

**BIRMINGHAM CITY COUNCIL**

**STANDARD CONDITIONS FOR SEX ESTABLISHMENT LICENCES (SELS)**

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) as amended by the Policing and Crime Act 2009 (the “2009 Act”) to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) “The Council” shall mean Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to, [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

**Regulation and Enforcement**                      0121 3039896  
**Licensing Section**  
P.O. Box 17013  
Birmingham  
B6 9ES

- (ii) These conditions apply to all premises licensed as a “Sex Establishment” as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred. Certain conditions relate only to a particular type of licence as indicated within the document.
- (iii) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (iv) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (v) In the event of a conflict between the prescribed conditions and any special conditions contained in a licence the special conditions shall prevail.

## CONDITIONS APPLICABLE TO ALL SEX ESTABLISHMENTS:

### OPENING HOURS

1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

### WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - (a) The address of the premises.
  - (b) The licensed name of the premises.
  - (c) A notice stating the opening hours of the establishment.
  - (d) In the case of a licence granted to a body corporate:
    - (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
    - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
  - (e) In the case of a SEX SHOP: The wording "**PRIVATE SHOP**" or "**ADULT SHOP**" but no other indication as to the nature of the business carried on at the licensed premises.
  - (f) In the case of a SEX CINEMA: The wording "**ADULT CINEMA**" but no other indication as to the nature of the business carried on at the licensed premises.
  - (g) IN the case of both SEX SHOPS and SEX CINEMAS: The form of warning notice required to be displayed by virtue of the provisions of Section 1 (6) of the Indecent Displays (Control) Act 1981

4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.
6. No person under the age of 18 shall be permitted to be on the licensed premises when the Sex Establishment Licence is being used. A notice to that effect shall be clearly displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises.

#### **LICENSED NAME**

7. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
8. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

#### **EXHIBITION OF LICENCE**

9.
  - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
  - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.
10. The licensee shall retain a copy of a form signed by each employee confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each employee. This requirement also applies to performers at SEV premises, who may not be classed as employees.

#### **RESPONSIBILITY OF THE LICENSEE**

11. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the Sex Establishment in their absence shall be in charge of and available on the premises during the whole time they are open to the public.

12. The written nomination referred to in condition 11 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
13. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.

#### **ADMISSION OF AUTHORISED OFFICERS**

14. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

#### **EMPLOYEES AND MANAGEMENT STAFF**

15. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them. (see Conditions regarding Door Supervisors)
16. Condition 15 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
17. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work in the UK and shall keep copies of any documentation used to verify the details of these rights where necessary.
18. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
19. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority within 14 days.
20. No person under the age of 18 shall be employed to work at, or, in the case of a self-employed person, allowed to work in the premises in any capacity.

#### **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

21. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days' notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another location as is specified in the licence.
22. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

**CONDITIONS SPECIFIC TO SEXUAL ENTERTAINMENT VENUES:**

23. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except; within the toilets, within the performers' dressing rooms and/or staff areas.
24. Performers shall have unrestricted access to a dressing room at all times during a performance.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers. (to be indicated on the plan)
26. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.

**REQUIREMENT FOR A CODE OF CONDUCT FOR PERFORMERS:**

27. There shall be a Code of Conduct for Performers in place (to be submitted as part of the application or renewal process).
28. The Code of Conduct will include as a MINIMUM STANDARD, those matters listed at Annexe A to these Conditions.
29. No Change may be made to the Code of Conduct for Performers without the prior written consent of the Licensing Authority.
30. The Licensee shall ensure all performers and staff (including Door Supervisors and management) are provided with a copy of the Code of Conduct for Performers and that they sign to confirm they have read and understood its content, and the requirement to comply.
31. The original signed acknowledgements are to be retained within the Operating Manual.

32. The Licence Holder, premises management and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Performers.
33. A Copy of the Code of Conduct for Performers shall be prominently displayed in each area of the premises to which the public have access, including the toilet areas, and also in the performers' changing/dressing room and staff rooms.

**REQUIREMENT FOR CODE OF CONDUCT FOR CUSTOMERS:**

34. There shall be a Code of Conduct for Customers in place (to be submitted as part of the application or renewal process).
35. The Code of Conduct will include as a MINIMUM STANDARD, those matters listed at Annexe B to these Conditions.
36. No Change may be made to the Code of Conduct for Customers without the prior written consent of the Licensing Authority.
37. The Licensee shall ensure all performers and staff (including Door Supervisors and management) are provided with a copy of the Code of Conduct for Customers and that they sign to confirm they have read and understood its content, and the requirement to comply.
38. The original signed acknowledgements are to be retained within the Operating Manual.
39. The Licence Holder, premises management and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Customers
40. The Code of Conduct for Customers must be displayed in prominent locations throughout the premises, including at the entrance.
41. The Licence Holder, premises management, performers and staff (including door staff) are responsible for ensuring compliance with the Code of Conduct for Customers.
42. Where a Customer breaches the Code of Conduct, this must be recorded in the Incident Log.
43. Customers repeatedly breaching the Code of Conduct shall be ejected from the premises. This is to be recorded in the Incident Log.
44. A Copy of the Code of Conduct for Customers shall be prominently displayed in each area of the premises to which the public have access, including the toilet areas, and also in the performers' changing/dressing room and staff rooms.

**REQUIREMENT FOR A DISCIPLINARY PROCEDURE:**

45. There shall be a disciplinary procedure in place to address breaches of the Code of Conduct for Performers. This procedure is to be in writing and must be communicated to all performers and staff, who must be provided with a copy.

46. The Licensee shall ensure all performers and staff (including management) are provided with a copy of the Disciplinary Procedure and that they sign to confirm they have read and understood its content, and the requirement to comply.
47. The original signed acknowledgements are to be retained within the Operating Manual.

#### **REQUIREMENT FOR A WELFARE POLICY**

48. There shall be a Welfare Policy in place to safeguard the welfare of Performers. This Policy is to be in writing and must be communicated to all performers and staff, who must be provided with a copy.
49. The Licensee shall ensure all performers and staff (including management) are provided with a copy of the Welfare Policy and that they sign to confirm they have read and understood its content, and the requirement to comply.
50. The original signed acknowledgements are to be retained within the Operating Manual.
51. The Welfare Policy will include as a MINIMUM STANDARD, those matters listed at Annexe C to these Conditions

#### **FEES**

52. Receipts or records of payments received must be provided to performers where “house fees” are charged.

#### **PRICE LIST**

53. A price list shall be displayed in a prominent position in each room or area of the premises to which the customers have access. The Price list should include drinks as well as giving the price and the duration of any ‘dances’.
54. The Price List shall use a minimum font size of 16pt Arial or similar.
55. A Price List must be available at any location where a customer enters into a transaction – i.e. using a hand-held payment device such as chip and pin. (to be identified on the plan)

#### **CCTV**

56. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.



57. CCTV cameras will be installed in such a manner as to ensure all dances/performances, and payment transactions are clearly shown.
58. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
59. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

#### **DOOR SUPERVISORS**

60. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
61. The licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
62. 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 takes place.
63. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place

#### **ADVERTISING AND PROMOTION OF THE BUSINESS AWAY FROM THE PREMISES.**

64. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
65. The collection of patrons and or potential clients is not permitted unless the provisions of the Local Government (Miscellaneous Provisions) Act 1976 are complied with.
66. The licensee shall not permit any person whilst on a public thoroughfare to solicit any other person to visit the SEV premises by any means.
67. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.



## **ANNEX A**

### **CODE OF CONDUCT FOR PERFORMERS**

- a. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public 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
- b. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
  - 1). Leading a patron by the hand to and from a chair or private room or designated dance area.
  - 2). Simple handshake greeting at the beginning and/or end of the performance.
  - 3). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
- c. If a customer attempts to touch or speak to a performer inappropriately, the performer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in inappropriate behaviour, the performer shall stop the performance and inform premises management immediately.
- d. If a customer engages in acts of masturbation or other sexual behaviour, the performer shall cease the performance immediately and inform the premises management.
- e. Performers may not intentionally touch the genitals, anus or breasts of another performer, nor knowingly permit another performer to touch their genitals, anus or breasts.
- f. Performers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina.
- g. Performers shall not perform if under the influence of alcohol or drugs.
- h. Performers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- i. Performers shall only use the smoking area provided specifically for their use.
- j. Performers shall only use the sanitary facilities specifically provided for their use.

- k. Performers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outerwear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible.
- l. All performers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the performer subject to the house Disciplinary Rules, a copy of which has been provided to each performer.

## **ANNEX B**

### **CODE OF CONDUCT FOR CUSTOMERS**

**The Code of Conduct for Customers must include the following points as a minimum:**

- a. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones.
- b. Customers may not touch performers during a performance.
- c. Customers will remain respectful and will not make lewd or offensive remarks to performers.
- d. Customers may not harass or intimidate performers.
- e. Customers may not ask performers to perform any sexual favour.
- f. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
- g. Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises.

## **ANNEX C**

### **WELFARE POLICY**

**The Welfare Policy must contain the following points as a minimum:**

- a. A designated dressing room area shall be provided for performers' exclusive use. Such dressing room shall be secured so as not to be accessible to members of the public and shall be sufficient to enable performers to change privately.

- b. Performers shall be provided with their own sanitary facilities separate from those used by customers.
- c. Where necessary, a secure external area shall be provided for staff to smoke without coming into contact with customers.
- d. Any performer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter.
- e. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a performer.
- f. Any customer behaving inappropriately will be ejected from the venue.
- g. Performers shall be provided with free drinking water.