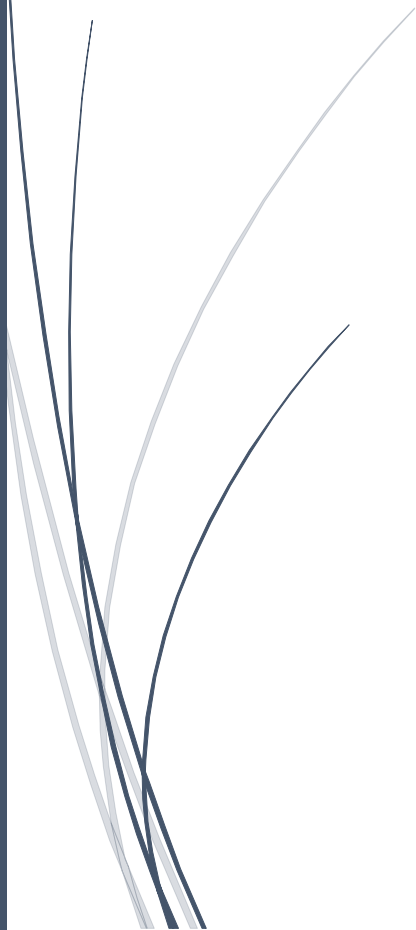




# Licence and Standard Conditions on the Licensing and Regulation of Sex Entertainment Venues.



# SEXUAL ENTERTAINMENT LICENCE

## THE HIGHLAND LICENSING COMMITTEE

Issued under the terms and conditions of the Civic Government (Scotland) Act 1982

<b>SEV licence number</b>		
<b>Date of commencement of licence</b>		
<b>Date of expiry of licence</b>		
<b>Postal address of premises</b>		
<b>Postcode</b>	<b>Telephone number</b>	
<b>Description of premises</b>		
<b>Licensed hours</b>		
<b>Day</b>		
	<b>Opening</b>	<b>Closing</b>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

<b>Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence</b>
<b>Registered number of Licence Holder, e.g. company number, charity number (where applicable)</b>
<b>Name, postal address and telephone number of day-to-day manager(s).</b>

Signed:

Principal Solicitor

Regulatory Services

## DEFINITIONS

The **Act** means the Civic Government (Scotland) Act, 1982.

**Chief Fire Officer** means the Chief Fire Officer of the Scottish Fire and Rescue Service or his or her authorised Depute within the relevant Highland Council area.

The **Council** means the Highland Council and any officer authorised to act on its behalf in terms of this licence.

The **Licence Holder** means the individual or organisation that has been granted a licence under schedule 2, paragraph 4 of the Civic Government (Scotland) Act 1982 by the Council.

**Organiser** means either the person who is responsible for the management of the premise or the organisation or management of the sexual entertainment or where that person exercises that responsibility on behalf of another person (whether by virtue of a contract of employment or otherwise), that other person.

**Patrons** or Public means persons admitted or seeking admission to the premises for any purpose other than the performance of duties in connection with the entertainment being provided.

**Performer** is defined in these conditions as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of relevant entertainment.

**Premise** includes any vessel, vehicle or stall (but does not include any private dwelling) to which the public is admitted.

**Sexual Entertainment** means live performance or any live display of nudity which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience (whether by verbal or other means).

**Sexual Entertainment Venue (SEV)** means any premises at which sexual entertainment is provided before a live audience for (or with a view to) the financial gain of the organiser.

## **STANDARD CONDITIONS**

### **OPENING TIMES**

1. Except with the previous consent of the Council an SEV shall not be open to the public before 22:00 hours and shall not be kept open after 03:00 hours. Opening hours may be aligned to alcohol licensing hours.

### **LICENSED USE**

2. The number of persons admitted to the premises during any event at any one time shall not exceed:

The occupancy capacity limit of the premises, that is the limit on the number of people permitted to occupy the premises at any one time, as specified herein, shall be determined by the Council in consultation with the Chief Fire Officer and shall not be exceeded. The Licence Holder shall take appropriate measures to ensure that controlled drugs (within the meaning of Section 2 of the Misuse of Drugs Act, 1971) are not used on the premises.

### **GENERAL CONDITIONS**

3. The Licence Holder shall retain occupational control of the premises, except with the prior written consent of the Council, such consent always to be conditional on any occupier complying with the conditions of the licence.
4. The premises shall be kept and, in due course, left in a clean and tidy condition to the satisfaction of the Council, with arrangements being made for the storage, collection and disposal of waste or refuse during and after use of the premises all to the satisfaction of the Council.

### **CONDITIONS RELATING TO HEALTH AND SAFETY**

5. The Licence Holder shall satisfy the Council as to the safety of any electrical or mechanical installation or safety of any relevant equipment associated with the operation of the premises.
6. The Licence Holder having regard to the likely numbers frequenting the premises, shall make adequate provision, to the satisfaction of the Council with regard to sanitary accommodation and drainage facilities.

7. The Licence Holder shall ensure that all toilet requisites are provided and that all toilets are kept clean and in an orderly condition and shall designate a suitable person or persons for those purposes.
8. Facilities shall be provided in all female toilets for the hygienic disposal of sanitary towels.
9. Means of locking or otherwise securing doors to all water closets or individual shower rooms shall be provided.
10. The Licence Holder shall ensure that the premises shall be provided with an adequate supply of wholesome water. The supply of drinking water shall be available during the course of an event, at all times free of charge and any drinking vessels provided must be clean.
11. Seating shall be designed, constructed, and maintained so as to ensure safe use and allow free and ready access to all exits, all to the satisfaction of the Chief Fire Officer. Stages must be constructed and arranged so as to minimise the risk of fire. Stages and attendant fixtures and fittings must also be approved by the Chief Fire Officer.
12. Details of any temporary structures (with the exception of modular demountable staging previously notified to and approved by the Council) to be erected on the premises shall require to be submitted to the Council at least 14 days before any event together with, at the sole discretion of the Council and at the expense of the Licence Holder, a Structural Engineers report or other such certification as the Council may require. Such structures shall not be erected without the prior written authority of the Council.
13. The Licence Holder shall ensure that an effective system is maintained for the management of the premises, and all events held therein, to ensure the health and safety and welfare of the public.
14. The Licence Holder shall ensure that adequate arrangements are in place in respect of fire precautions at the premises.

#### **APPEARANCE, DISPLAYS & LAYOUT OF PREMISE**

15. The interior of the premises shall not be visible to passers-by and to that intent the Licence Holder shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
16. A copy of the Licence as issued by the Council shall be retained in a clean and legible condition, suitably framed, and exhibited in a position that can easily be seen by all persons using the premises.

17. A copy of the conditions of the Licence (so far as they relate to the performances) shall be given to all performers at the premises and a copy shall be exhibited in the performers changing rooms at all times the premises are open.
18. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
19. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
20. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Highland Council except for those signs and notices that are required to be displayed in accordance with these licence conditions.
21. The Licence Holder 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.
22. Any person who can be observed from outside of the premises must be properly and decently dressed. Scantily clad individuals must not exhibit in the entranceway or in the area surrounding the premises. There shall be no attempt made outside the premises to solicit people to enter.
23. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
24. The premises shall be maintained in good repair and condition. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of Highland Council.
25. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
26. The Licence Holder shall make provision in the means of access both to and within the Sexual Entertainment Venue for the needs of members of the public visiting the Sexual Entertainment Venue who are disabled.
27. The authorised entertainment must only take place in designated areas approved by Highland Council;

28. Suitable changing rooms with restricted access should be provided for Performers, separate from customers and other staff, where they may prepare for their performance;
29. Safe and controlled access to the dressing room for performers must be maintained at all times when the performance is taking place and immediately afterwards;
30. The agreed activities will take place only in designated areas as indicated on the plans authorised by the Licensing Authority and in the full view of the audience. No part of the premises accessible to the audience shall be concealed from observation without the appropriate authorisation from the Licensing Authority.
31. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
32. No change of use of any portion of the Premises from that approved by Highland Council shall be made until the consent of Highland Council has been obtained thereto.

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

33. Where licensed premises are a vessel or stall, the Licence Holder 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. Please note that 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 place such location as is specified in the licence.
34. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises, including any change in the permitted signs on display shall not be made unless a variation has been granted.

#### **CONTROL OF ENTRY**

35. No person under the age of 18 years shall be permitted admission to the venue at any time it is being used under this licence.
36. No person under the age of 18 years shall work at the venue as a performer.
37. The Challenge 25 proof of age scheme shall be operated at the venue whereby any person suspected of being under 25 years of age shall be required to produce identification proving they are over 18 years of age. The only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.



38. The venue shall maintain a refusals log whereby on any occasion where a person is refused entry it shall be recorded and available upon request by Police Scotland or an authorised officer of the Local Authority.
39. Where in terms of the operating plan, children and young persons are permitted on the premises, they will not be permitted on the premises on any day on which adult entertainment takes place.
40. Where the premises is one which is not solely used for Sexual Entertainment, children and young persons shall be excluded from the area where Sexual Entertainment is taking place. A notice stating that no one under the age of 18 can enter must be prominently displayed at all times so as to be easily read by all persons in the venue, while the Sexual Entertainment is taking place.
41. A person who holds a licence granted under section 8 of the Private Security Act 2001 must be positioned at every entrance to the venue from 1am (on any day when the venue is open at that time) until whichever is the earlier.
42. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.
43. A policy of random searches of persons entering the premises shall be operated.
44. Reasonable steps must be taken to ensure that any person found using illegal drugs in the venue shall be appropriately removed from the venue.
45. The premises shall maintain a refusals log whereby on any occasion a person is refused entry details shall be recorded. The log must be made available on request by Police Scotland or an authorised officer of the Council.

### **CONDUCT OF PERFORMERS**

46. The Licence Holder shall have in place a code of conduct for behaviour of staff and customers. A copy of this code will be made available to staff and customers and be displayed prominently within each public area of the premises. The code will deal with matters such as information for performers, on distance to be maintained from customers during a dance, prohibitions on sexual behaviour and propositioning, and what to do if a customer breaches the rules.
47. The Licence Holder must provide an information pack to all Performers and staff which should include at least the following information:

- a) A copy of the SEV licence, including the conditions applied by the Licensing Committee;
- b) Details of how to report a crime to Police Scotland;
- c) Details of unions, trade organisations or other bodies that represent the
- d) interests of performers;
- e) A copy of the code of conduct for performers;
- f) A copy of the code of conduct for customers; and
- g) Price lists for drinks and separately sexual entertainment.

- 48. The Code of Conduct for performers and customers shall be lodged with the Licensing Authority. All performers shall sign the Code of conduct acknowledging that they have read and understood and are prepared to abide by the said Code of Conduct and copy so signed be retained by the Licence Holder and shall be readily available for inspection by the Police and all authorised persons upon reasonable request.
- 49. The Licence Holder shall have due regard to the Code of Best Practice issued and revised from time to time by the Council.
- 50. Performers should only perform in open public areas of the licensed premises;
- 51. Performers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
- 52. No dance entertainment should take place in private booths and performers' genitalia should be covered at all times. There should be no touching between performers and patrons at any time during the performance, the only contact allowed being the hand-to-hand payment of money at the conclusion of the performance.
- 53. All performances conducted by the Performers shall be restricted to dancing and the removal of clothing. No other form of sexual stimulation or activity shall be prohibited.
- 54. Performers shall not arrange with a customer within the venue to provide sexual entertainment to a customer outside of the venue, at any time when working.
- 55. Patrons or members of the audience shall not take photographs or record digital images of Performers by any means.
- 56. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.
- 57. Exit routes for performers must be kept clear.

## **PROTECTION OF PERFORMERS AND PREVENTION OF CRIME**

58. Performers shall be provided with secure and private changing facilities.
59. All entrances to private areas within the venue to which members of the public are not permitted access shall have clear signage stating that access is restricted.
60. Any exterior smoking area for use by performers shall be kept secure and separate to any public smoking area.
61. No smoking areas are to be allowed at the front of clubs to minimise the potential for harassment of women living, working and passing through the area.
62. The Licence Holder shall include in the club rules a written policy to ensure the safety of performers when leaving the premises following any period of work.
63. A personal Licence Holder must be present in the area of the premises in which adult entertainment is taking place for the duration of the adult entertainment.
64. The licensed premises shall have stewards in all public areas in addition to at least one steward positioned at each entrance to and/or exit from the premises. All public dance areas, entrances and exits should be monitored constantly while the premises are open to the public with the use of CCTV.

## **RECORD KEEPING AND MANAGEMENT**

65. The Licence Holder will maintain a register of performers engaged to perform in the licensed premises. The register will show the name, age and current address of the performer. The Licence Holder will require to obtain photographic proof of each performer's identity. Foreign nationals must be asked to exhibit their passport and the Licence Holder should take appropriate steps to ensure that there are no restrictions on the performer's entitlement to work in the United Kingdom.
66. Accurate payment and remuneration records must be maintained and made available upon request to Police Scotland or an authorised officer of the Local Authority.
67. A fully operational CCTV system must be used within the venue which complies with the 2018 Act and Regulations, covering all areas of the venue to which the public have access, including entrances, exits, private booths and bar area. The CCTV must be fitted and maintained in full working order in accordance with the guidance provided by the Information Commissioner's Office and to the satisfaction of Police Scotland.
68. 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, cleared of staff and closed

69. CCTV footage must be made available to Police Scotland and authorised officers of the Local Authority on request.

#### ANCILLARY CONDITIONS

70. The Licence Holder must notify Police Scotland of any forthcoming Sexual Entertainment event at least 24 hours in advance of the event taking place.
71. The Licence Holder must ensure that no noise arising from the use of the premises shall give rise to reasonable cause for annoyance.
72. The Licence Holder must provide proof that he holds third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the licensed use. The Licence Holder must exhibit the policy and any receipt for premiums or any other document relating to the policy, to the Council at, no cost to the Council upon demand.
73. The Licence Holder must display the licence, and a valid certificate of third-party liability insurance, in the premises so that it can be read by any patron or person entering the premises.
74. The licence must not be altered, erased or defaced and must be kept clean and legible. Should the licence be lost or become defaced or illegible the Licence Holder must obtain a replacement from the Council on payment of the appropriate fee. The Licence Holder must produce this licence within five days when required to do so by a Police Constable or authorised officer of the Council or authorised officer of the Chief Fire Officer.
75. The Licence Holder shall return the licence to the Council within seven days of the following whereupon it shall cease to have effect: -
- a. ceasing to use the premises as a place of public entertainment permanently
  - b. on being notified of a decision by the Council to vary the terms of or suspend the licence or the decision of a court to revoke it.
76. The Licence Holder or the Licence Holders' servants or agents shall ensure that no fly posting is undertaken by the Licence Holder or on behalf of the Licence Holder in respect of any performance or event taking place in respect of the premises.
77. The Licence Holder must notify the Council as soon as is reasonably practicable of any material changes of circumstances affecting the Licence Holder, the premises, or the licensed use, including any particulars referred to on the application for a grant or latest application for a renewal of a licence.

78. Any request for any authorisation required in terms of this licence shall be made to the Principal Solicitor – Regulatory Services.