



Standard conditions for annual licences for sexual entertainment venues and sex cinemas effective from 11th February 2011

Wigan Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) makes the following standard conditions in relation to sexual entertainment venues and sex cinemas. Separate conditions cover sex shops.

Notes:

- (i) Except where the context demands otherwise the singular includes the plural and masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into two sections as follows:

Part 1 Conditions which apply to sexual entertainment venues and sex cinemas

Part 2 Conditions which apply to sex cinemas only

Part 1 Sexual Entertainment Venues

1. Definitions

1. In these rules, unless the context otherwise requires:

'Approval of the Council' or 'Consent of the Council' means the approval or consent of the Council in writing.

'Approved', 'accepted', or 'permitted' means approved, accepted or permitted by the Council in writing.

'Approved arrangements' means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

'Council' means Wigan Council.

'Escape lighting' (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.

'Licensee' means the holder of a sex establishment licence.

'Non-combustible' material means material which is deemed to be non-combustible when tested in accordance with the provisions of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.

'Officer' means any person authorised in writing by the Council.

'Premises' means any premises within the Council's area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

'Sex Establishment', 'Sex Cinema', 'Sex Shop', 'Sex Encounter Establishment' and 'Sex Article' shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009.

All references to a British Standard (BS) shall be deemed to refer to the current standard.

2. Dispensation or modification of conditions

- (a) These conditions may be dispensed with or modified by the Council in any special case.
- (b) Where in these conditions there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

3. Exhibition of Licence

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

4. Hours of Opening and Closing

The premises shall not, for any purpose of the licence, be opened outside the hours permitted.

5. Persons in charge of Licensed Premises

- (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
- (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
- (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, performers, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

6. Conduct of Premises

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) 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 by the Council.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Soliciting shall include the distribution of leaflets unless authorised by a consent of the Council.

- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007 or any Order amending or replacing the same.
- (f) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, and advertisement or display, such material shall be removed or completely obscured from sight.
- (g) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990 and the Building Act 1984 or any legislation amending or replacing the same.

7. Entrances & Windows

- (a) The entrances 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.
- (b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at a height approved by the Council, opaque screens or blinds of a type and size approved by the Council.

8. Change of Use

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sexual entertainment venue).

9. Alterations

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

10. Maintenance

The approved arrangements shall be maintained at all times in good order, repair and condition.

11. Overcrowding

- (a) Overcrowding shall not be permitted in any part of the premises.
- (b) The licensee shall maintain a register in a form approved by the Council indicating which staff are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.
- (c) The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons currently on the premises. This information shall immediately be divulged on request by a police officer or an authorised officer of the Council.

12. Maintenance of means of escape

- (a) All exit routes shall be maintained with nonslip and even floor/step surfaces and be free of trip hazards at all times. Such exit routes shall be unobstructed and available for immediate use at all times.
- (b) All exit doors shall be available for immediate use, without use of a key or similar fastening, the whole time the public are in the premises. Only fastenings that have been approved by the Council in writing may be provided on such doors.
- (c) All fire doors shall be maintained effectively self-closing, and not wedged open.
- (d) Any removable security fastenings approved by the Council shall be removed from the doors prior to opening to the public. All such fastenings shall be kept in a position approved by the Council during the whole time the premises are in use.

13. Curtains, decorations etc

- (a) Where approval is given for curtains to be used, the curtains shall where necessary be periodically resprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.
- (b) Curtains where permitted across doors shall be in two halves, on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

14. Fire Alarms

Any fire alarm system shall be checked monthly to ensure it is fully operational. In addition any system shall be serviced yearly by a qualified engineer and all results recorded in a log book to be retained on the premises.

15. Fire Fighting Equipment

- (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.
- (b) Any extinguisher discharged shall be replaced or recharged immediately.

16. Outbreaks of Fire

The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be displayed indicating how the Brigade can be summoned.

17. Cleansing of Ventilation Ductwork

- (a) Filters within kitchens, serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals.
- (b) The ventilation system(s) shall be maintained in a clean condition and full working order.

18. Sanitation

The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:

- (a) maintain each sanitary convenience in clean and efficient order;
- (b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.
- (c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature, together with an adequate supply of soap and suitable hand drying facilities.
- (d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained.

19. Lighting

All lighting (including escape lighting) shall be maintained in full working order.

20. Electrical Installation

The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.

21. Electrical Certificates

Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

22. Escape Lighting

The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council.

23. Heating

- (a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.
- (b) Portable heating appliances shall not be used without the Council's written consent.
- (c) No alterations/additions to the approved heating system shall be made without the written consent of the Council.

24. Electrical, Gas and Mechanical Ventilation Systems

No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council.

25. Gas and Electricity Meters

- (a) Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).
- (b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.

26. Paraffin and Mineral Oil

Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior written consent of the Council.

27. Noise and Vibration

- (a) The licensee shall ensure that no noise emanates from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
- (b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

Note: The licensee must ensure that appropriate measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

28. Display of Tariff of charges

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

29. Special Risks and Special Effects

Any activity which involves special risks or special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

30. Conditions relating to permitted activities

- (a) Only those activities previously agreed in writing by the Council shall take place.
- (b) The agreed activities will take place only in designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst lap dancing/striptease entertainment is taking place and immediately thereafter.
- (c) The performers only shall give lap dancing/striptease entertainment. No audience participation shall be permitted.

- (d) Whilst lap dancing/striptease entertainment is taking place, no person under the age of 18 shall be on the licensed premises and a clear notice to this effect shall be displayed at each entrance to the premises in a prominent position. The notice shall read: **“No Person Under 18 Shall Be Admitted”**
- (e) There shall be no physical contact between the customer and performer before, during or after the performance.
- (f) Notices to the effect of the above condition number 30 (e) shall be clearly displayed at every table, be on display at the entrance of the premises and each bar area.
- (g) The performers shall at all times wear a G-String which shall not be removed as part of the performance, and they shall not expose at any time, wholly or partly, their genitalia.
- (h) Dancers shall only perform on the stage area or to seated customers.
- (i) Performers shall be aged not less than 18 years.
- (j) The Licensee shall not permit the display outside the premises of photographs or other images which indicate and suggest that lap dancing/striptease or similar dancing takes place on the premises.

31. Supervision of premises

Suitable numbers of SIA licensed door supervisors (numbers to be subject to approval of police and licensing authority) will be on duty at the premises during the performance of relevant entertainment.

32. CCTV

A tamper proof digital CCTV system shall be installed at the premises in liaison with and to the satisfaction of the Greater Manchester Police Local Crime Reduction Officer and shall be used to record during all hours that a licensable activity takes place on the premises.

Part 2 - Sex Cinemas

33. Minimum lighting

The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.

34. Film Categories

The categories U, PG, 12, 15 and 18 have the following effect:-

U Universal - suitable for all

PG Parental Guidance. Some scenes may be unsuitable for young children.

12/12A Passed only for persons of 12 years and over.

15 Passed only for persons of 15 years and over.

18 Passed only for persons of 18 years and over.

Restricted (18) Passed only for persons of 18 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.

The addition of (Wigan) after the category means that the film has been passed by the Council for exhibition in Wigan in the category shown.

35. Exhibition of films

No film shall be exhibited at the premises unless:

- (a) It has been passed by the British Board of Film Classification as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
- (b) it has been passed by the Council as a U, PG, 12A/12, 15, 18 (Wigan) or RESTRICTED (18) (Wigan) film.

36. Restricted (18) Films - Council's Consent

Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

37. Age Restriction Notice

When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. The licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

PERSONS UNDER THE AGE OF *(insert 12, 15 or 18 as appropriate)* CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.

Note: Where films of different categories are shown the notice shall refer to the oldest age restriction.

38. Category Notices

Immediately before each exhibition at the premises of a film there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-

- (a) For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board;
- (b) For a film passed by the Council - a notice in the following form without the addition of any other words:-

WIGAN COUNCIL

Insert title of film has been passed by Wigan Council *insert the definition of category and the category assigned.*

Provided that as regards a trailer advertising a film the notice shall be in the following terms:-

WIGAN COUNCIL

(Insert the title and category of the trailer) advertising (insert title and category of the film)

39. Objection to Exhibition of a Film

No film shall be exhibited at the premises:-

- (1) which is likely:-
 - (a) to encourage or to incite to crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation or degradation of or violence towards women.
- (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- (3) which contains a grossly indecent performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

40. Posters, Advertisements, etc.

Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film exhibited or to be exhibited at the premises, which is displayed,

sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

41. Flammable Films

No flammable films may be upon the premises without the prior consent of the Council in writing.

42. Attendants - Numbers in Other Premises

Unless the Council otherwise requires or agrees in writing in any case:

- (a) there shall be a minimum of two attendants on duty on each floor or tier of the auditorium where the public, up to a number not exceeding 500, are present on that floor or tier and thereafter one additional attendant shall be on duty for each additional 250 persons or part thereof present on that floor or tier;
- (b) if an auditorium has only one floor or tier and seats 250 persons or less the number of attendants on duty in that auditorium shall be not less than one.

Note: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and for the avoidance of doubt in the case of an auditorium which has only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.

Rules relating to television exhibitions

43. Entertainments Unsuitable for some Audiences

When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the premises.

Section D - Restricted 18 Category

44. Additional Conditions for 'Club' Cinemas (Showing Films in the Restricted 18 Classification)

- (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.
- (ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:-

CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

- (iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.
- (iv) Tickets shall in no circumstances be sold to persons other than members.
- (v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.
- (vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.
- (vii) Membership rules for these club cinemas shall include the matters set out in Appendix A, be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Membership Rules For Club Cinemas

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.

- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.