

**PRESTON CITY COUNCIL**  
**REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE**  
**TO LICENCES FOR SEX ESTABLISHMENTS**

**THESE REGULATIONS ARE MADE BY PRESTON CITY COUNCIL UNDER**  
**PARAGRAPH 13(1) OF SCHEDULE 3 OF THE LOCAL GOVERNMENT**  
**(MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)**

**Notes**

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (a) the discretion of the licence holder or his representative regarding the admission of any person or (b) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into three Parts as follows:
  - Part I General
  - Part II Rules which apply to all premises
  - Part III Rules which apply to Sex Shops
  - Part IV Rules which apply to Sex Cinemas
  - Part V Rules which apply to Sexual Entertainment Venues.
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.
- (iv) A Premises Licence may also be required for the operation of a Sex Cinema and Sexual Entertainment Venue.

# **Part I General**

## **Definitions**

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
  - a) “Sex Establishment”, “Sex Cinema”, “Sex Shop”, “Sex Article” and “Sexual Entertainment Venue” shall have the meanings ascribed to them in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
  - b) “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule;
  - c) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing;
  - d) “Approved” means approved by the Council in writing;
  - e) “The Council” means the Preston City Council and all enquiries shall be directed to Licensing Services, Environmental Health Department, Town Hall, Lancaster Road, Preston, PR1 2RL.

## **General**

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

## **Part II Rules which apply to all premises**

### **Exhibition of Licence**

4. The copy of the Licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

### **Times of Opening**

5. A Sex Establishment shall not be open to the public before 9 a.m. and shall not be kept open after 6.30 p.m. unless otherwise permitted by the licence.
6. The premises shall not open on Sundays or any Bank Holidays or any public holidays, unless otherwise permitted by the licence.

### **Responsibility of Licence Holder**

7. The licence holder shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.
8. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.

### **Conduct and Management of Premises**

9. The licence holder or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and present at the premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by authorised officers of the Council. 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 shall be conversant with these licence conditions, a copy of which shall be held on the premises.
10. The licence holder or the responsible person approved under Condition 9 shall maintain a daily register to be kept on the premises in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the Council.

11. The licence holder shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council bearing the photograph of the employee and indicating his name and that he is an employee.
12. A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
13. Where the licence holder 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 in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
14. The licence holder shall maintain good order in the premises.
15. The licence holder shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
16. The Licence holder 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.
17. Neither the Licence holder nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
18. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.
19. The Licence holder shall comply with all statutory provisions and any regulations made thereunder.

### **External Appearance**

20. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the premises except:
  - a) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
  - b) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

21. 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.
22. Windows and openings to the premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position approved by the Council opaque curtains of a type and size approved by the Council. This condition shall not be construed as lessening the obligations of the licence holder under condition 20 hereof.

### **State Condition and Layout of the Premises**

23. The premises shall be maintained in good repair and condition.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:
  - a) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit"/graphic type;
  - b) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private";
  - c) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
25. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
26. The licence holder shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
27. No fastening of any description shall be fitted upon any booth or cubicle within the premises nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
28. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
29. All parts of the premises shall be kept in a clean condition to the satisfaction of the Council.

### **Maintenance of means of escape**

30. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
31. All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

### **Fire Appliances**

32. Fire appliances and equipment as approved by the Lancashire Fire & Rescue Service shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
33. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.

### **Lighting**

34. The licence holder or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.
35. The normal lighting shall be maintained alight and the lighting to 'EXIT' notices shall not in any circumstances be extinguished or dimmed while the public are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

### **Electrical Installations**

36. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
37. 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 premises 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.

### **Change of Use**

38. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and Preston Police Licensing Unit has been obtained thereto.
39. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council and Preston Police.
40. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or a Sexual Entertainment Venue.

### **Admission of Authorised Officers**

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

## **Part III Conditions Applying to Sex Shops**

### **Goods Available in Sex Establishments**

42. All sex articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
43. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
44. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.
45. In the case of licensed premises which are a vessel or stall, the licence holder shall not move the licensed vessel or stall from the location specified in the licence unless he shall first give the Council not less than 28 days notice in writing of such intended removal and the Council may require the licence holder to lodge such written application as it may deem appropriate and pay such fee as it may deem reasonable in respect of such application provided 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 location as is specified in the licence and which is not used for the purposes for which the licence is granted in any other location than that which is specified.



## Part IV Conditions Applying to Sex Cinemas

### Film Categories

46. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	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 or over who are members (or their guests) of a properly constituted club.

## Part V Conditions for Sexual Entertainment Venues

### External Appearance of the Premises and Public Displays of Information

1. The exterior of the premises must be presented in a manner appropriate for the character of the area. There shall be no advertisement or promotional material used by the premises that is unsuitable to be viewed by children, for example, by way of sexually provocative imagery. Any exterior signage shall be discreet and shall not display any imagery that suggests or indicates relevant entertainment takes place at the premises. Any external displays or advertising may only be displayed with the prior approval of the Licensing Manager of Preston City Council.
2. All charges for products and services shall be displayed in prominent areas within the premises.
3. Rules for customers shall be displayed in prominent areas within the premises.
4. No charge shall be applied unless the customer has been made aware of the tariff of charge by the performer in advance of the performance.
5. There shall be no performers or persons employed at the premises in a state of undress, or scantily-clad, outside the premises at any time it is open.
6. The use of cruising cars by the premises to solicit for custom and/or transport people to or from the premises is prohibited.

### Control of Entry to the Premises

7. The Challenge 25 proof of age scheme shall be operated at the premises 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.

***OR at the discretion of the Licensing Authority in individual circumstances the following condition may be applied:***

8. All persons entering the premises must supply verifiable identification details that are passed through a digital scanning and recording system such as Club Scan, Idvista or similar computerised system
9. All individuals employed on the premises to conduct a security activity (within the meaning of paragraph 2(1) (a) of Schedule 2 to the Private Security Act 2001) must be licensed by the Security Industry Authority.
10. Any person who appears to be drunk / intoxicated or under the influence of illegal drugs shall not be permitted entrance to the premises.

11. A policy of random searches of persons entering the premises shall be operated.
12. Any person found to be in possession of illegal drugs upon entry shall be prevented entry and, where possible, restrained until the Police can take such person into custody. Any persons found using illegal drugs on the premises shall be removed from the premises or, where possible, restrained until the Police can take such person into custody.
13. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises shall not be visible to persons outside the building.
14. The premises shall subscribe to the radio net system and radios shall be operational at all times the premises is open to the public.

### **Conduct of performers and Rules relating to performances of sexual entertainment**

15. There shall be a written code of conduct for performers. All performers shall be required to certify their agreement to comply with the code and a record shall be kept on the premises and be made available upon request by the Police or an authorised officer of the Council.
16. The code shall include the following:
  - There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performances of sexual entertainment in advance of, or following, a performance.
  - The performer may not simulate any sexual act during a performance.
  - Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
  - Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
  - There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
  - There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.

- Performers must fully dress (i.e. no nudity) at the end of each performance.
  - Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council
17. There shall be no photography permitted by customers in areas designated for the performance of sexual entertainment.
  18. Customers must remain seated for the duration of a performance.
  19. Performers shall not arrange to meet, or have further contact with, customers outside of the premises.

### **The protection of performers and the prevention of crime on the premises**

20. Performers shall be provided with secure and private changing facilities.
21. All entrances to private areas to which members of the public are not permitted access shall have clear signage stating that access is restricted.
22. The licence holder shall implement a written policy to ensure the safety of performers when leaving the premises following any period of work.
23. Private booths must not be fully enclosed. There must be a clear sight-line from outside the booth so that any performance of sexual entertainment can be directly monitored.
24. There must be a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place.
25. Any private booths shall be fitted with a panic button or security alarm.
26. There shall be no alterations to the layout plan of the premises without the prior written approval of the Council.

### **Record Keeping and Management**

27. All performers shall be required to provide valid identification prior to first employment at the premises. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or national ID card.
28. All performers and staff shall be eligible to work in the UK and proof of eligibility records shall be kept on the premises. Management shall ensure that such records are regularly checked to ensure compliance.

29. Employment records for performers and staff shall be kept for a minimum of 6 months following the cessation of their employment.
30. Accurate payment and remuneration records shall be maintained and shall be made available upon request to the Police or an authorised officer of the Council. All fees and charges for performers shall be stated in writing and prominently displayed within the changing area.
31. No films may be shown at the premises unless they have been passed by the British Board of Film Classification or the Licensing Authority. No films classified as R18 shall be shown on the premises.

## **CCTV**

32. The CCTV system must comply with:

*British Standard 7958:2009 - Closed circuit television (CCTV).  
Management and operation. Code of practice.*
33. Where CCTV system incorporates a digital recording function, it must also comply with:

*British Standard 8495:2007 - Code of practice for digital CCTV  
recording systems for the purpose of image export to be used as  
evidence.*
34. The Designated Premises Supervisor or Premises Licence holder (pursuant to the Licensing Act 2003) must maintain an annual registration with the Information Commissioners Office - as stipulated under the Data Protection Act 1998.
35. At all times, the CCTV system and recordings must be kept in a secured environment under the control of the DPS or other nominated responsible named individual. Also a full instruction manual for the CCTV system must be available to the Police and other Responsible Authorities.
36. The CCTV system must be maintained in good working order to:
  - Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
  - Have a recording capability capable of providing individual pictures.
  - Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
  - Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on request.
  - Export footage to a removable storage medium with a time and date integral to the image – where possible, to also include any software needed to replay the footage.
  - Ensure exported footage at the same, or similar quality to that recorded on the system recording.

37. During all periods of licensable activity a nominated and trained 'CCTV Operator' must be on duty, in order to:
  - inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
  - record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
  - facilitate the downloading CCTV footage.
38. During all periods of non-licensable activity, a 'CCTV Operator' must be contactable by the police on a designated emergency-only telephone number. This number must be registered with the local police licensing officer.
39. The CCTV system must:
  - Incorporate at least one camera on every entrance and exit to the premises - individuals must be identifiable.
  - Incorporate at least one camera on all areas where the sale/supply of alcohol occurs - individuals must be recognisable, and occupy at least 50% of the available screen height.
  - Incorporate at least one camera on any potential queue area external to the premises, and car parking area within the boundary of the premises - individuals must be detectable, and occupy at least 10% of the available screen height.
  - Ensure that all other cameras at the premises allow for individuals to be recognisable, and occupy at least 50% of the screen height.
40. In the event of a technical failure of the CCTV system, the nominated CCTV Operator or DPS will ensure the matter is reported to the Police Licensing Unit within 24 hours.
41. A camera which records a facial picture of customers entering the premises shall be situated at the reception and a monitor situated there so customers entering can see same.