

DUDLEY METROPOLITAN BOROUGHLOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT,
1982 PART 2 SCHEDULE 3 CONTROL OF SEX ESTABLISHMENTS.**CONDITIONS OF LICENCE SEXUAL ENTERTAINMENT VENUE****1: INTRODUCTION**

- 1) In these conditions 'the Council' shall mean the Borough Council of Dudley and all enquiries concerning the licence shall be directed to the Assistant Director (Law and Governance) 5 Ednam Road, Dudley, West Midlands, DY1 1HL.
- 2) These conditions are imposed by the Council pursuant to their powers under Section 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 to prescribe conditions and apply to each premises licensed as a 'Sexual Entertainment Venue' as defined by the act save as they do not conflict with any special conditions forming part of the licence nor with the provisions of the said Act.
- 3) These conditions are only applicable to a 'Sexual Entertainment Venue' as defined. Separate conditions exist in relation to a Sex Cinema' and 'Sex Shop' as defined by the said Act.

2: OPENING HOURS

The licensed premises shall not be open nor used for the purposes for which the licence is granted except between the hours of 11am and 7am on any day.

3: WINDOW, FASCIA BOARD ADVERTISEMENTS AND DISPLAYS

- 1) The interior of the premises shall not be visible to passers-by and to that intent the licence holder shall obscure all windows and doors in a manner satisfactory to the Council.
- 2) The windows, doors and fascia board walls and all external parts of the premises including the roof shall not contain any form of writing sign or display save for:-
 - a) The address of the premises
 - b) The licensed name of the premises (as explained in paragraph 4 hereof)
 - c) Form of warning notice required to be displayed by virtue of the provisions of Section 1(6) of the Indecent Displays (Control) Act 1981.
 - d) The licence holder shall not permit the display outside of the premises photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

- e) A notice stating the opening hours of the establishment.

4: CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

- 1) In the case of licensed premises which are a vessel or stall the licence holder shall not move the licensed vessel or stall from the location specified in the licence unless he shall first give the Council not less than 28 days notice in writing of such intended removal and the Council may require him to lodge such written application as they deem appropriate and pay such fee as they deem reasonable in respect of such application provided that this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which regularly moved (whether under its own propulsion or otherwise) from another place to such location as is specified in the licence and which is not used for the purposes for which the licence is granted and any other location than that which is specified.
- 2) In the case of a business conducted from fixed premises no alteration of any kind shall be made to the interior or the exterior of the premises (including any change in the permitted signs displayed there at) or in the manner in which the windows and doors are obstructed unless the licence holder shall first obtain the written consent of the Council.

5: RESPONSIBILITY OF THE LICENCE HOLDER

The licence holder or any person purporting to act upon his behalf shall be responsible for ensuring compliance with these and any special conditions of the licence and will be held responsible for any breach thereof.

6: VARIATION OF CONDITIONS

The Council may at any time waive modify these conditions or impose additional conditions in any particular case.

Staff Changes

Local Authority to be notified within 14 days of any staff changes. Staff shall be defined any employee who is employed by the Licensee Holder subject to a 'Contract of Service' but shall exclude an employee employed subject to a 'Contract for Services'.

SPECIAL CONDITIONS OF LICENCE

1. 'Sexual Entertainment Venue' (SEV) means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- 2) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.

- 3) Only Permitted Relevant Entertainment is authorised under this licence.
 - i. 'Relevant Entertainment' means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must be 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).
- 4) Permitted relevant entertainment may only take place on those parts of the premises as are identified on the plan submitted with the application and approved by the council at the time of granting this licence.
- 5) Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan. With the exception of the designated areas, in all other areas within the premises the performers and employees must at all times wear at least a G String (female) and or pouch (male) covering the genitalia as well as one other over laying of clothing.
- 6) Relevant entertainment shall not be provided in a 'private room', cubicle, or other areas, unless that room, cubicle or other area is either:-
 - a. Completely open on one side, or,
 - b. Can at all times be observed by the Licence Holder or any person acting on their behalf via a CCTV surveillance system approved by the Committee to enable activities within to be supervised from the exterior by the Licence Holder or any person acting on their behalf.
- 7) No fastening or lock of any description shall be fitted upon any booth, cubicle or other area within the premises except within the toilets or within the performer's dressing room and staff areas.

Exhibition of Licence

- 8) A copy of the Licence and these Regulations as issued by the Council shall be retained in a clean and legible condition, suitably framed and exhibited in a position that can be easily seen by all persons using the premises.
- 9) A copy of the conditions of the Licence and these Regulations shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
- 10) No person under the age of 18 shall be on the licensed premises. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person will be admitted" so that it can be easily read by persons entering the premises.
- 11) Any person connected with or employed by the business who can be observed from the outside from the premises must be dressed. Scantily clad individuals must not exhibit in the entrance way or in the area surrounding the premises. (Scantily clad shall mean that nudity or underwear is visible)
- 12) The licence holder must provide a copy of its Club Rules to the Council and West Midlands Police.

Performers

- 13) The licensee must ensure that all performers are:
- i. Performance shall be aged not less than 18 years.
 - i. All performers and staff shall be aware of the Club Rules,
 - ii. All performers shall be aware of their responsibilities and role as contained in the conditions of the Licence Regulations,
 - iii. Performers must not accept any telephone number, email address, address, or contact information from any customer,
 - iv. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience,
 - v. No member of the audience shall be permitted to enter any changing area used by performers, and,
 - vi. Each area where relevant entertainment is conducted shall be supervised and contain a panic alarm for the safety of the performers.

Performances

- 14) The Licensee must ensure that during performances to which this licence relates:
- i No performance shall include any sex act, sex show, or shows any act that clearly simulates any sexual act with any other performer, patrons, members of the audience, employees, contractors, or with the use of an object.,
 - ii During any performance (including performances usually termed 'private dances') performers may not have any physical contact with a customer at any time during the performance, except:
 - Prior to the performance or at the completion of the performance there may be hand-to-hand payment, or the placing of money in a garter for the performance.
 - iii Performers must never touch the genitals or breasts of another dancer or permit another dancer to touch their genitals or breasts,
 - iv Performers may not use inappropriate, suggestive or sexually graphic language at any time.
 - v Performers must not engage in communications that could be deemed as acts of prostitution or solicitation, even if the performer has no intention of carrying out the act.
 - vi Performers must not sit on or straddle a patron or a member of the audience,

vii Performers must dress fully at the end of each performance. (In accordance with paragraph 5 of these conditions).

- 15) The Licensee must ensure that during performance to which this licence relates:
- i Patrons or members of the audience may not dance at any time and must remain seated during the entire performance of the dance,
 - ii Patrons or members of the audience must remain appropriate clothed at all times, and,
 - iii Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phone.

Door Supervisors

- 16) The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitable licensed by The Security Industry Agency or appropriate agency.
- 17) At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.
- 18) An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee shall be on duty on the premises whilst relevant entertainment take place.

CCTV

- 19) The licensee shall ensure that CCTV is installed and maintained to the satisfaction of the Licensing Authority and West Midlands Police, and the images are retained for a period of not less than 28 days and made available upon request by a Police Officer or an authorised officer of the Licensing Authority.
- 20) The system shall cover all entrances and exits, and areas where relevant entertainment will take place.
- 21) The licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured.

Advertising for Business away from the Premises

- 22) The licensee shall not allow the use of vehicles including limousines for the promotion or the relevant entertainment.
- 23) The collection of patrons and or potential clients is not permitted unless the vehicle and driver is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

- 24) The Council have permitted the promotion of the business by allowing performers to hand out advertising literature in the area around the licensed premises. The Sub Committee gave the authority provided:-
- a. The performers are fully dressed
 - b. The performers are at all times accompanied by a security officer to ensure their safety
 - c. The literature itself complies with the standards laid down by the Advertising Standards Agency
- 25) The licensee shall ensure that any marketing communications, advertising associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

Sale of Sex Articles

- 26) No sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in 'Sexual Entertainment Venue'.

Admission of Authorised Officers

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

DATED: 10th October 2013

Director of Corporate Resources