imposition of house rules to protect performers and customers.
6. Weekly management meetings with performers and representatives of door staff to review any issues in the working environment and modify the working environment appropriately.
7. A nightly escort for performers to either waiting taxis or their own transport.
8. All performers are advised of house rules before commencing employment and sign to the effect that they have read and understood them.

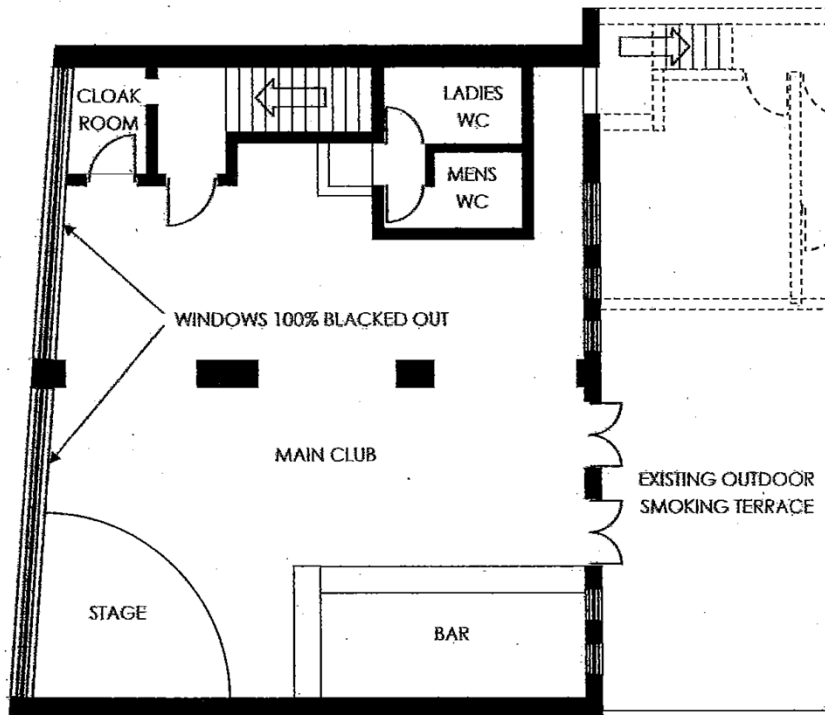
**ANNEX B
PROPOSED INTERNAL LAYOUT OF PREMISES**



0m 1m 2m 3m 4m 5m



SCALE 1:100



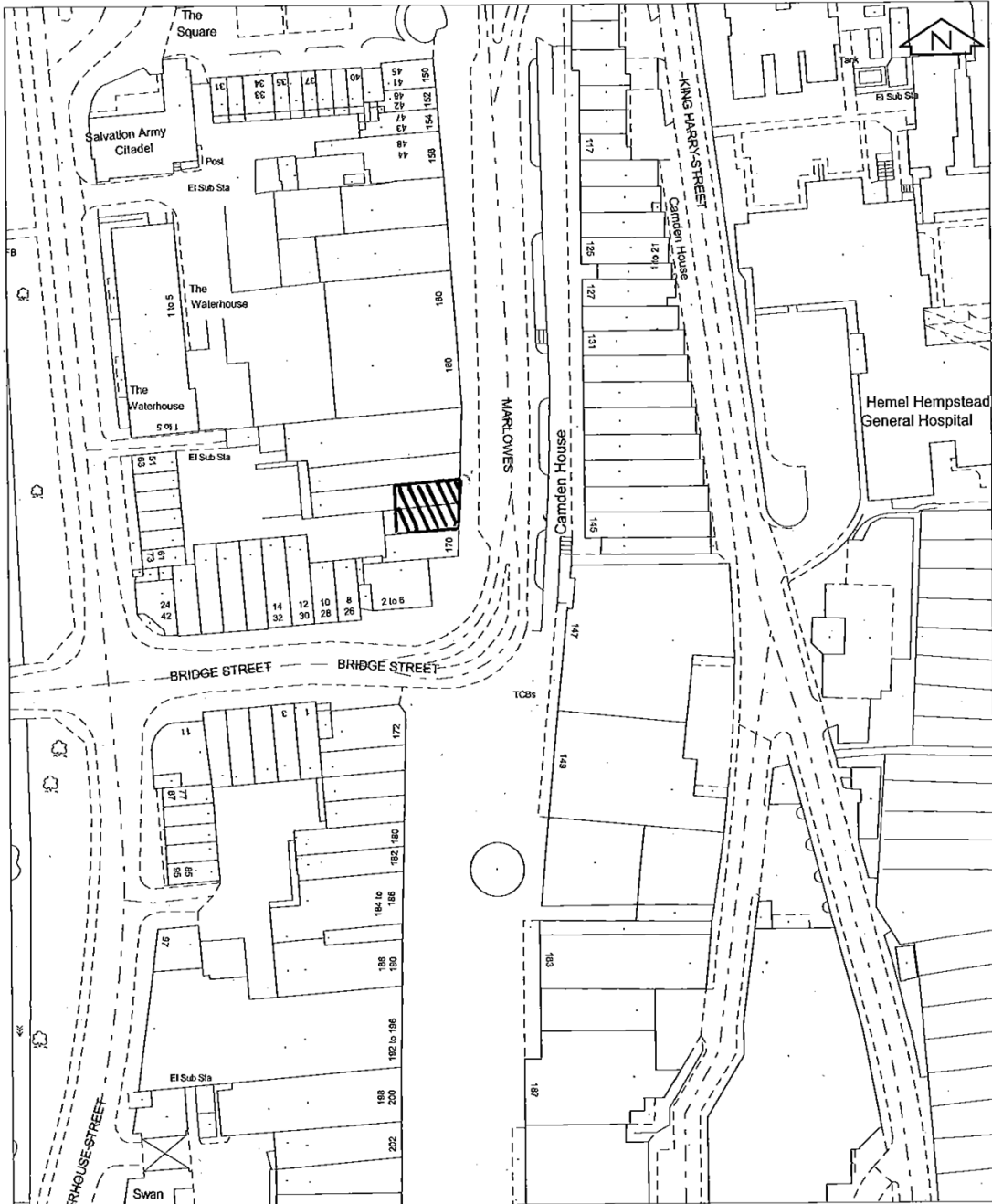
**FIRST FLOOR PLAN, 166 MARLOWS, HEMEL HEMPSTEAD, HP1 1BA
SCALE - 1:100 - A4 PAPER**

ANNEX C
SITE MAP SHOWING LOCATION OF PREMISES



Dacorum Borough
Regulatory Services

Civic Centre, Marlowes Hemel Hempstead, Herts, HP1 1HH



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Dacorum Borough Council 100018935:2013

Date:22/01/2013

Scale: 1:1250
Date: 22/01/2013
OS Tile: TL0506NE



HERTFORDSHIRE
CONSTABULARY

20th December 2012
Direct Line: 01442 271601
E.Mail: Deborah.latto@herts.pnn.police.uk

Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009

Application for Sexual Entertainment Venue
After 8, 166 – 168A Marlowes, Hemel Hempstead, HP1 1BA.

The Police have concerns regarding the application for a Sexual Entertainment Venue Licence at 166 – 168A Marlowes, Hemel Hempstead.

1. The impact of thoroughfares: the main entrance to the premises is located in close proximity to the town's main taxi rank. A queue to gain admission to the proposed premises late at night could bring people into direct conflict with those waiting for a taxi potentially resulting in an increase in crime and disorder.
2. The density and proximity of residential accommodation: although this is a town centre location there is a significant amount of residential property in the locality. Flats are located to the rear and side and across the road to the front of the premises. There is a smoking terrace at the rear of the premises and the use of this area or of any area at the front of the premises is likely to cause disturbance to the residents. For the residents living at the front of the premises they are also likely to be disturbed by people leaving in the early hours of the morning. The premises have previously been licensed for the sale of alcohol but with a closing time of 01.30, the proposed closing time of 03.00 hours and 06.00 hours on Fridays and Saturdays is likely to have a significant impact on these residents.
3. The proximity of premises licensed for the sale of alcohol and the provision of entertainment regulated under the Licensing Act 2003: The premises currently licensed under 2003 Act in the vicinity of the proposed premises are Olly's Bar licensed to sell alcohol until 01.30 on Fridays and Saturdays, The Exchange, licensed for the sale of alcohol until 01.00 on Fridays and 01.30, The Full House licensed until

Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL
Tel: 01442 271601 Fax: 01442 271604

01.00 Fridays and Saturdays and the Function Rooms licensed to sell alcohol until 03.00 hours. The proposed opening hours of 06.00 on Fridays and Saturdays is likely to result in people already under the influence of alcohol seeking admission to a venue where alcohol and entertainment will continue to be available for a further 3 hours after the closure of the existing latest premises. The presence of door staff will prevent people who are drunk from gaining entry, but refusal will in some instances lead to incidents of crime and disorder outside the premises.

4. The layout, character or condition of the premises: Police have raised concerns with the applicant's solicitors regarding the layout of the premises as shown on the plans provided with the application and the proposed conditions as put forward by the applicant.
- Condition 5 of the proposed conditions accompanying the application states "Persons appearing on a stage or raised area shall have direct access to the dressing room without passing through or in close proximity to the audience." The plans supplied do not appear to support this condition. The dressing room is shown as being situated on the ground floor and the stage area in the main club is at the far end from the stairs providing access to the ground floor. It would appear that performers would have to cross the main club in order to reach the stage or return from the stage to the dressing room. The condition is essential for the safety of the performers is your client able to suggest an alternative?
 - The conditions refer to raised areas, these are not labelled on the plan. Conditions 1,3,5.

The response received from the solicitors is as follows:

We have provided the Authority with a plan of the premises as it is now, with some basic proposals for where different areas may be situated should an SEV licence be granted for the premises.

The area to the first floor would, in any event, have to undergo considerable refurbishment, and appropriate plans would be submitted to the Licensing Authority for both the SEV and alcohol licensing purposes prior to the operation of the premises.

Whilst a full changing area may not be available to the first floor as a result of the refurbishment, it is important that the changing room is away from the customers. At the end of the dance, a dancer will put her bra back on and then she will go straight and talk to the customers; this is the way that the premises and the facility operates.

The main issue for the dancers is that the changing room should be away from the customers, in order to ensure that performers / dancers are not

Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL
Tel: 01442 271601 Fax: 01442 271604

bothered by the audience. Traditionally, after a performance has been completed, the dancer will talk with the audience and any use of the dressing area or dressing room will be for the dancers' comfort and relaxation at the beginning of, and at intervals during the evening.

Safety of all performers is ensured by staff within the premises however, it is not appropriate that rest / dressing areas should open directly into areas where customers are. I trust this answers your question in respect of the performers.

In respect of your question regarding the raised areas, my client will have a better idea of where the raised areas will be when plans have been produced based upon specifications provided by our client

We hope that the above answers your questions. We are not in a position to offer a further update on plans until such time as a grant of a licence has been considered, to avoid the speculative costs involved. We are however fully aware of the layout at present and necessary changes which would be required before commencement of the offer could be contemplated.

I appreciate the need to avoid speculative costs at this stage, but feel that these issues require further consideration to ensure that the premises can be made suitable for use as a sexual entertainment venue and are also able to comply with the Council's Standard Conditions For Sexual Entertainment Venues.

Deborah Latto 8964
Assistant Investigator Licensing
Hemel Hempstead Police Station

Hemel Hempstead Police Station, Combe Street, Hemel Hempstead, Herts, HP1 1HL
Tel: 01442 271601 Fax: 01442 271604

ANNEX E1

Sally Taylor

From: [REDACTED]
Sent: 21 December 2012 15:00
To: Licensing Mailbox
Subject: Objection to licence application.

I write to object to the licence application to open a sexual entertainment venue at the former Indy Jax in Marlowes. The grounds for objection are that the town centre is quite the wrong place for such an establishment and that granting such a licence would only degrade and demean further the town of Hemel Hempstead.

I came to Hemel Hempstead in 1970 when it was an attractive, thriving, and up and coming town. Attractive Water Gardens, good entertainment facilities, good schools and healthcare. It is very sad to see its demise with the loss of The Pavilion (and still no sign of its promised replacement), its hospital, magistrates courts, etc and the growth of £ shops and now applications for sexual entertainment venues in the main street of the town.

[REDACTED]

Click [here](#) to report this email as spam.

ANNEX E2

Sally Taylor

From: [REDACTED]
Sent: 23 December 2012 21:51
To: Licensing Mailbox
Subject: Objection Lap dancing bid

Total objection to be noted please, against a licence been granted to After 8.
It is totally wrong to open such premises in the given location. The type of customer this
may attract and staff that are willing to work there is another unnecessary disaster for
Hemel Hempstead.
The town Center needs regeneration to attract the public in the evenings to some nice
restaurants and bars.
Can you drop the tone of the town any lower????

[REDACTED]

[REDACTED]

ANNEX E3

Sally Taylor

From: [REDACTED]
Sent: 24 December 2012 10:59
To: Licensing Mailbox
Subject: Lap Dancing Club

I wish to object to a licence for a lap dancing club in Dacorum
I consider a lap dancing club is not a suitable amenity as it is not conducive to the long standing Morals of our community
This objection is also to the granting of a Licence to sell or consume alcohol on the Premises
Yours

[REDACTED]
[REDACTED]
[REDACTED]

Click [here](#) to report this email as spam.

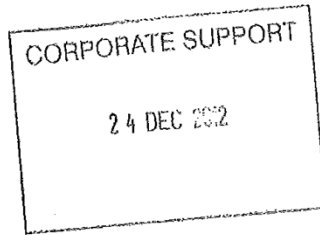
ANNEX E4



MIKE PENNING MP
Member of Parliament for Hemel Hempstead
Constituency Office
Hamilton House, 111 Marlowes, Hemel Hempstead, Herts HP1 1BB
Telephone : 01442 450444 www.penning4hemel.com

Our ref: DBC Lap Dancing Club 2112.docx

Mr Daniel Zammit
Chief Executive
Dacorum Borough Council
Civic Centre
Hemel Hempstead
Herts HP1 1HH



21st December 2011

Dear Daniel

Licence Application for Lap Dancing Club

I am writing to formally object to the above application for a Lap Dancing Club in the Indy Jax site.

I feel this is a totally inappropriate site for such a Club, both in terms of location, which is in an area where there are a considerable amount of vulnerable people, some living opposite in Camden House ; and also in terms of the licensing hours proposed. I am sure there is no necessity for such a club to apply for a closing time of 3 am during the week 6 am Friday, Saturday and Bank Holidays.

I would stress that there are some locations in which such a club could operate but in the middle of a town, in the shopping area, is not one of these.

I would be grateful if my objections could be put forward and I look forward to receiving your comments.

Yours sincerely,


Mike Penning

House of Commons, London SW1A 0AA





DACORUM BOROUGH LICENSING AUTHORITY

SEX ESTABLISHMENT LICENSING POLICY

AUTHOR	Sally Taylor, Licensing Support Officer.
RESPONSIBLE OFFICER	Rita McGinlay, Group Manager (Regulatory Services)

Date of Publication	February 2011	Date of Last Version	n/a
Version No.	One	Date of Expiry	February 2014
Associated Documents			

Committing to Excellence	Promoting Civic Pride & an Active Community	Creating a Clean, Tidy & Safe Environment	Providing Affordable Housing while Protecting Green Space	Ensuring a Sustainable Local Economy & Jobs
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1. INTRODUCTION

1.1 Dacorum Borough Council adopted schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) in 1984 so that it could licence sex shops. Adoption of the same schedule (as amended by section 27 of the Policing and Crime Act 2009 (“the 2009 Act”)), enables it also to licence sexual entertainment venues in the Borough.

1.2 The Council makes no moral judgment in this matter and recognises that Parliament has made it lawful to operate sex shops and sexual entertainment venues, and that such businesses are a legitimate part of the retail and leisure industries. The role of the Council as a licensing authority is to administer the licensing regime in accordance with the law.

1.3 Both the 1982 Act and the 2009 Act can be viewed on the Home Office website www.opsi.gov.uk.

1.4 This policy was consulted upon between 10th January 2011 and 9th February 2011.

1.5 Consultation was conducted with local residents, workers and businesses, and the police through the Dacorum Borough Council website and local press.

1.6 In producing this policy, relevant provisions of the following pieces of legislation have been taken into account in addition to the provisions of the 1982 Act:-

- The Crime and Disorder Act 1998 (e.g. Section 17);
- The Regulators’ Compliance Code (made under the Legislative and Regulatory Reform Act 2006);
- The Provision of Services Regulations 2009.

2. THE BOROUGH OF DACORUM

2.1 Situated in west Hertfordshire, Dacorum is a borough with a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages, from Long Marston in the west to Flaunden in the south-east. Over a third of the Borough’s 210.2 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.

2.2 The Council’s priorities are set by its ten key ambitions for its communities. They will help to drive corporate improvement plans and enable the Council to deliver, with its partners, against the key themes of the Dacorum Sustainable Community Strategy: “Towards 2021”. The ten key ambitions will also help in delivering sustainable development and creating cohesive communities to enhance the quality of life for citizens and customers.

The priorities are:-

- Encouraging community involvement;
- Meeting the needs of children and young people;
- Meeting the needs of older people;
- Improving social care and health;
- Reducing crime and creating a safer Dacorum;
- Creating a cleaner and healthier environment;
- Delivering lifelong learning;
- Encouraging business and local employment;

- Promoting culture, arts, leisure and tourism;
- Meeting housing need.

The Council's New Vision is "Working in partnership, to create a Borough which enables the communities of Dacorum to thrive and prosper through: Affordable Housing, Regeneration, Safe and Clean Environment and Building Community Capacity (in terms of External Focus).

2.3 At the time of considering this policy, the Council licences one sex shop under the 1982 Act. There is currently one other premises in the Borough authorised under the Licensing Act 2003 to provide entertainment which will require licensing as a sexual entertainment venue following the adoption of the 1982 Act as amended by the 2009 Act.

2.4 Potential operators need to take into consideration the Borough Local Plan and the emerging Local Development Framework (through the Council's Spatial Planning Team or on our website www.dacorum.gov.uk) for details about the local planning authority's approach to granting planning permission for developments where such activities may take place.

3. LICENCE APPLICATIONS

3.1 Unlike some other licensing regimes (such as for the sale of alcohol, provision of regulated entertainment such as live music, or gambling), a wide range of people can make representations about sex shop and sexual entertainment venue licences. The police are a statutory consultee for all applications.

3.2 The Council will take the following approach when deciding applications:

- Each case will be decided upon its merits. The Council will not apply a rigid rule to its decision making;
- Persons making representations can include residents/tenants associations, community associations and trade associations. Councillors and MEPs can also make representations. Elected councillors can represent interested parties, providing they do not also sit on the sub-committee determining the application in question;
- The Council will give clear reasons for its decisions.

3.3 The Council will not consider representations that are frivolous or vexatious, or which relate to moral grounds (as these are outside the scope of the 1982 Act). Decisions on whether representations are frivolous or vexatious will be made objectively by the Council's officers and not on the basis of any political judgement. Where representations are rejected a written reason will be provided. A report will be made to the sub-committee determining the application (if appropriate), indicating the general grounds of the representation and the reason it was rejected.

3.4 A vexatious representation is reasonably described as one which is unduly repetitive, likely to cause unjustified distress, disruption or irritation, or is otherwise obsessive or manifestly unreasonable. A frivolous representation is generally taken to be one that is lacking in seriousness.

3.5 Representations will be considered by a sub-committee under delegated powers.

3.6 Representations will need to:-

- Be made in writing to the local authority;
- Indicate the name and address of the author of the representation;

- Indicate the premises to which the representation relates;
- Indicate the reasons for making the representations (and in the case of objections would usefully refer specifically to one or more of the legal grounds for refusal mentioned in sections 4.2 and 5.2, and without including moral grounds, which cannot be considered under the legislation).

It would also be helpful if representations indicated the proximity of the premises to the person making the representation. A sketch map or plan might be helpful to show this.

3.7 Exchange of Information

3.7.1 The Council 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.

3.7.2 Details of applications and the anonymised contents of representations referred to the sub-committee for determination will be published in reports which will be made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.

3.7.3 The names and addresses of persons making representations will not be disclosed to the applicant without the author's consent. The information will, however, be shared with the councillors sitting on the relevant sub-committee.

4. SEXUAL ENTERTAINMENT VENUES

4.1 Requirement for a Licence

4.1.1 Licences for sexual entertainment venues are required for "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".

4.1.2 "Relevant entertainment" is defined in schedule 3 of the 1982 Act (as amended by section 27 of the 2009 Act) as: "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person, e.g. in a private booth.

4.1.3 Each case will be judged on its own merits, but the following entertainment will generally be deemed to be "relevant entertainment":-

- Lap dancing;
- Pole dancing;
- Table dancing;
- Strip shows;
- Peep shows;
- Live sex shows.

4.1.4 Adult entertainment not classed as "relevant entertainment" may still require licensing under the Licensing Act 2003.

4.2 Grounds for Refusal/Revocation

4.2.1 There are some specific grounds for refusing sexual entertainment venue licences set out in paragraph 12 of schedule 3 to the 1982 Act.

4.2.2 Applications for licences **must** be refused in certain circumstances, e.g. in relation to an applicant's age or domiciliary status and **may** be refused in certain circumstances, e.g. in relation to an applicant's criminal convictions, or where:-

(a) The number of sexual entertainment venues, or of sexual entertainment venues of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the Council considers appropriate for that locality;

(b) The grant or renewal of the licence would be inappropriate having regard to:-

- The character of the relevant locality, or
- The use to which any premises in the vicinity are put, or
- The layout, character or condition of the premises.

4.2.3 "Relevant locality" means, in relation to premises, the locality where they are situated.

In considering the question of the "relevant locality" the Council may also take into account the following:-

- The size of the neighbourhood;
- The impact of thoroughfares;
- The density and proximity of residential accommodation;
- The proximity of parks and children's play areas;
- The nature, density and proximity of other retail units and their uses;
- The proximity of schools;
- The proximity of community buildings;
- The proximity of premises licensed for the sale by retail of alcohol and the provision of entertainment regulated under the Licensing Act 2003.

4.2.4 The legislation also covers a vehicle, vessel or stall.

4.2.5 Licences may also be revoked, subject to certain procedural requirements and due consideration, on most of the grounds set out above.

4.3 Length of Licence

4.3.1 Unless there are exceptional reasons otherwise, licences will be granted for the maximum duration of one year at a time in the interests of proportionality and to provide certainty to those operating lawful businesses.

4.4 Waiver

4.4.1 While the Council do not consider it would normally be appropriate to grant a waiver from the requirement to hold a sexual entertainment venue licence, it will consider any request for a waiver on its own merits and take those merits fully into account, as well as the fact that the legislation allows relevant entertainment on an infrequent basis of no more than 11 occasions falling wholly or partly within a 12 month period, providing such entertainment itself does not last more than 24 hours and no such occasion has begun within the period of 1 month beginning with the end of any previous occasion on which relevant entertainment

has been so provided (whether or not that previous occasion falls within the applicable 12 month period).

4.5 Applications

4.5.1 Application packs including a standard application form and public notice information **are** available from the Licensing Division on request.

4.6 Licence Conditions

4.6.1 Standard conditions will be proposed for sexual entertainment venues as set out at Appendix A. Where it would be reasonable to do so, the relevant sub-committee will impose additional proportionate conditions on licences.

4.7 Fees

4.7.1 Fees will be set each year, and details are available from the Licensing Division on request.

5. SEX SHOPS

5.1 Definition

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

a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity; or

(ii) acts of force or restraint which are associated with sexual activity; and

b) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and

c) to any recording of vision or sound, which:-

(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

(ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

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

- 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 generated by sales of sex articles;
- the format of any literature, publicity or advertising materials;
- other factors which appear to be materially relevant.

5.2 Grounds for Refusal/Revocation

5.2.1 There are some specific grounds for refusing sex shop licences set out in paragraph 12 of schedule 3 to the 1982 Act.

5.2.2 Applications for licences **must** be refused in certain circumstances, e.g. in relation to an applicant’s age or domiciliary status and **may** be refused in certain circumstances, e.g. in relation to an applicant’s criminal convictions, or where:-

a) The number of sex shops in the relevant locality at the time the application is determined is equal to or exceeds the number which the Council considers appropriate for that locality;

b) The grant or renewal of the licence would be inappropriate having regard to:-

- The character of the relevant locality, or
- The use to which any premises in the vicinity are put, or
- The layout, character or condition of the premises.

5.2.3 “Relevant locality” means, in relation to premises, the locality where they are situated.

In considering the question of the “relevant locality” the Council may also take into account the following:-

- The size of the neighbourhood;
- The impact of thoroughfares;
- The density and proximity of residential accommodation;
- The proximity of parks and children’s play areas;
- The nature, density and proximity of other retail units and their uses;
- The proximity of schools;
- The proximity of community buildings;
- The proximity of premises licensed for the sale by retail of alcohol and the provision of entertainment regulated under the Licensing Act 2003.

5.2.4 The legislation also covers a vehicle, vessel or stall.

5.2.5 Licences may also be revoked, subject to certain procedural requirements and due consideration, on most of the grounds set out above.

5.3 Length of licence

5.3.1 The Council will, unless there are exceptional reasons otherwise, grant licences for the maximum duration of a year at a time in the interests of proportionality and to provide certainty to those operating businesses.

5.4 Waivers

5.4.1 While the Council will not consider it would normally be appropriate to grant a waiver from the requirement to hold a sex shop licence, it will consider any request for a waiver on its own merits and will take those merits fully into account.

5.5. Application form

5.5.1 The Council have a standard application form, including public notices, which are available on request from the Licensing Division.

5.6 Licence conditions

5.6.1 The Council have adopted, and amended, standard conditions for the operation of sex shops as set out at Appendix B. Where it is reasonable to do so, the sub-committee will impose additional proportionate conditions on a licence.

5.7 Fees

5.7.1 Fees are set each year and details are available from the Licensing Division on request.

5.8. Appropriate numbers of Sex Shops

5.8.1 No table of indicative numbers of sex shops in specific localities is included, as the Council has licensed one or more sex shops since adoption of the 1982 Act for that purpose in 1984.

Appendix A

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES

1. In these Regulations, unless otherwise stated, the following expressions shall have the following meanings:
 - i. "Sex Establishment" and "Sexual Entertainment Venue" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009.
 - ii. "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sexual Entertainment Venue granted under the said Third Schedule.
 - iii. "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing and "Approve", "Approved" and "Approving" shall be construed accordingly.
 - iv. "The Council" means Dacorum Borough Council.
2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sexual Entertainment Venue, the special conditions shall prevail.
3. The granting of a licence for a Sexual Entertainment Venue shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
4. Where the Licensee is a body corporate or unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished in writing within 14 days of a notice in writing from the Council.
5. The Licensee or a responsible person nominated by him or her in writing for the purpose of managing the Sexual Entertainment Venue in his or her absence, and of whom details (including photographs) have been supplied to and Approved by the Council, shall be personally responsible for, and present in, the part of the Premises used as a Sexual Entertainment Venue during the whole time it is open to the public.
6. The names of both the Licensee and the person nominated by him or her to be responsible for managing the Sexual Entertainment Venue in his or her absence shall be prominently displayed within the Premises so as to be readily visible to any person visiting the Sexual Entertainment Venue.
7. The Licensee or the person nominated by him or her to be responsible for managing the Sexual Entertainment Venue in his or her absence shall maintain a daily register. It must record the name and address of the person who is to be responsible for managing the Sexual Entertainment Venue that day and the names and addresses of those employed and present on that day. The register is to be completed each day within one hour of the Sexual Entertainment Venue's opening for business and is to be available for inspection by the Police and by authorised officers of the Council.

8. The Licensee shall retain control over the part of Premises used as a Sexual Entertainment Venue and shall not sell, let, sub-let, licence or otherwise part with possession or occupation of any part of the Premises and the Licensee shall ensure that the Council is notified immediately, in writing, in the event that any part of the Premises is affected by the termination of a lease or any other event affecting the Licensee's occupation or control of the Sexual Entertainment Venue.
9. The Licensee shall maintain good order in the Premises.
10. No person under the age of 18 years shall be admitted to the Sexual Entertainment Venue and persons who appear to be under the age of 25 years shall be required to provide photographic proof of age prior to admission and a notice to this effect, of a size and in a form and position to be Approved by the Council, shall be displayed at all times on the outside of the Premises.
11. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been Approved for such access by the Council.
12. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
13. The Licensee shall ensure that neither he or she nor any other person shall seek to obtain custom for the Sexual Entertainment Venue by means of personal solicitation anywhere in the Borough of Dacorum.
14. The Licensee shall comply with all applicable statutory provisions and any regulations made thereunder.
15. The copy of the licence and the copy of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence and the copy of these Regulations shall be displayed in a manner and position Approved by the Council.
16. No change of use of any part of the Premises from that Approved by the Council shall be made without the Consent of the Council and, for the avoidance of any doubt, a change from a Sexual Entertainment Venue to a Sex Shop shall not be effected without the Consent of the Council.
17. Any individual employed on the Premises to conduct activities of a security operative (within the meaning of Part 1 of Schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
18. The Licensee shall ensure that a suitable number of trained staff are employed and present to supervise the interior of the Premises ("floor supervisors") at all times whilst performances are being given under this licence.
19. The Licensee shall ensure that, during the hours the Sexual Entertainment Venue is open for business, every floor supervisor wears a badge of a type Approved by the Council indicating his or her name and that he or she is a floor supervisor.
20. Performers shall be aged not less than 18 years. The Licensee shall maintain adequate records of the names, addresses and dates of birth of performers, including adequate identity and age checks.

21. No display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - i. Any notice of a size and in a form and position Approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition or special condition of a licence granted by the Council.
 - ii. Such display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any matter or thing (whether illuminated or not) as shall have been Approved by the Council.
22. No external loudspeakers shall be used or installed at the Premises without the Approval of the Council.
23. No exterior lighting shall be used or installed at the Premises without the Approval of the Council.
24. The Licensee shall ensure to the Council's satisfaction (including, where required, obtaining planning or building control consents) that the interior of the part of the Premises used as a Sexual Entertainment Venue is not visible from the outside of the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue. At no point may performers be visible from outside the Premises or from any other part of the Premises used for a purpose other than that of a Sexual Entertainment Venue.
25. The Premises shall be maintained in good repair and condition.
26. Bright lighting in all parts of the Premises, in positions and in a form and of a level of luminance Approved by the Council, shall be in operation continuously during the whole of the time the Sexual Entertainment Venue is open to the public.
27. The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be Approved by the Council and shall comply with the following requirements:
 - i. All such doors or openings Approved by the Council shall be clearly indicated on the inside by the word "EXIT".
 - ii. Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "PRIVATE".
 - iii. Save in the case of emergency, no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent to the Premises.
28. The Licensee shall make provision in the means of access both to and within the Sexual Entertainment Venue for the needs of members of the public visiting the Sexual Entertainment Venue who are disabled.
29. Alterations or additions, whether internal or external and whether permanent or temporary, to the structure, lighting or layout of the Premises shall not be made except with the prior Approval of the Council.

30. All parts of the Premises' fixtures, fittings and displays shall be kept in a clean and seemly condition to the satisfaction of the Council.
31. The Licensee shall take all appropriate precautions for the safety of the public and employees.
32. Where the Council has specified a capacity figure in writing, the Licensee shall ensure that that figure is not exceeded at the premises at any time whilst sexual entertainment is taking place.
33. Performers shall only perform on the stage area, or in such other areas of the licensed Premises as may be Approved in advance by the Council and shall only perform to seated customers.
34. Performers shall remain clothed in public areas and all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
35. Performers shall dress fully at the end of each performance.
36. Performers shall not accept any telephone number, e-mail address, address or contact information from any customer, except in the form of a business card which must be surrendered to the Licensee or his or her representative before leaving the Premises.
37. A Performer is never to be alone in the company of a customer except in an area open to the public within the Premises.
38. The Licensee shall ensure a sufficient number of staff are employed inside the Premises whilst sexual entertainment is provided to supervise the Performers and manage customers.
39. No Performer shall perform nude or semi-nude dancing of any description unless in an approved area and with a floor supervisor present within five metres of the Performer.
40. Performers are never to be in the company of one or more customers except in an area open to the public within the Premises.
41. The Licensee shall ensure that during the performance of a table dance:-
 - i. Customers are seated in an upright position against the back of the booth or seat with their hands by their sides or on a table in front of them before a Performer can start a table dance;
 - ii. Customers remain seated during the entire performance of the dance;
 - iii. For the purpose of restraint only, Performers only touch a customer above the customer's chest with their hands only;
 - iv. Performers do not sit next to, or on, or straddle, the customer;
 - v. Performers do not place their feet on the seats.
42. The Licensee shall ensure that during performances to which this licence relates: -
 - i. Performers do not perform any act that clearly simulates any sexual act;
 - ii. Performers do not intentionally touch a customer any time during the performance (i.e. any contact shall only be entirely accidental or entirely due to a third party);

- iii. Performers do not use inappropriate, suggestive or sexually graphic language at any time;
- iv. Performers do not intentionally touch the genitals or breasts of another performer or knowingly permit another Performer intentionally to touch their genitals or breasts;
- v. Performers do 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;

43. The Licensee shall ensure that during performances to which this Licence relates:-

- i. Customers do not dance at any time except in areas Approved by the Council as being separate from areas for sexual entertainment;
- ii. Customers remain appropriately clothed at all times.

44. The Licensee shall ensure that CCTV is installed and maintained in working order and in use at all times to the satisfaction of Hertfordshire Constabulary, and that any images are both retained for a period of at least 31 days and made available on request to a police officer or authorised officer of the Council.

45. The Licensee shall provide promptly copies of any documents required by a police officer or by an authorised officer of the Council in relation to compliance with this Licence.

Appendix B

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX SHOPS

Definitions

1. In these Regulations, unless otherwise stated, the following expressions shall have the following meanings:
 - i) "Sex Shop" and "Sex Article" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Shop granted under the said Third Schedule.
 - iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing and "Approve", "Approved" and "Approving" shall be construed accordingly.
 - iv) "The Council" means Dacorum Borough Council.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Shop, the special conditions shall prevail.
3. The granting of a licence for a Sex Shop shall not be deemed to convey any approval or consent which may be required under any enactment by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
4. The headings inserted in these Regulations are inserted for the purpose of convenience only and shall not affect in any way the meaning or construction thereof.

Times of Opening

5. Except with the previous Consent of the Council, a Sex Shop shall not be open to the public before 9 am and shall not be kept open after 6 pm.
6. Except with the previous Consent of the Council, a Sex Shop shall not be open on any Sunday or any public holiday.

Conduct and management of Sex Shops

7. Where the licensee is a body corporate or unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished in writing within 14 days of a notice in writing from the Council.
8. The licensee or a responsible person nominated by him or her in writing for the purpose of managing the Sex Shop in his or her absence and of whom

details (including photographs) have been supplied to and Approved by the Council shall be personally responsible for, and present at, the Premises during the whole time they are open to the public.

9. The names of both the licensee and the person nominated by him or her to be responsible for managing the Sex Shop in his or her absence shall be prominently displayed within the Premises so as to be readily visible to any person visiting the Sex Shop.
10. The licensee or the person nominated by him or her to be responsible for managing the Sex Shop in his or her absence shall maintain a daily register. It must record the name and address of the person who is to be responsible for managing the Sex Shop that day and the names and addresses of those employed and present that day in the Sex Shop. The register is to be completed each day within one hour of the Sex Shop's opening for business and is to be available for inspection by the police and by authorised officers of the Council.
11. The licensee shall retain control over all parts of the Premises and shall not sell, let, sub-let, licence or otherwise part with possession or occupation of any part of the premises and the licensee shall ensure that the Council is notified immediately, in writing, in the event that any part of the Premises is affected by the termination of a lease or any other event affecting the licensee's occupation or control of the Premises.
12. The licensee shall maintain good order in the Premises.
13. No person under the age of 18 years shall be admitted to the Sex Shop and persons who appear to be under the age of 25 years shall be required to provide photographic proof of age prior to admission and a notice to this effect, of a size and in a form and position to be Approved by the Council, shall be displayed at all times on the outside of the Premises.
14. The licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been Approved for such access by the Council.
15. No part of the Premises shall be used by prostitutes (male or female) for the purposes of solicitation or of otherwise exercising their calling.
16. The licensee shall ensure that neither he or she nor any other person shall seek to obtain custom for the Sex Shop by means of personal solicitation anywhere in the Borough of Dacorum.
17. The licensee shall comply with all applicable statutory provisions and any regulations made thereunder.
18. The licensee shall ensure that during the hours the Sex Shop is open for business every employee wears a badge of a type Approved by the Council indicating his or her name and that he or she is an employee.
19. The copy of the licence and the copy of these Regulations required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the licence and

the copy of these Regulations shall be displayed in a manner and position Approved by the Council.

20. No change of use of any part of the Premises from that Approved by the Council shall be made without the Consent of the Council.
21. No change from a Sex Shop to a Sex Cinema shall be effected without the Consent of the Council.

Goods available in Sex Shops

22. All Sex Articles and other things displayed for sale, hire, exchange or loan within the Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices to be charged.
23. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Shop so as to be readily visible to any person visiting the Premises, provided that this condition does not require films or video films to be exhibited (played).
24. No film or video film shall be exhibited, sold, hired, exchanged or loaned unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
25. The licensee shall, without charge, display and make available in the Sex Shop such free literature on counselling on matters related to sexual problems, on AIDS and on sexually transmitted diseases as may be published by the Family Planning Association and/or by other similar organisations as may be specified by the Council. Such literature is to be displayed at all times in a prominent position adjacent to all payment points in the Sex Shop so as to be readily visible to any person at any such payment point.

External Appearance

26. No display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - i) Any notice of a size and in a form and position approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any conditions or special condition of a licence granted by the Council.
 - ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, design, representation, decoration, pattern, picture, photograph, writing, symbol, object or any other matter or thing (whether illuminated or not) as shall have been Approved by the Council.
27. A door control system shall be fitted and maintained in use at all times so as to prevent the external door and the internal (lobby) door from being opened at the same time. Guidance should be sought from the Fire Officer so as to

ensure that suitable emergency access can be maintained. The entrance to the Premises shall be of a material, or covered with a material, which will render the interior of the Premises invisible to passers-by and a sample of such material shall be submitted to, and Approved (which shall include Approving the colour and design) by, the Council.

28. Suitable and sufficient vertical blinds shall be fitted to the interior aspect of the front windows of the Premises and shall be kept closed at all times so as to ensure that the interior of the Premises is permanently obscured from the view of passers-by. Details of the positioning, material, colour and design of such blinds, with a sample, shall be submitted to, and Approved by, the Council.
29. No external loudspeakers shall be used or installed at the Premises without the Approval of the Council.
30. No exterior lighting shall be used or installed at the Premises without the Approval of the Council.

Condition and layout of the Premises

31. The Premises shall be maintained in good repair and condition.
32. Bright lighting in all parts of the Premises, in positions and in a form and of a level of luminance Approved by the Council, shall be in operation continuously during the whole of the time the Sex Shop is open to the public.
33. The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be Approved by the Council and shall comply with the following requirements:
 - i) All such doors or openings Approved by the Council shall be clearly indicated on the inside by the word "EXIT".
 - ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "PRIVATE".
 - iii) Save in the case of emergency, no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent to the Premises.
34. The licensee shall make provision in the means of access both to and within the Sex Shop for the needs of members of the public visiting the Sex Shop who are disabled.
35. Any facility for previewing a film, video recording or similar material shall be physically separated from the display area of the Sex Shop in such a manner that no material being displayed by way of preview shall be visible or audible outside the preview area.
36. No fastenings of any description (other than any fastening necessary to secure the facility specifically referred to in the immediately preceding condition) shall be fitted upon any booth or cubicle within the Sex Shop, nor

shall more than one person (including any employee) be present in any such booth or cubicle at any time.

37. Alterations or additions, whether internal or external and whether permanent or temporary, to the structure, lighting or layout of the Premises shall not be made except with the prior Approval of the Council.
38. All parts of the Premises' fixtures, fittings and displays shall be kept in a clean and seemly condition to the satisfaction of the Council.

Safety

39. The Licensee shall take all appropriate precautions for the safety of the public and employees.
40. The Licensee shall ensure that CCTV is installed and maintained in working order and in use at all times to the satisfaction of Hertfordshire Constabulary, and that any images are both retained for a period of at least 31 days and made available on request to a police officer or authorised officer of the Council.
41. The Licensee shall provide promptly copies of any documents required by a police officer or by an authorised officer of the Council in relation to compliance with this Licence.