

SEX ESTABLISHMENT POLICY FOR SEXUAL ENTERTAINMENT VENUES

READING BOROUGH COUNCIL

1. INTRODUCTION

- 1.1 Reading is the County Town of Berkshire. It is currently the third most diverse and one of the most cosmopolitan and dynamic communities in the South East. It lies at the heart of the Thames Valley, and is widely regarded as the 'Silicon Valley' of the UK. Over the last 10 years, Reading has also benefited from being one of the fastest growing and sustained economies in the country. Whilst the recent economic downturn had an impact, the effect was to a lesser degree than in some areas of the country. It is still home to 13 of the world's top 30 global brands, with the likes of Prudential, Microsoft and Oracle all based locally.
- 1.2 Whilst the borough of Reading covers some 4030 hectares and is also home to around 145,000 residents, the wider urban area has a population of around 275,000 with an even broader retail 'catchment area' of over 1.2m. This is a significant aspect of the Reading of today: a sub-regional capital attracting large numbers of workers, shoppers and visitors from a wide area, adding to its vitality and success. Over 13% of the population is made up from minority ethnic communities.
- 1.3 Reading has two Universities, which during term time, further increase the residential population by around 25,000 and who again contribute to Reading's economy.
- 1.4 The ongoing regeneration of the town centre and the arrival of The Oracle shopping centre, originally lifted Reading into the top ten retail destinations in the UK, and it has maintained this position until very recently. However, it is currently rated at 16 on most recent research.
- 1.5 One of the reasons that town centres like Reading are attractive to the public, is that they are areas offering an attractive, safe and vehicle-free environment with a wide variety of retail, food leisure and services on offer. The public are drawn to such areas because they know that they will have a pleasant and satisfying social experience that goes beyond just commercial activity. This is borne out by the quality and quantity of the businesses that pay significant amounts of non-domestic rates and a Business Improvement District levy to maintain and where possible improve that standard.
- 1.6 The Oracle is a large privately owned shopping complex to the south of the area. Because it is private, the quality of the pedestrian and leisure experience can be said to be the most appealing in the town centre. When it originally opened, there were a number of large

nightclub venues. However, recent years has seen a shift in the type of venue available, with a greater influence towards family entertainment, restaurants and specialised markets.

- 1.7 Whilst Reading is the largest and the County town in Berkshire, there are many other towns of substantial size, including from the east to west, Slough, Windsor, Maidenhead, Bracknell, Wokingham and Newbury, many residents of which regularly visit Reading for retail and social activities.
- 1.8 Reading's vision for the shaping of its future has been carefully considered by seeking views from its residents, local businesses and all its partners, in order to ensure a thriving and balanced environment with a sustainable economy. Social premises should be varied so as to provide diversity and choice. They should be attractive and accessible to all.
- 1.9 The intention of the local authority is to create a well-balanced mix of alcohol and entertainment venues, thereby catering for the widest possible cultural and ethnic diversity.

2 THE PRESENT

- 2.1 The Local Government (Miscellaneous Provisions Act 1982 ("the Act")) introduced a licensing scheme to control sex establishments, that is to say, sex shops, sex cinemas, Section 27 of the Policing and Crime Act 2009, amends Schedule 3 to the Local Government (Miscellaneous Provisions) 1982, to allow the Licensing Authority to licence "Sexual Entertainment Venues" where "relevant entertainment" is provided before a live audience, for the financial gain of the organiser or the entertainer. "Relevant entertainment" means, "any live performance or any live display of nudity", provided solely or principally for the purpose of stimulating any member of the audience
- 2.2 Reading Borough Council has adopted the Act, and at present there are three sex shops in the borough. One is located on Southampton Street, and two are located on Oxford Road. At present there are no licensed Sexual Entertainment Venues, however there is one premises that operates as a lap dancing club located in the town centre on St Mary Butts. This premises will require a Sex Establishment Licence under the change made to the Local Government (Miscellaneous Provisions) Act 1982 in 2010.
- 2.3 Some Establishments that hold events which involved full or partial nudity less frequently than once a month may not require a Sex Establishment licence or may be except from the requirements to obtain a Sex Establishment Licence, applicants are advised to contact the Authority for details.
- 2.4 The Act imposes a duty on a local authority to refuse a licence by reference to, amongst other things, the criminal convictions of applicants. It also empowers a local authority to refuse to grant or

renew a licence by reference to the number of Sex Establishments which the local authority considers appropriate for the locality of the premises the subject of the application and the character of the locality.

- 2.5. This document outlines a policy, which will guide the Council when considering applications for licences, bearing in mind the spirit and intent of the Act and case law decided since it was passed. The Council shall not follow this policy inflexibly but shall take all relevant factors into consideration in determining an application. Each case shall be decided on its merits.

3. **APPLICANTS**

Individuals, limited companies and firms may apply for licences.

4. **DURATION OF LICENCES**

Licences are generally issued on an annual basis but can be issued for a shorter term if deemed appropriate.

5. **CRIME AND DISORDER**

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

6. **HUMAN RIGHTS**

The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- (i) Article 6, in relation to the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law;
- (ii) Article 8, in that everyone has the right to respect for his home and private life, including, for example, the right to a "good night sleep";
- (iii) Article 1 of the first protocol, that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession.

7. **DISABILITY DISCRIMINATION**

7.1 The Disability Discrimination Act 1995, introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services and the management, buying or renting of land or property. For service providers, such as licensees: -

- (i) with effect from December 1996, it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability;
- (ii) with effect from October 1999, they have had to make reasonable adjustments for disabled people, such as providing extra help to make changes to the way they provide their services;
- (iii) with effect from 2004, they have had to make reasonable adjustments to the physical features of the premises to overcome physical barriers to access.

7.2 This policy will have regard to the likely impact of licensing of sex establishment on disability discrimination particularly when considering the operation and management of the premises.

8. IMPACT

8.1 In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of the proposal causing adverse impacts, particularly on local residents. The Council will take the following general matters into account: -

- (i) type of activity;
- (ii) duration of proposed licence;
- (iii) proposed hours of operation;
- (iv) layout and condition of the premises;
- (v) the use to which premises in the vicinity are put;
- (vi) the character of the locality in which the premises are situated.

8.2 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:-

- (i) crime and disorder;
- (ii) cumulative impact of licensed premises in the area, including hours of operation;
- (iii) the character of the locality in which the premises is situated;
- (iv) public safety;
- (v) prevention of public nuisance.

8.3 Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that as appropriate. However, the Council will take into account: -

- (i) levels of recorded crime and disorder in area;
- (ii) evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents;
- (iii) whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

9. LOCATION

9.1 Licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map. The table below is not exhaustive and we would consider representations from applicants as to why our view should be changed about a particular locality.

locality	Number of Sex Entertainment Venues (SEV)	Reason
Reading Town Centre (Appendix I)	One	Varied Nighttime economy, Entertainment area, SEV would be appropriate in this area.
Caversham (North of the river Thames)	None	The whole area is mainly residential, with limited commercial or retail areas
Portman Road industrial Estate	One	Very Limited residential properties mainly small industrial units.
Wensley Road, Southcote Road	None	These areas are residential, with limited commercial or retail areas
Whitley Wood residential areas	None	The whole area is residential, with limited commercial or retail areas
Craddock Road and Acre Road Industrial areas	One	Very Limited residential properties mainly mixed industrial.
South East Reading (e.g. Orts Road, Kendrick Road and Palmer Park area)	None	The whole area is residential, with limited commercial or retail areas
Tilehurst Area (e.g. Tilehurst road, Oxford Road, Norcut Road School road)	None	The whole area is residential, with limited commercial or retail areas

10. FITNESS OF APPLICANT POLICIES

An applicant must be a fit and proper person to hold a licence. In determining suitability for a new licence or a transfer the Council will in most cases take into account:-

- (i) previous knowledge and experience of the applicant;
- (ii) any evidence of the operation of any existing or previous licence held by the applicant, including any licence held in any other borough;
- (iii) and any report about the applicant and management of the premises received from statutory objectors.

11. SUITABILITY POLICY

All licensees are required to ensure that the premises: -

- (i) comply with all health and safety law;
- (ii) are not a source of nuisance to residents in the vicinity.

12. PROPOSED OPERATION AND MANAGEMENT POLICIES

12.1 The Council requires all licensees to ensure that they and their employees comply with all relevant licence conditions and health and safety regulations.

12.2 In terms of management of licensed premises, the Council strongly encourages where possible and appropriate, will require that licensees: -

- (i) work with statutory agencies such as the Police, and the Council in order to create and maintain a safe environment; both within licensed premises and in the environs around them;
- (ii) particularly those whose premises are located in areas with the highest levels of recorded crime, develop crime prevention strategies in consultation with the Police and the Council.

12.3 In terms of the management of licensed premises, the Council strongly encourages and where possible and appropriate will require all licensees to develop strategies and procedures to increase access for disabled people to the premises.

12.4 In terms of the employment of staff in licensed premises, the Council requires that all relevant staff be appropriately trained in areas such as health and safety, first aid, and fire precautions.

13. PUBLIC CONSULTATION

The Council will normally consult local residents in relations to applications for grant, renewal or variation of the terms or conditions

of a licence. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.

14. LEGAL CONSULTATIONS

Applicants are required to give public notice of the application by publishing an advertisement in a local newspaper circulating in the area where the premises are situated and to display a similar notice on or near the premises for 21 days beginning with the date of the application.

15. CONSULTATION WITH STATUTORY AGENCIES AND OTHER ORGANISATION

In most cases the Council will consult with all relevant services within the Council and the Fire Authority to ensure that all relevant information is available when considering an application.
(Planning see item 1)

16. CONSULTATION WITH WARD COUNCILLORS

Relevant Ward Councillors will be notified in writing of all applications for grant, renewals and transfer of licences and the variation of conditions within their Ward, and also those on or near the Ward boundary.

- 16.1 In considering any application for the grant, renewal or transfer of a licence the Council is also obliged to have regard to any observations submitted by the Chief Constable of police and any objections received from members of the public in response to public advertisement of the application.

17. OTHER POLICIES

The Council may identify and apply other requirements from time to time, subject to consultation and proper notice.

Item 1.

Planning.

Sexual Entertainment Venues are classed as uses in the general use class, applicants are advised to speak to the planning department to ensure that the correct planning permissions are in place before the premises are open to the public.

SCHEDULE A

READING BOROUGH COUNCIL

REGULATIONS FOR SEX ESTABLISHMENTS "SEXUAL ENTERTAINMENT VENUES ONLY "

Reading Borough Council, in exercise of the powers conferred upon them by Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf, make the following Regulations:-

1. (i) In these Regulations the following expressions, that is to say:
"Sexual Entertainment Venue" shall have the meanings respectively assigned to them by Schedule 3 of the Act;
- (ii) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them, namely:-

"The Act"	means the Local Government (Miscellaneous Provisions) Act 1982 as amended
"The Council"	means Reading Borough Council
"Licensed premises"	means any premises, vehicle, vessel or stall licenced under the Act
"Licence holder"	means a person who is the holder of a sex establishment licence
"Permitted hours"	means the hours during which the licensed premises are permitted under Regulations 2 to be open to the public
"Sex Establishment Licence"	means a licence granted pursuant to Schedule 3 of the Act
"General provision"	means the council has the right to amend or delete conditions if deemed appropriate
2. The permitted hours of opening, unless varied by special conditions, shall be as follows:-

Monday	0900hrs until 0400hrs
Tuesday	0900hrs until 0400hrs
Wednesday	0900hrs until 0400hrs
Thursday	0900hrs until 0400hrs
Friday	0900hrs until 0600hrs
Saturday	0900hrs until 0600hrs
Sunday	0900hrs until 0400hrs

3. The licensed premises shall not be used for any purpose other than the business of a Sexual Entertainment Venue. Should an operator wish to operated the premises under the Licensing Act 2003 or for other purposes, Written permission shall be required from the council seven days prior to the proposed change.
4. The licensed premises shall not be open for the purposes for which the sex establishment licence is granted on any occasion when the Council may signify in writing to the licence holder, occupier, or other person having at the time the care and management of the premises, that the same should not be open.
5. No person who is under the age of 18 or is known by the licence holder or any servant or agent of his presence on the licensed premises to be under that age shall be admitted to or shall be permitted to remain on the licensed premises.
6. The licence holder:-
 - (i) shall display a copy of the sex establishment licence and of these conditions, together with any special conditions imposed by the Council on the licensed premises in a conspicuous position at the entrance to the premises;
 - (ii) shall exhibit on the premises, such notices in such form and in such position as may be prescribed;
 - (iii) shall comply with any prescribed restrictions with respect to the exhibiting of other written matter or of signs of any description on the licensed premises.
7. No facilities shall be provided in a Sexual Entertainment Venue to view recordings or broadcasts which contain nudity and sexual Acts.
8. All forms of regulated entertainment and the sale of alcohol shall be carried out under the authorisation of a premises licence issued by the Local Authority under Licensing Act 2003.
9. The licence holder shall exhibit on the exterior of the licensed premises, in a position visible to persons outside the premises, a notice, in not more than one place, in characters not exceeding three inches in height and consisting only of the words "Sexual Entertainment Venue licensed by Reading Borough Council" and such indication, if any, as he thinks fit to give, of the times at which the licensed premises are open. No other notices, unless pursuant to these Regulations, may be exhibited.
10. The name of the licence holder or persons responsible for the premises during opening times shall be kept in a register detailing the periods of time he or she is responsible.

11. The licence holder shall exhibit in a prominent and in an approved manner and in some conspicuous place inside the licensed premises and at all points of access to the licensed premises, a notice stating that persons under the age of 18 years are not admitted thereto. Should the premises operate a proof of age scheme with an older age, That age shall be in the notice
12. The licence holder shall not display any matter which does not comply with the Indecent Displays (Control) Act 1981.
13. The licence holder shall not permit any person other than persons employed by him, his servant or agent, statutory undertakers or, if applicable, his landlord to enter upon any part of the premises which are not available to the general public
14. The licence holder shall not display any advertisement, which is visible to persons outside the premises, except as permitted by these Regulations or under the Act.
15. The licence holder shall ensure, that the interior of the Sexual Entertainment Venue shall not be visible to persons outside the premises.
16. The Council shall approve the design and materials used for both the exterior and interior of the licensed premises, which shall be kept in good repair and condition.
17. No illuminated signs or exterior lights shall be affixed to the licensed premises unless approved by the Council.
18.
 - (i) The licence holder shall not knowingly allow the licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes whether the objective of their so resorting or meeting is or is not prostitution;
 - (ii) The licence holder shall not knowingly permit drunken or disorderly persons to assemble or remain on the licensed premises;
 - (iii) The licence holder shall not tout or permit touting for business.
19. If the Council notifies the licence holder or occupier or other person having at the time, the care and management of the premises, in writing by delivering notice at the licensed premises that any poster, advertisement or matter shall not be displayed, then the licence holder, occupier or other person having at the time the care and management of the premises shall forthwith cease to display, the said item.
20. The licence holder shall comply with the regulatory reform (Fire Safety) order 2005 (RRO). Under the "Order", the responsible person is required to ensure a Fire Risk Assessment is undertaken by a competent person and the findings of the Fire Risk Assessment are acted upon.
21. The number, size and position of all doors or openings provided for the purpose of egress of the public, shall be to the satisfaction of 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, other than exits, 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) No access shall be permitted through the premises to any other premises adjoining or adjacent;
 - (iv) The external doors of the licensed premises shall be fitted with self-closing mechanisms and such mechanisms shall be maintained in good order. No external door shall be fixed in the open position at any time during the permitted hours.
22. Applicants for the grant, renewal or transfer of a Sexual Entertainment Venue licence shall make their application on the form approved from time to time by the Council, returnable to the Head of Environmental and Consumer Services, together with the approved fee (where a sex establishment licence is required). A copy of the application in all cases shall be sent to the Chief Constable of Thames Valley Constabulary, not later than seven days after the date of the application to the Council.
23. Applicants for the grant, renewal or transfer of a Sexual Entertainment Venue licence shall, advertise by notice their application in the form approved by the Council and by publishing the advertisement in a local newspaper circulating in the Borough of Reading, not later than seven days after the date of the application that they have made to the council. A copy of the advertisement as published and a certificate as to the date of publication shall be lodged with the Council forthwith.
24. Applicants for the grant, renewal, or transfer of a Sexual Entertainment Venue licence shall display a notice in the form approved by the Council. The notice shall be displayed at the premises to be licensed for twenty-one days beginning with the date of the application to the Council and in a place where the notice can be inspected and conveniently read by the public from outside the premises.
25. A constable or an authorised officer of the Council may at any reasonable time enter and inspect any premises in respect of which a sex establishment licence is for the time being in force.
26. (i) The licence holder or some responsible person, nominated by him in writing shall be in attendance at the licensed premises at all such times as the premises are open to the public. Any person nominated in writing shall produced to any constable or authorised officer of the Council a copy of the authorisation.
- (ii) All employees or persons having care and management of the licensed premises at any time shall be readily identifiable as such. The licensee shall maintain a register in which he shall record each day the name and address of the person responsible for managing the premises from time to time and the names and addresses of those employed in the business. The register is to be completed each day

and is to be open for inspection by any constable or authorised officer of the Council.

READING BOROUGH COUNCIL

CONDITIONS OF LICENCE RELATING TO THE PROVISION OF LAP DANCING, TABLE SIDE DANCING AND ANY RELEVANT ENTERTAINMENT INVOLVING STRIPTease AND/OR NUDITY AT A SEXUAL ENTERTAINMENT VENUE.

1. Total nudity (the exposing of genitals) shall only be permitted in a designated area and at no other place in the premises.
2. No sex act shall take place.
3. The area proposed for striptease (involving complete nudity) shall:-
 - (i) Be in a position where the performance cannot be seen from the street.
 - (ii) Be in a designated area of the premises with segregation from the audience.
 - (iii) Be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.
4. Performers shall be aged not less than 18 years.
5. No dancer shall perform if they are intoxicated.
6. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.
7. No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
8. The area proposed for lap dancing, tableside dancing (involving partial nudity), shall be in a position where the performance cannot be seen from the street.
9. Entertainers providing topless dancing to customers seated at tables shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body and at no time will reveal any part of their genitalia or anus.
10. Lap dancers/table side dancers must immediately dress at the conclusion of each performance.
11. Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.

12. The licensee, performer and any 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.
13. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance.
14. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor.
15. The Licensee shall record details and deal with any report of contact, misconduct or provocation by a customer or dancer. A record of the actions taken shall be kept in an incident book
16. No telephone number, address or information leading to any further meeting shall be passed from customer to dancer or vice versa.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. The premises must 'risk assess' the need for door staff, all door staff working on the premises shall be registered with the Security Industry Authority (SIA).
20.
 - (i) Digital CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.
 - (ii) Recordings shall be made available to an authorised officer of the Council or a Police Officer
 - (iii) Facilities for viewing recording shall be available on site to an authorised officer of the council or police.
 - (iv) No person shall take any recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed at each table.
21. Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed on to that part of the premises.
22. A national recognised proof of age scheme shall be in force at all times the

premises are open to the public. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:-

“No person under 18 years will be admitted” .

Should the premises operate a proof of age scheme with an older age, That age shall be in the notice)

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