



*Basingstoke  
and Deane*

**Local Government (Miscellaneous Provisions) Act  
1982**

**Schedule 3**

**Conditions for the Licensing of Sex Establishments.  
Basingstoke and Deane Borough Council**

REGULATIONS MADE BY BASINGSTOKE AND DEANE BOROUGH COUNCIL UNDER PARAGRAPH 13(1) OF SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) PRESCRIBING STANDARD CONDITIONS FOR ANNUAL LICENCES FOR SEX ESTABLISHMENTS EFFECTIVE FROM JANUARY 2013

## 1. DEFINITIONS

1.1 For the purposes of these regulations the following expressions shall have the following meanings:

“the Act”	means the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
“Approval of the Council”	means the approval of the Council in writing, and “Approved” and “Approval” shall be construed accordingly
“Consent of the Council”	means the consent of the Council in writing
“Council”	means Basingstoke and Deane Borough Council
“Customer”	(without prejudice to the generality of the expression) shall include customers, patrons, members and guests present on the Premises
“Door Supervisor”	means a person accredited by the Security Industry Authority (SIA) or any successor body
“Film Exhibition”	has the meaning described in Section 21 of the Cinemas Act 1985
“Licensee”	means the holder of a Sex Establishment Licence
“Officer”	means any person authorised in writing by the Council

“Performers”	(without prejudice to the generality of the expression) includes all those providing Relevant Entertainment
“Premises”	means any premises within the Council’s area licensed as a Sex Establishment and includes all installations, fittings and things in connection therewith
“Relevant Entertainment”	has the meaning ascribed in the Third Schedule
“Sex Article”	has the meaning ascribed in the Third Schedule
“Sex Cinema”	has the meaning ascribed in the Third Schedule
“Sexual Entertainment Venue”	has the meaning ascribed in the Third Schedule
“Sex Establishment”	has the meaning ascribed in the Third Schedule
“Sex Establishment License”	means a license issued by the Council in accordance with the Third Schedule
“Sex Shop”	has the meaning ascribed in the Third Schedule
“Third Schedule”	means Schedule 3 of the Act

## **2. CONSTRUCTION**

- 2.1 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner
- 2.3 Nothing in these regulations shall be construed as interfering with:
  - 2.3.1 the discretion of the licensee or his representative regarding the admission of any person to Premises; or
  - 2.3.2 the need to strictly comply with all relevant statutory requirements

## **3. REGULATIONS**

- 3.1 The standard conditions set out in Column 3 of schedule 1 to these Regulations are prescribed as applicable to the class or classes of Sex Establishment shown in Column 4 of that schedule

### Schedule 1 – Standard Conditions applicable to Sex Establishments

No.	Description	Text	Applicability
1.	Display of Licence	The licence or a clear copy of it shall be prominently displayed within the Premises at all times so as to be readily and easily seen by all persons using the Premises	All Sex Establishments
2.	Opening Hours – Specified days	Except with previous Consent of the Council a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.	All Sex Establishments
3.	Opening Hours – Specified times	Except with the previous written consent of the Council:- (a) Sex Shops shall not open before 9 am and shall close not later than 6 pm, except for one late night per week at 9 pm. (b) Sex Cinemas shall not be open before noon and shall close not later than 11pm. (c) Sexual Entertainment Venues shall be open in accordance with the hours authorised by the licence issued under the Licensing Act 2003 for the Premises unless a specific condition on the Sex Establishment Licence permits otherwise.	All Sex Establishments
4.	Presence of Licensee	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 at, the Premises during the whole time that they are open to the public. Such written nomination shall be immediately available for inspection by a police officer or an Officer. 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 the conditions attached to the Sex Establishment Licence.	All Sex Establishments
5.	Display of Named Person in Charge of Premises	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	All Sex Establishments
6.	Staff to be over 18	No person under the age of 18 shall be employed in the business of the Sex Establishment. The Licensee must maintain adequate records of the names, addresses and dates of birth of all members of staff including adequate identity checks.	All Sex Establishments

No.	Description	Text	Applicability
7.	Checking of employment records and UK work eligibility	The Licensee or person in control of the premise shall ensure that all employees (whether on a permanent or casual contract) have the appropriate eligibility to work in the UK before confirming employment at the premises	All Sex Establishments
8.	Performer terms of Employment	The Licensee shall ensure that a) No fee is charged to any Performer for the right to work at the premises b) No fines are imposed on any Performer for any reason	Sexual Entertainment Venues
9.	Employee Training	The Licensee shall ensure that all employees undergo a regular and specific training process to ensure that they are aware of and understand the conditions of the Sex Establishment License applicable to the Premises	All Sex Establishments
10.	Identification of Staff	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, dancers, hostesses or other similar roles) working in the 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	All Sex Establishments
11.	Register of Employees and Performers	The Licensee shall ensure that a register is kept to identify which Employees and Performers are on the Premises at any given time	Sexual Entertainment Venues
12.	Customers to be over 18	No person under the age of 18 shall be admitted to any part the Premises	All Sex Establishments
13.	Challenge 21	All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 21 years and who is seeking access to the Premises. Such credible evidence, which shall include a photograph of the person, will either be a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo	All Sex Establishments

No.	Description	Text	Applicability
14.	Control of Premises	<p>The Licensee shall maintain good order on the Premises and in particular shall ensure that none of the following shall take place:</p> <ul style="list-style-type: none"> <li>(a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;</li> <li>(b) Indecent behaviour, including sexual intercourse;</li> <li>(c) The offer of any sexual or other indecent service for reward;</li> <li>(d) Acts of violence against person or property and/or the attempt or threat of such acts.</li> </ul>	All Sex Establishments
15.	No change of use of Premises without Consent	No change of use of any part 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).	All Sex Establishments
16.	No alterations to Premises without Consent	No alterations (including temporary alterations) shall be made to the Premises, without the prior Consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where works necessitate the Premises being closed for a period of time, the Premises shall not reopen for the purpose of the Licence, until the Licensee has notified the Council of the satisfactory completion of the work in writing.	All Sex Establishments

No.	Description	Text	Applicability
17.	CCTV	<p>The Licensee shall ensure a closed-circuit television (CCTV) system is installed internally and externally to the Premises to the satisfaction of the Council prior to commencing trading.</p> <p>Appropriate notices must be displayed in accordance with the Data Protection Act 1998, advising that CCTV is in operation. The Licensee must ensure that the requirement under that Act regarding registration with the Data Protection Commissioner is complied with.</p> <p>CCTV cameras shall be positioned to record a clear head, shoulders and facial image of any person entering the premises via the main entrance/s. Headgear must be removed unless worn as part of religious observance.</p> <p>The CCTV must be capable of recording all areas at the premises to which the public have access.</p> <p>The CCTV recordings of each day shall be stored in a secure location for a period of at least 30 days. The recordings shall be of a standard that would be acceptable as evidence in Court. All recordings must be made available for inspection on request by authorised Officers and Hampshire Police.</p>	All Sex Establishments
18.	No Customer access to non-public areas	The Licensee shall ensure that Customers are not admitted to those parts of the Premises which have been approved by the Council as being for the use of Performers and other employees only	All Sex Establishments
19.	Prohibition of Photography	The use on the Premises of cameras of any type or any other kind of recording equipment (other than CCTV) is prohibited	All Sex Establishments



No.	Description	Text	Applicability
20.	Incident log	<p>An incident log shall be kept at the Premises, and made available on request to Officers or the Police, which will record the following:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received</li> <li>(d) any incidents of disorder</li> <li>(e) seizures of drugs or offensive weapons</li> <li>(f) any faults in the CCTV system or searching equipment or scanning equipment</li> <li>(g) any refusal of the sale of alcohol</li> <li>(h) any visit by a relevant authority or emergency service.</li> </ul>	All Sex Establishments
21.	Reporting of incidents	<p>Any incident that involves an assault against an employee or Performer must be reported to the police and the Council Licensing Team as soon as reasonably practicable. Reports to the police would be expected to be immediate.</p>	Sexual Entertainment Venues
22.	Exterior advertising	<p>No display or advertisement or any matter shall be exhibited so as to be visible from outside the Premises except:-</p> <ul style="list-style-type: none"> <li>(a) Any notice required to be displayed by law and / or Approved by the Council.</li> <li>(b) The trading name of the operator of the sex establishment, such trading name not to include any sexually explicit wording or implication.</li> <li>(c) A sign incorporating letters not more than 12 inches in height bearing the inscription " PRIVATE SHOP" or "SEX SHOP" or "SEX CINEMA" or similar phrase Approved by the Council.</li> <li>(d) Notice of opening hours.</li> <li>(e) Any regulatory or warning notice approved by the Council.</li> <li>(f) A copy of the Licence.</li> </ul> <p>No such signs or notices shall be illuminated in any other way than to provide illumination during hours of darkness to the satisfaction of the Council</p>	All Sex Establishments

No.	Description	Text	Applicability
23.	Notices requesting quiet departure	Notices shall be prominently displayed at all exits requesting Customers to respect the needs of local residents and leave the area quietly	Sex Cinemas Sexual Entertainment Venues
24.	Dispersal policy	The Licensee shall implement a written dispersal policy, to move Customers from the Premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder.	Sex Cinemas Sexual Entertainment Venues
25.	No exterior visibility	The Licensee shall ensure to the Council's satisfaction (including, where required, necessary planning or building control consents) that the interior of the Premises is not visible from the outside of the Premises.	All Sex Establishments
26.	Control on solicitation on behalf of the Premises	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	All Sex Establishments

No.	Description	Text	Applicability
27.	"Performance Code"	<p>The Licensee must submit a "Performance Code" to the Council as part of the Licence application process.</p> <p>The Performance Code will include rules on the performance of Relevant Entertainment to be performed on the Premises, including the following:</p> <ul style="list-style-type: none"> <li>(a) during the performance of a table dance, Customers must be seated before a dancer can start a table dance and must remain seated during the entire performance;</li> <li>(b) Customers may not dance at any time except in areas specifically designated by the Council as being separate from areas for sexual entertainment;</li> <li>(c) Customers must be required to remain appropriately clothed at all times; and</li> <li>(d) Customers must not be permitted to participate in any part of a performance.</li> </ul> <p>The Licensee must ensure as far as possible that the Performance Code is complied with by all Performers and Customers.</p> <p>The licensee shall ensure as far as reasonably practicable that any customer breaching the Performance Code or causing the breach of any licence condition is ejected from the premises and barred from returning.</p>	Sexual Entertainment Venues
28.	Employees and Performance Code	The Licensee they must ensure that all employees are fully conversant with and sign an agreement to adhere to the Performance Code, such signed agreements to be made available for inspection on request by Officers and/or the Police	Sexual Entertainment Venues
29.	Display of Performance Code	Signs displaying the Performance Code will be displayed throughout the Premises (including any private individual booth areas), and shall be clearly visible to Customers.	Sexual Entertainment Venues
30.	Performer Welfare Interviews	The Licensee will permit Officers and/or the Police to meet with Performers on a confidential basis for the purposes of discussing their welfare	Sexual Entertainment Venues
31.	Prohibition of contact with Performers	There shall be no physical contact between Customers and Performers except for the placing of money or tokens in a garter or into the hands of the Performer at the beginning or conclusion of a performance.	Sexual Entertainment Venues

No.	Description	Text	Applicability
32.	No outside contact between Customers and Performers	Performers may not give any telephone number, email address, address, contact information or business card to any Customer or in any other way solicit themselves.	Sexual Entertainment Venues
33.	Controls on level of nudity	Performers must remain clothed in all areas of the Premises except while performing in areas specified by the Council as where Relevant Entertainment may be provided. Performers must dress fully at the end of each performance.	Sexual Entertainment Venues
34.	Performances confined to agreed areas	Performers shall only perform in such areas of the Premises as may be agreed in writing with the Council and as shown on the plan of the Premises. For avoidance of doubt the provision of private booths will not be permitted at the licensed premises.	Sexual Entertainment Venues
35.	Clear exit routes for Performers	At all times during a performance, Performers shall have direct access to a dressing room without passing through or in close proximity to Customers	Sexual Entertainment Venues
36.	Secure dressing rooms	An appropriate room or rooms shall be set aside to provide a private changing and rest area and sanitary facilities for Performers to which there must be no Customer access	Sexual Entertainment Venues
37.	Door supervision	An adequate number of Door Supervisors shall be on duty on the Premises whilst Relevant Entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the Premises and on the door to any dressing room.	Sexual Entertainment Venues
38.	Lap Dancing Association Code of Conduct	The Licensee will adhere to the most recent version of the Code of Conduct of the Lap Dancing Association	Sexual Entertainment Venues

No.	Description	Text	Applicability
39.	Display of entry prices and compulsory purchase prices – outside premises	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	Sexual Entertainment Venues Sex Cinemas
40.	No charge until tariff read	No order for any products or services shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it and has agreed to such an order.	Sexual Entertainment Venues Sex Cinemas
41.	Smoking Facilities	All smoking areas provided for the use of Employees, Performers and/or Customers must be in private areas away from the public highway and areas to which the general public have access	All Sex Establishments
42.	No films without classification and no piracy	No film, DVD or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the Licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified	All Sex Establishments
43.	Film Classification	The categories U, PG, 12, 15 and 18 have the following effect:- <ul style="list-style-type: none"> <li>• U - Universal - suitable for all</li> <li>• PG - Parental Guidance. Some scenes may be unsuitable for young children.</li> <li>• 12 - Passed only for persons of 12 years and over.</li> <li>• 15 - Passed only for persons of 15 years and over.</li> <li>• 18 - Passed only for persons of 18 years and over.</li> <li>• Restricted (18) - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.</li> </ul> The addition of (Basingstoke) after the category means that the film has been passed by the Council for exhibition in Basingstoke in the category shown	Sex Cinemas

No.	Description	Text	Applicability
		<p>No Film Exhibition shall take place at the Premises unless:</p> <ul style="list-style-type: none"> <li>(a) it is a current news-reel; or</li> <li>(b) It has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or</li> <li>(c) it has been passed by the Council as a U, PG, 12, 15, 18 (Basingstoke) or RESTRICTED (18) (Basingstoke) film.</li> </ul> <p>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.</p> <p>Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.</p> <p>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.</p> <p>Where films of different categories are shown the notice shall refer to the oldest age restriction.</p> <p>Immediately before each exhibition at the premises of a film (other than a current news-reel) 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:-</p>	

No.	Description	Text	Applicability
		<p>(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;</p> <p>(b) For a film passed by the Council - a notice in the following form without the addition of any other words:-  BASINGSTOKE &amp; DEANE BOROUGH COUNCIL  (Here insert title of film)  has been passed by Basingstoke &amp; Deane Borough Council  (Here insert the definition of category and the category assigned).</p> <p>Provided that as regards a trailer advertising a film the notice shall be in the following terms:-  BASINGSTOKE &amp; DEANE BOROUGH COUNCIL  (Here insert the category of the trailer) trailer  advertising (Here insert the category of the film) film</p>	