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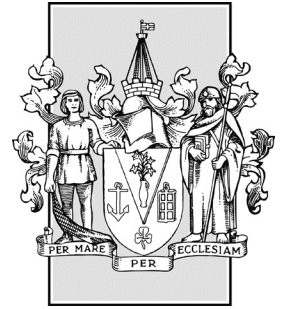
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CABINET - TUESDAY, 6TH NOVEMBER, 2018

SEX ESTABLISHMENT VENUES POLICY – APPENDICES 1 AND 2

Please find enclosed, for consideration at the next meeting of the Cabinet taking place on Tuesday, 6th November, 2018 at 2.00pm, the following appendices for agenda item 10 – Sex Establishments Venues Policy that were unavailable when the agenda was printed.

Agenda No	Item
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| 10. | <u>Sex Establishment Venues Policy (Pages 1 - 40)</u> – Appendices 1 and 2 of the report of the Deputy Chief Executive (Place) attached |
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Robert Harris
Principal Democratic Services Officer
Legal & Democratic Services

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(as amended by the POLICING and CRIME ACT 2009)**

**SEX ESTABLISHMENTS LICENSING POLICY
DRAFT LICENSING POLICY FOR CONSULTATION**

VERSION HISTORY		
Version No	Effective from	Review Date
1	December 2011	November 2017
2	TBC 2018	2022

1 INTRODUCTION

- 1.1 In October 1982, the Council (in its role as the Licensing Authority) resolved to adopt the new powers which had been made available by the Local Government (Miscellaneous Provisions) Act 1982 to control sex establishments, which were defined as sex shops and sex cinemas.
- 1.2 Premises which operated as lap-dancing clubs and similar did not come within the definition of sex establishments and therefore any necessary controls could only be put in place by reference to existing legislation namely the Licensing Act 2003.
- 1.3 The Government deemed the controls insufficient and introduced legislation which has amended the Local Government (Miscellaneous Provisions) Act 1982 to extend the definition of sex establishments to include sexual entertainment venues. In general terms these included premises which have lap dancing, pole dancing, table dancing, strip shows and live sex shows.
- 1.4 On 15th December 2011 the Council resolved to adopt the new powers under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) ('the Act') to control sex establishments, namely sex shops, sex cinemas and sexual entertainment venues. The resolution came into force on 1st April 2012.

2 STATEMENT OF LICENSING POLICY

- 2.1 The Licensing Authority is not legally required to publish a Statement of Licensing Policy but is doing so as a matter of good practice. This

policy contains the principles it will apply when exercising its functions under the Act.

- 2.2 The Licensing Authority does not take a moral stand in adopting this policy, or in relation to the principals set out in it. It recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industry. The Council will, as a licensing authority, administer the licensing regime in accordance with the law.
- 2.3 This Policy Statement comes into force on *[date tbc 2018]*. It will be subject to regular review involving further consultation as required.

3 CONSULTATION

- 3.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns which require consideration as part of the licensing function.
- 3.2 In developing this Policy Statement, the Licensing Authority consulted widely. Along with the Police and other authorities, the views of representatives of existing licence holders, businesses, voluntary and support groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

4 APPROVAL OF POLICY

- 4.1 This policy was approved at a meeting of the full Council on [date] and was published via its website on [date]. Copies are available on request.

5 EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority is under a duty to protect the public funds it administers and to this end may use the information provided by applicants for the prevention and detection of fraud. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds for the same purposes.

6 PUBLIC REGISTER

- 6.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10.00 and 16.00.

7 OTHER RELEVANT LEGISLATION

- 7.1 Apart from the legal requirements of the Act, the Council will take into account its duties under other legislation.
- 7.2 In accordance with section 17 of the Crime and Disorder Act 1998, the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in the Borough.
- 7.3 The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) requires the Council not to impede economic progress by its regulations, and, particularly to consider their impact on small businesses.
- 7.4 The Provision of Services Regulations 2009 requires the Council to ensure that its exercising of powers are –
- non-discriminatory;
 - justified by an overriding reason relating to the public interest;
 - proportionate to the public interest objective;
 - clear and unambiguous;
 - objective;
 - made public in advance;
 - transparent and accessible.
- 7.5 The Human Rights Act 1998 - The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a convention right. The Council will take particular notice of the following relevant provisions of the European Convention on Human Rights; –
- Article 6 – that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - Article 8 – that everyone has the right to respect for his home and private life;
 - Article 1 of the First Protocol – that every person is entitled to the peaceful enjoyment of his or her possessions, including, for example, a licence under this Act.
- 7.6 The Equality Act 2010 brought together over 116 separate pieces of legislation into one single Act. Combined, they make up an act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. In particular, the council is mindful of its obligations under section 149, the public sector equality duty, which requires that public bodies have to consider all individuals when carrying out their day-to-day work in shaping policy, and in relation to their decisions on applications under this licensing regime.

The duty also requires that public bodies have due regard to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between different people when carrying out their activities.

8 DEFINITIONS UNDER THE ACT

8.1 Sex establishment premises fall into one of three categories:

- sexual entertainment venues;
- sex shops; or
- sex cinemas.

8.2 A sexual entertainment venue is defined in Paragraph 2A of Schedule 3 as *'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'*. 'Relevant entertainment' is defined as *'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)'*.

8.3 The category 'sexual entertainment venues' includes the following forms of entertainment as they are commonly understood:

- lap dancing;
- pole dancing;
- table dancing;
- strip shows;
- peep shows; and
- live sex shows;

This entertainment is defined as 'relevant entertainment'. This list is not exhaustive, and the Licensing Authority will consider the content of the entertainment to be provided at any premises when deciding whether a licence is required.

8.4 Premises which provide relevant entertainment on an infrequent basis are not required to be licensed as a sexual entertainment venue by the Licensing Authority. These exempted premises are defined as premises where –

- no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- no such occasion has lasted longer than 24 hours;

Such premises will continue to be regulated under the Licensing Act 2003, in so far as they are providing regulated entertainment under that

Act. The Licensing Authority will carefully monitor the use of the exemptions.

8.5 Licences for sex shops are required where the business consists to a significant degree of selling, displaying etc sex articles. 'Sex articles' are defined in the 1982 Act and include the sale of BBFC classified R18 films. The phrase 'a significant degree' is not defined, but in determining whether a business needs a licence, the Licensing Authority will consider the ratio of sex articles to other aspects of the business, the absolute quantity of sales, the character of the remainder of the business, the nature of the displays, turnover, and any other factors it considers material.

8.6 Licences for sex cinemas are required where the business consists to a significant degree for the exhibition of moving pictures, which are concerned primarily with the portrayal of or intended to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or relate to, genital organs or urinary or excretory functions.

9 GENERAL PRINCIPLES

9.1 This policy does not undermine the rights of any person to apply under the Act and to have their application considered on its individual merits, nor does it override the right of any person to object to any application.

9.2 The Licensing Authority has certain expectations in respect of applicants and the information they produce about the operation of the premises. It is for applicants to decide on the extent of the measures they believe to be appropriate but when assessing the application the Licensing Authority may add additional conditions as set out in this section.

9.3 Applicants are advised to consider providing evidence that suitable and sufficient control measures will be implemented and maintained relevant to the nature and mode of operation of their premises.

9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Council's licensing function will be discharged separately from its other functions such as any planning requirements. Normally, applications should be from businesses with appropriate planning consent for the property concerned.

9.5 Where valid objections are made the licensing committee will make objective judgments as to whether conditions need to be attached to a licence. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises and members of the public living, working or otherwise engaged in normal activity in the area

concerned and will cover matters which are within the control of individual licensees.

- 9.6 Conditions which seek to control the range or nature of activities within the premises may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 9.7 When considering applications the Licensing Authority will have regard to the Act, this policy, statutory guidance, all supporting regulations and relevant legislation.
- 9.8 The Council has standard conditions for sex shops and sexual entertainment venues, and these are set out in Appendix 1.

10 POLICY GUIDELINES

10.1 LIMITING THE NUMBER OF SEX ESTABLISHMENTS IN PRE-DEFINED LOCALITIES

10.1.1 The Council has decided to use its powers under Paragraph 12(3)(c) of Schedule 3 to define 'relevant localities', and to establish how many sex establishments, or sex establishments of a particular kind, it considers appropriate in each such relevant locality. The Licensing Authority will determine each application in the context of the limit that it has set.

10.1.2 The Council has determined that the whole borough is considered as the relevant locality for the purposes of this section. However in the event that an applicant successfully evidences to the licensing committee that their application should not be subject to the limitations outlined below, then the Licensing Authority will apply the parameters set out in section 10.2 when considering the character of the locality.

10.1.3 There are currently 2 licensed sex shops in the relevant locality

10.1.4 There are currently 4 licensed sex entertainment venues in the relevant locality

10.1.5 There are currently no licensed sex cinemas in the relevant locality

10.1.6 Without prejudice to sections 9.1 & 10.3.1 of this policy, The Council does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas and sets the following limits **with the aim that it should** drop downwards to zero in the event that a licence is surrendered, revoked or not renewed:

- 2 licensed sex shops
- 4 licensed sex entertainment venues
- 0 licensed sex cinemas

10.2 THE CHARACTER OF THE LOCALITY OF THE APPLICANT SITE

10.2.1 The Licensing Authority acknowledges that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined. The Licensing Authority's general view when determining an individual application, is that 'locality' is where the premises that is the subject of the application is situated, including, but not necessarily exclusively, its immediate vicinity.

10.2.2 As a general rule, a locality whose character falls predominantly into one or more of the following categories will generally be considered inappropriate for the grant or renewal of a sex establishment licence:

- family and child oriented leisure or shopping areas; and
- predominantly family residential areas, with or without retail, fast food etc outlets serving the local population.

10.2.3 In considering applications for the grant of a new licence, the Licensing Authority will also take account of the potential impact of the licensed activity on crime and disorder, and where there is already one or more sex establishment premises in the locality, the cumulative impact of an additional licensed sex establishment premises.

10.2.4 It is expected that an applicant should demonstrate within their application that the operation will not have an adverse effect on the locale. The Licensing Authority recommend the applicant carries out a local area risk assessment to achieve this and the authority has produced a local area profile to assist in that regard. (available on www.southend.gov.uk)

10.3 THE USE OF PREMISES IN THE VICINITY

10.3.1 The Licensing Authority will generally consider it inappropriate to renew a sex establishment licence if there has been a material change in the area since the grant of the licence where the proposed sex establishment is near to –

- community facilities or public buildings, including but not limited to, leisure centres, public parks and play areas, youth centres, children's centres, sheltered housing;
- schools, nurseries and similar premises; and access routes to and from the same;
- family shopping areas;
- places of worship;
- family residential areas;

As may be relevant in any particular application, the Licensing Authority will have regard to the licensee's or proposed licensee's operating hours or other operational requirements.

10.4 LAYOUT, CHARACTER AND CONDITION

- 10.4.1 With regard to an application for the grant or renewal of a licence, the Licensing Authority will also take into account the layout, character or condition of the premises, vehicle, vessel or store in respect of which the application is made.
- 10.4.2 The Licensing Authority will, in considering applications for renewal, take into account past demonstrable adverse impact from the activity and whether appropriate measures which have been agreed are properly implemented by the applicant to mitigate any adverse impacts. Such consideration may include any enforcement action taken by the Licensing Authority

11 ADVICE AND GUIDANCE

- 11.1 Pre-application discussions are encouraged to assist applicants to develop their proposals. Officers of the Licensing Authority, together with those of other relevant authorities, will endeavour to provide guidance at that stage, as resources permit.
- 11.2 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations with a view to resolve areas of concern.
- 11.3 Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.

12. APPLICATION

- 12.1 The forms which the applicant must use for the application and public notice are obtainable from the Council's website. If other forms are submitted they will be rejected.
- 12.2 The Licensing Authority aims to determine your application within 28 days of the end of consultation period. If it fails to do it will inform the parties accordingly.
- 12.3 Tacit authorisation (as set out in the Provision of Services Regulations 2009) does not apply because different arrangements are in place.

13 OBJECTIONS

- 13.1 Any person can object to an application but the objection must be relevant to the grounds for refusing an application set out in paragraph 12 of Schedule 3 of the Act and repeated within this policy.
- 13.2 Objections shall not be based on moral grounds or values.

- 13.3 Objectors must give notice of their objection in writing within the specified period. They should give as full an explanation as possible of their reasons for making an objection.
- 13.4 The Licensing Authority shall not reveal an objector's name or address to the applicant without the consent of the person making the objection.
- 13.5 If there are no objections the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. All relevant standard conditions outlined in the appendices to this policy will be attached to licences issued. If there are objections, the application will be considered by the licensing sub-committee at a public hearing.
- 13.6 Mandatory Conditions are imposed by the Act whether or not the application is opposed.

14 LICENSING COMMITTEE

- 14.1 The full Licensing Committee is composed of 15 Councillors. A contested application will be heard by sub-committee 'C'.
- 14.2 When considering applications the sub-committee will have regard to this policy, statutory guidance, the Act together with The Human Rights Act 1998 and other legislation as appropriate.
- 14.3 Each application is considered on its individual merits.
- 14.4 Should the sub-committee decide to approve the application, the Mandatory Conditions must be applied. In addition, the sub-committee will determine whether other conditions need to be attached to the licence.

15 CONDITIONS/CONTROL MEASURES

- 15.1 The Licensing Authority expects that unless there is a specific reason not to do so the licence conditions which are currently in force for sex establishments will be included in any conditions to be imposed on a licence. These are attached at appendix 1
- 15.2 In addition, the Licensing Committee may wish to include other control measures. This may include but shall not be limited to:-
- Consideration as to if the location of the premises is appropriate or inappropriate; and
 - Consideration as to if the premises are appropriate for a particular locality

16 GROUNDS OF REFUSAL

16.1 Mandatory Grounds of Refusal

- (1) The applicant is under 18 years of age;
- (2) The applicant has been disqualified for a period of 12 months following the revocation of a licence for a sex establishment in the same area;
- (3) The applicant (other than a body corporate) is not resident in the United Kingdom or a European Economic Area State or was not so resident throughout the period of 6 months immediately preceding the date when the application was made;
- (4) The applicant company is not incorporated in United Kingdom or a European Economic Area State; or
- (5) There has been a refusal within the previous 12 months of the grant or renewal of a sex establishment licence to the applicant in respect of the premises for which the application is made.

16.2 Discretionary Grounds of Refusal

- (1) Unsuitability of the applicant;
- (2) The business would be managed by or carried on for the benefit of a 3rd party who would themselves be refused a licence;
- (3) The number of sex establishments in a specific locality (or of sex establishments of a particular kind) in a specific locality equals or exceeds the number considered appropriate for that locality; or
- (4) That the grant or renewal of the licence would be inappropriate having regard to-
 - the character of the locality;
 - the use to which other premises in the vicinity are put; or
 - the lay-out, character, or condition the premises in respect of which the application is made.

17 FEES

- 17.1 Fees are regularly reviewed and are advertised on the Council's website

18 APPEALS

- 18.1 If an application for the grant, renewal or transfer of a sex establishment licence is refused the applicant may have the right of appeal to the Magistrates' Court but there are a number of exceptions to this. In certain circumstances the applicant can only challenge the refusal by way of judicial review.

19 RENEWAL

- 19.1 Licences expire annually and must be renewed every year. Renewal is not an automatic grant. **Applications for renewal which are not received at least 28 days prior to the expiry of the existing licence may be treated as applications for a new licence. As such they will be subject to the appropriate fee structure and to the appropriate sections of this policy in regard to new applications, including section 10.1.6 (limiting the number of sex establishments in pre-defined localities)**

20 COMPLIANCE and ENFORCEMENT

- 20.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, the Licensing Authority will follow best practice which requires that actions should be-
- Proportionate - intervention will only take place when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised.
 - Accountable - the Licensing Authority must be able to justify its decisions and be subject to public scrutiny
 - Consistent - rules and standards must be joined up and implemented fairly.
 - Transparent - enforcement should be open and regulations kept simple and user friendly.
 - Targeted - enforcement should be focused on the problems and minimise side effects.
- 20.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk based inspection programme.
- 20.3 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 20.4 The Licensing Authority's enforcement/compliance protocols are available on request.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(as amended by the POLICING and CRIME ACT 2009)

Sex Establishments Draft Licensing Policy
Appendix 1 - Conditions

The following conditions will normally be added to all licences granted. Additional conditions may also be added at the discretion of the Licensing Authority.

ALL PREMISES

- 1) The licensee or a responsible person nominated by them in writing, not being under a person under 21 years of age, and whose nomination has been approved in writing by the Licensing Authority, shall be in charge of and present in the premises at all times when the public are on the premises.
- 2) The person in charge shall not be engaged in any duties which will prevent them from exercising general supervision.
- 3) The licence (including a copy of the conditions attached to it) shall be exhibited at the premises in a place where it can be easily seen and each page can be read by people visiting the premises.
- 4) There shall be no noise coming from the premises which would cause people in the neighbourhood to be unreasonably disturbed.
- 5) The licensee shall take all reasonable steps to ensure that people entering or leaving the premises do not conduct themselves in such a manner so as to cause disturbance or nuisance to residents or passers-by.
- 6) The business shall be carried on only in the trade name or title, and at the address, specified in the licence.
- 7) The business shall be carried on only as the type of sex entertainment venue described in the application.
- 8) Where the licensee is a corporate or unincorporated body, any change of director/partner or other persons to be responsible for the management of the premises shall be notified in writing to the Licensing Authority within 14 days of such change and further information as required by the Licensing Authority shall be given in writing within 14 days of such a request being made.
- 9) The licensee shall retain control over all parts of the premises and shall not let, share, or part with possession of any part of the premises. No

change of use of any part of the premises shall be made without prior approval of the Licensing Authority.

- 10) In the conduct of the business the licensee shall not employ any person:-
 - (a) who has been disqualified from holding a licence for a sex establishment
 - (b) who has been refused the grant or renewal of a licence for a sex establishment
 - (c) who has been the holder of a licence for a sex establishment when that licence has been revoked.
- 11) The licensee shall ensure that no employee or other person seeks to obtain custom for the premises by means of personal solicitation within the Borough.
- 12) Sex articles as defined by the Local Government (Miscellaneous Provisions) Act 1982 shall not be displayed, sold, exchanged, loaned or demonstrated other than within a sex shop.
- 13) The interior of the premises shall not at any time be visible from the outside.
- 14) The number, size and position of the doors or openings provided for the use of the public shall be approved by the Licensing Authority and those leading to parts of the premises to which the public does not have access shall be marked 'private'.
- 15) No access shall be permitted through the premises to any unlicensed premises adjoining or adjacent save in an emergency.
- 16) Lighting in all parts of the premises both internal and external shall be as approved by the Licensing Authority and be in operation continuously during the whole of the time the premises are open to the public.
- 17) There shall be no distribution of leaflets or other advertising material relating to the premises. (this provision includes on-vehicle advertising and static adverts such as A-boards, posters and bill boards).
- 18) No advertisement, display, sign, imagery, model or other such things shall be exhibited either at the premises or any other premises giving access to the premises so as to be visible from outside the premises except for the following:
 - (a) any notice of a size and in a form approved in writing by the Licensing Authority

- (b) a compulsory warning notice, of a minimum size A4, shall be displayed at the each entrance to the premises.
- i. The warning notice for sex shops and sex cinema's shall state: - "WARNING Persons passing beyond this notice will find material on display which they may consider indecent. No admittance to persons under 18 years of age."
 - ii. The notice for sex entertainment venues shall state: - "WARNING Persons passing beyond this notice will find nudity shows which they may consider indecent. No admittance to persons under 18 years of age."
 - iii. The word "WARNING" must appear as a heading.
 - iv. The warning notice shall contain only the prescribed words, and no others
 - v. No pictures or other matter shall appear on the notice.
 - vi. The notice must be placed so it is easy to read and no-one could reasonably gain access to the premises without being aware of it.
- 19) No external loudspeakers may be installed or used.
- 20) No person who is apparently under the age of 18 years, or who is known to any person connected with the licensee's business and present at the premises to be under that age, shall be admitted to or allowed to remain at the premises.
- 21) The Licensee shall operate a challenge 25 policy where by any person who appears to be under the age 25 years shall be required to provide ID showing that they are at least 18 years of age. The only acceptable forms of ID shall be a UK photographic drivers licence, a passport or a 'PASS' approved ID card. A refusals log shall be maintained whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Licensing Authority.
- 22) The Licensee shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction. Written training records shall be maintained at the premises and be available for inspection upon request by the Police or an authorised officer of the Licensing Authority.
- 23) The Licensee shall ensure that they submit a variation application before carrying out any change to the structure or management of the premises.

SEX ENTERTAINMENT VENUES

- 1) Performers may not stand in any lobby, reception or foyer areas or outside area of the premises for the purposes of greeting customers or encouraging customers to enter the venue.
- 2) The Licensee shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
- 3) The Licensee shall ensure the rota of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Licensing Authority officers carrying out an inspection of the premises, or otherwise by persons using the venue. The full name of the appropriate duty manager shall be included on the rota.
- 4) The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
- 5) The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
- 6) The prices for entrance and any compulsory purchases within the venue, shall be clearly displayed at the entry point of the premises.
- 7) 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.
- 8) The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.
- 9) An appropriate number of door supervisors registered with the Security Industry Authority shall be on duty to ensure that:
 - All public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with.
 - Persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises.
 - Customer numbers are monitored to ensure additional door supervisors will be available on a risk assessed basis.
 - At all times the premises is open to the public there is a minimum of one member of security staff present on any floor where a performance of sexual entertainment is taking place and one member of security staff at the public entrance/exit to the premises.

- 10) Private booths shall 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.
- 11) All private booths shall be fitted with a panic button or security alarm **tested regularly with test results recorded in writing.**
- 12) The Licensee shall undertake appropriate checks to ensure each dancer is eligible to work in the United Kingdom and shall not allow dancers ineligible to work in the UK to work at the premises. Appropriate records of the checks shall be kept at the premises and made available to Police and/or immigration officers upon request.
- 13) The Licensee shall maintain written records of all dancers working at the premises. The records shall show the dancer's full name, home address, date of birth and a certified photocopy of their passport (or a UK driving Licence) and the date the dancer was provided with the Dancers Code of Conduct and Disciplinary Procedure. Such records shall be produced for inspection by Police and authorised Licensing Authority Officers on request. Any instances of the dancer breaching the Dancers Code of Conduct shall be recorded on the dancer's record, showing the date and time of the incident and details of the breach that occurred. Such records shall be kept for a minimum of 6 months following cessation of their employment or work at the premises.
- 14) Dancers under the age of eighteen shall not be permitted to work at the premises.
- 15) Dancers shall not be permitted to perform if they are clearly under the influence of alcohol or drugs.
- 16) The licensee shall ensure that an incident log is maintained at the premises. The incident log shall, as a minimum, give details of:
 - Any ejections from the premises
 - Any refused admissions
 - Any refused sales
 - Any inappropriate behaviour by guests
 - Any failure in the CCTV system
 - Any incidents of crime or disorder
 - Any complaints made by the public, guests dancers or other staff
- 17) The incident log shall be completed as soon as reasonably practicable after any incident has occurred and in any case prior to the end of business on the day of the incident. The Licensee shall ensure the incident log is checked periodically and at least at monthly intervals to ensure that staff are completing the incident log.

- 18) The incident log shall be kept in a place where it can easily be accessed by staff working at the premises and all staff shall be aware of its location and the need to complete it in the case of any of the circumstances described above. The incident log shall be made available for inspection to Police or authorised Licensing Authority Officers on request.
- 19) A 'Customers Code of Conduct' shall be on displayed at the entrance to the premises and within the performance areas, and at each customer table. The customer code of conduct shall include the following:-
- I. Customers shall be seated during a performance.
 - II. There shall be no physical contact with the performers at any time during the performance.
 - III. Unacceptable and inappropriate behavior will result in a customer being removed the premises.
 - IV. Customers may only proposition the performers for a dance and not for any other sexual activity.
 - V. No non-prescription drugs or nitrous oxide may be brought into, or consumed on the premises.
 - VI. No weapons or items which may be used as weapons may be brought into the premises.
 - VII. It is a condition of entry that customers may be searched before being permitted to enter the premises.
 - VIII. No photography, either or still of moving imagery, is permitted by the use of the camera, mobile phone or other electronic device.
- 20) The following policies shall be drawn up and agreed with the Police in writing prior to the licence being deemed as 'in force':
- Misuse of Drugs
 - Searching
 - Smoking
 - The safety of dancers when leaving the premises following any period of work
- 21) The smoking policy shall include a provision that the smoking area for use by staff shall be kept secure and separate to any public smoking area and that no more than two staff shall be permitted to smoke outside the premises at any one time.

- 22) A female security officer shall be on duty at all times when body searches are carried out on female customers.
- 23) The Licensee shall sign-up to and participate in any town link radio system operated for the purposes of dealing with crime, disorder and nuisance in the night time economy within the vicinity of the premises.
- 24) The Licensee shall ensure there is a 'Dancers Code of Conduct' in force at the premises which shall be displayed at the premises. A copy of the 'Dancers Code of Conduct' and the conditions of the licence shall be made available to the dancers in their own language on request.
- 25) Dancers may not intentionally touch a customer during a performance.
- 26) Dancers may not permit a customer to touch them during a performance.
- 27) Dancers may not straddle the customer.
- 28) If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer persists in an inappropriate behaviour, the dancer shall stop the performance and inform premises management immediately.
- 29) There shall be no physical contact between dancers while they are performing.
- 30) Dancers shall not solicit for gratuities or payment for sexual favours.
- 31) Dancers shall not engage in any act of prostitution, i.e. the receiving of gratuities or payment for sexual favours.
- 32) Dancers may never give out personal information, including telephone numbers, email addresses or other contact details to audience members.
- 33) Dancers may not perform any act which simulates masturbations, oral sex or sexual intercourse, including the insertion of any object, including their own finger, into the mouth, anus or vagina.
- 34) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue.
- 35) Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public.

- 36) Dancers shall not perform if they are, or appear to be, under the influence of alcohol or drugs.
- 37) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
- 38) Dancers shall be provided with secure and private changing facilities. This shall include the provision of a toilet and, with effect from **1st March 2019**, a shower, which are for the sole use of the dancers. They shall use the dressing room facilities provided to change for their performance.
- 39) Dancers shall only use the smoking area provided specifically for their use.
- 40) Dancers shall only use the sanitary facilities specifically provided for their use.
- 41) Dancers shall be fully clothed (i.e. no nudity) when not performing.
- 42) Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire, e.g. outer-wear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible. No advertising shall be displayed on dancers clothing when worn outside the premises during breaks.
- 43) Dancers shall notify management in the event of his or her spouse, civil partner, boyfriend or girlfriend being on the premises.
- 44) The Licensee shall ensure that a zero tolerance policy in respect of illegal drugs is in place. In pursuance of that policy dancers shall be subject to search and a procedure within the policy shall whereby dancers sign to confirm consent to appropriate searches being carried out.
- 45) The Licensee shall signpost performers and staff to suitable support services. **This shall include, but not be limited to, details of support services for victims of sexual harassment and/or sexual violence.** This shall include the provision of leaflets sited within the changing area and handed to each performer prior to commencement of their contract/employment.
- 46) All dancers shall comply with the dancers Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which shall be provided to each dancer.

- 47) No films may be shown at the premises unless they have been passed by the British Board of Film Classification. No films classified as R18 shall be shown on the premises
- 48) The Closed Circuit Television (CCTV) system shall cover all public areas of the premises including all areas where performances of sexual entertainment are conducted, and be maintained in good working order to:
- a) Operate on 'real-time' at a minimum rate of 20 frames-per-second, with constant, correct time/date generation.
 - b) Have a recording capability capable of providing individual pictures.
 - c) Provide clean, clear and unobstructed camera views of evidential quality in all lighting conditions.
 - d) Provide correctly timed and date stamped recordings - which must be stored in date order, numbered sequentially, kept for a period of at least 31 days and handed to the Police on request.
 - e) 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.
 - f) Ensure exported footage at the same, or similar quality to that recorded on the system recording.
 - g) Incorporate at least one camera on every entrance and exit to the premises which gives images clearly showing full height and facial recognition.
 - h) Incorporate at least one camera on all areas where the sale/supply of alcohol occurs- individuals must be recognisable.
 - i) 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
 - j) Incorporate a dedicated CCTV camera for each private booth – individuals must be clearly identifiable.
 - k) Ensure that all other cameras at the premises allow for individuals to be recognisable.
- 49) During all periods of licensable activity authorised by this licence, a nominated and trained 'CCTV Operator' shall be on duty, who is competent in the operation of the CCTV equipment in order to:

- a) inspect the CCTV system on a daily basis, and ensure that all cameras are in full working order.
 - b) record each inspection on a 'CCTV maintenance' log sheet, and endorse with their signature.
 - c) facilitate the downloading CCTV footage. Images shall be provided to the police upon request.
- 50) 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 office.
- 51) A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at the main entrance and only the Police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe. A corresponding book to record details of such seizures or found drugs/weapons shall be maintained. The whole of this procedure shall be covered by CCTV from seizure to deposit in safe. (With the exception of the toilets).
- 52) The Licensee shall ensure that a 'grab bag' containing suitable clothing for the use of dancers in the event of an emergency evacuation, is located at the exit to the premises. (Such clothing is defined in condition 43 above).

SEX SHOPS

- 1) The licensee shall obtain prior written approval from the Licensing Authority as to the method of disposal of sex articles otherwise than by sale, hire, exchange or loan. Notwithstanding that all refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
- 2) All Sex Articles as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and other things displayed for sale, hire, exchange or loan within a the shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged
- 3) No film, DVD, or video recording (or computer game, or other formats capable of storing readable/viewable material) shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

- 4) No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period necessary to check a recording for fault by the licensee or for a period of not more than one minute for the sole purpose of demonstrating it to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
- 5) Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purposes of a Sex Shop as defined in Paragraph 4 of said Schedule III and shall not be used, wholly or in part, for any other purposes during the period the premises are licensed as a Sex Shop.

FINAL

Appendix 2

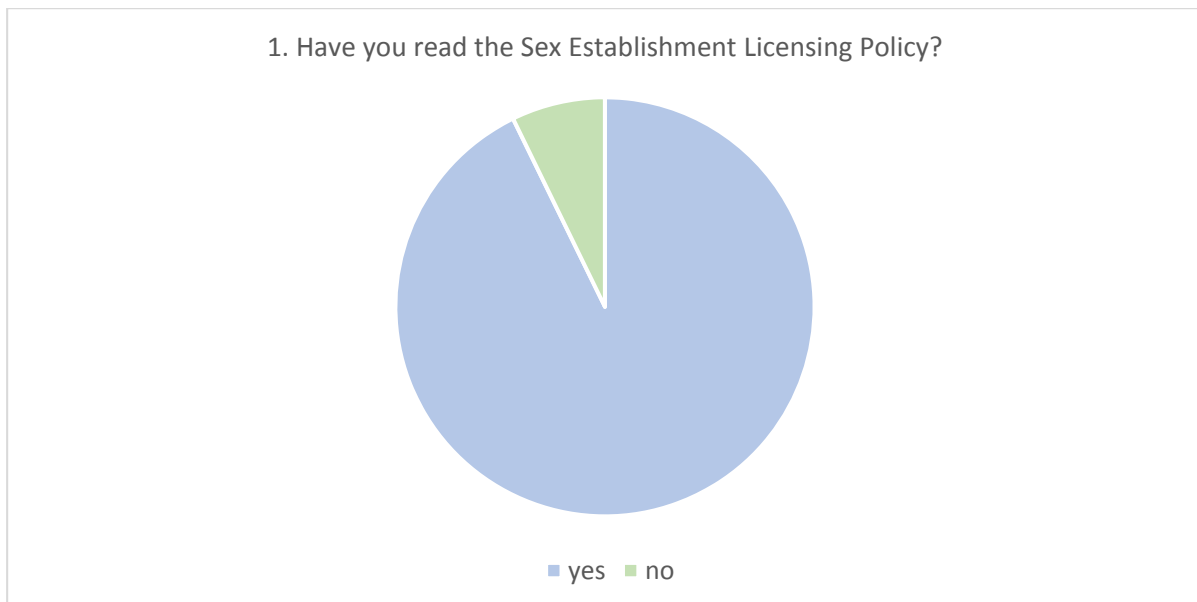
Sex Establishment Draft Licensing Policy Consultation

An eight week consultation was launched until 15th July 2018, which consisted of letters and emails to local businesses and residents who have requested to be informed of our consultations. A webpage containing the Sex Establishment Licencing Policy draft document, the Licensing Conditions and a hardcopy questionnaire for download and an online version of the questionnaire was also made available.

The results

A total of 88 respondents have accessed and responded to the consultation using either the paper questionnaire or online, responding to the questions set and using the free text part to raise any other issues in relation to this consultation and these are included in the appendices of this report.

Please note: not all questions were completed by all participants.



This question was answered by 83 respondents, of that 6 stated they had not read the document and 77 responded that they had.

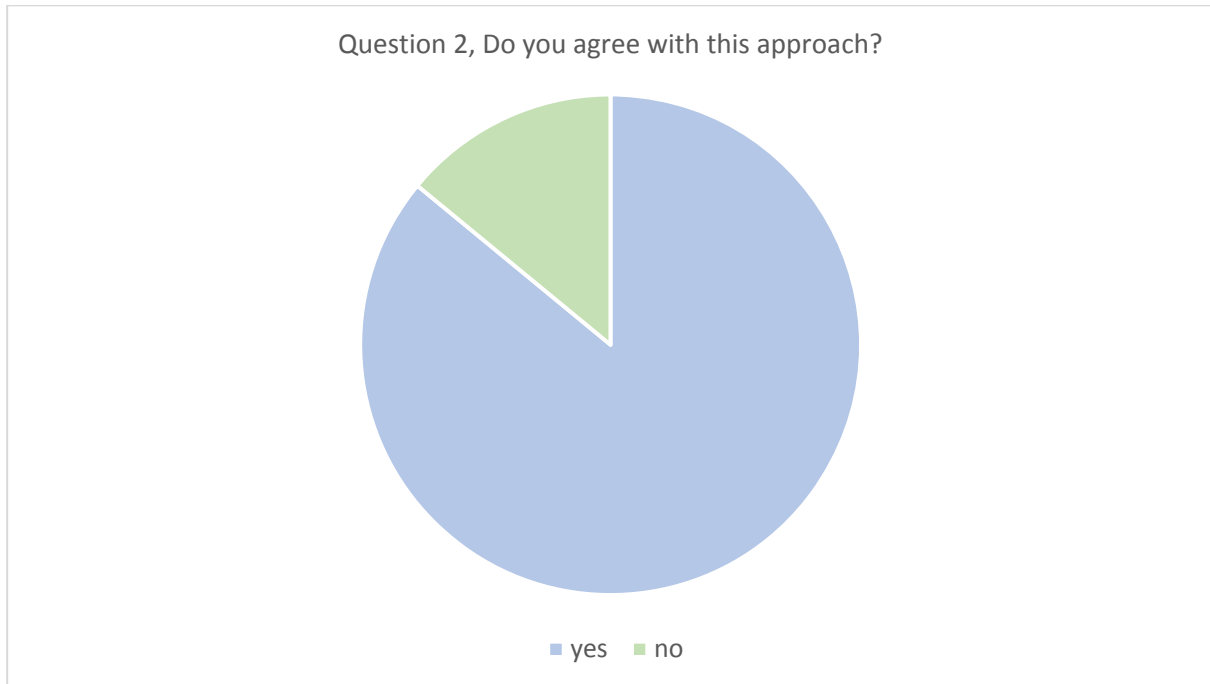
Question 2, gave an indication of what Southend has now and what it proposes as part of the policy if adopted

2. Southend-on-Sea Borough Council currently licenses:

- 2 licensed sex shops
- 4 licensed sex entertainment venues
- 0 licensed sex cinemas

In Section 10.01 of the draft policy, the Council has proposed to limit the number of licences to the current number and type of SEVs that it presently has. It proposes that the limit will

automatically drop downwards to zero in the event that a licence is surrendered, revoked or not renewed.



Of those responding 85% agreed with the approach that the limit will automatically drop downwards to zero in the event that a licence is surrendered, revoked or not renewed.

Question 2.1 asked for those responding to outline their reasons and it was an open response (free text) which was answered by 57 respondents

No	Comment
01	I do not believe Southend to be a suitable place to locate SEVs so I would welcome this dropping down to zero.
02	Licensed sex shops are like any other shop in the high street they are there to offer a service and advice on personal matters related to sex. The 2 licensed sex shops have been established one for 30 years plus (Harmony) and has always followed strict licencing rules that have been put in place by the council. This council penalises shops that have been established for over 20s plus and licenced but turn a blind eye to Anne summers and mistress boutique who run without a licence but sell sex goods to, also turn a blind eye to all the herbal massage shops opening everywhere that offer more than just massages offering sex to .Also massage parlours that are everywhere one including AB Fab in Westcliff that have featured in the echo but council do nothing about them. Let's punish the law abiding shops. This day in age to be thinking that sex shops or strip clubs do not belong in towns in the UK goes to show how out of touch the council are .
03	Maintain current level
04	As a council that is looking to achieve City of Culture status, I believe that SEV's etc are not helpful to that cause. Limiting the number of SEVs, so that they eventually

	fall to zero signals a clear family inclusive policy on the seafront, where a number of SEVs operate.
05	By taking this approach, you are driving the sex trade underground and this could have an impact on the safety of those that work in them and those that frequent them as it becomes illegal - therefore opening up the opportunities for criminals to further exploitation and no regulation means they can do as they please.
06	Firstly, the Council should not be granting licenses for such businesses, particular ones close to residential areas and schools. Secondly, does council want to promote these seedy establishment instead of trying to revive our High Street with family friendly establishments?
07	Do not support objectification of our female residents
08	For the size of the town, four venues is more than enough. These type of venues are not a positive addition to Southend which promotes itself as a family town. These venues add a seedy element to Southend's nightlife and the areas in which they are situated become no go areas for women in particular. The women that work in these clubs are at risk of assault and many of them come from abused backgrounds. This is not the type of establishment that Southend should encourage. Other areas in the UK have put restrictions on these venues and Southend should be progressive and do the same.
09	Given that films and sex products are available on line we certainly don't need figure increasing. With venue's extremely important that they can be kept to a very high standard. I feel if number was increased given budget cuts conditions would be let slip
10	I fully support the draft policy that aims to limit the number of licences for Sex Establishments to zero. I totally agree with the statement (10.1.6) in the policy that states- "The Council does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas and sets the following limits which will automatically drop downwards to zero in the event that a licence is surrendered, revoked or not renewed" I particularly support the provision in section 38 which states "38) Dancers shall be provided with secure and private changing facilities. This shall include the provision of a toilet and, with effect from 1st October 2018, a shower, which are for the sole use of the dancers. They shall use the dressing room facilities provided to change for their performance." Any improvement in the working conditions of the dancers at existing venues is to be applauded.
11	I fully support the Council's statement that it "does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas" and I note that this falls in line with several other local authorities who have implemented the same policy.
12	I would like to see these establishments drop to 'zero' and I see this proposal as positive in that the council are committing to not approving any more licences.
13	I would like to see a town that does not promote the treatment of women as sexy objects.
14	I think the reduction of these venues can only be a good thing. Appropriate facilities do not always seem to be provided for those who work in some venues, it isn't always obvious that this sort of entertainment is offered and so people (especially

	those visiting the area for the day) could easily walk in unwittingly, perhaps even with children.
15	It is a poor manner of policing venues and the workers do not have enough access to showers and safety
16	No reasons are offered for this change in approach. Therefore why make the change? The number of SEV within Southend at the moment can hardly be said to cause a problem. I would be interested to hear of any challenge to the current number of licences that does not rely on an inappropriate moral judgement. Southend is a large conurbation that serves a wide variety of residents (and visitors) and therefore should provide - or more accurately not prevent private individuals from providing - a wide range of shops and recreational facilities. The number of SEV should be, as a minimum, maintained at their current level. If an application for a cinema was to come forward then this should be looked at favourably (of course taking into account 10.3.1), as one cinema for a population of 170,000 could hardly be deemed excessive. The policy suggested in 10.1 should not be 'Without prejudice' to 10.3, but rather 10.3 should make 10.1 wholly unnecessary.
17	It is no longer, nor in my mind, has it ever been, appropriate for women to be publicly presented to men for their sexual gratification - especially not in Southend, where many families visit. I agree with the gradual phasing out of these premises rather than an abrupt abolition, to ensure employees have time to find alternative employment. But I very much look forward to the time when this happens.
18	It states in the policy that the council finds that no area of the town is suitable for a SEV. So begs the question why do we have them? Southend is frequently advertised as a family resort, therefore SEV'S bring nothing to the town, and in my opinion smear the towns image
19	Principally I believe there is an objective concern for the health and safety of sex workers in sex entertainment venues, e.g. access to showers, security, and recourse against their clients in the case of high-risk scenarios. I am also aware there isn't a current standard that venues adhere to for the safety of their workers. Similarly, I also have concerns that there may not be adequate information for drug and alcohol abuse as well as sexual and domestic violence.
20	No place for these venues in our community
21	Limits the chance of a new cross-over business that may come under the terms if the SEV policy
22	The adult entertainment and sex industry is a vehicle for the exploitation of women. I accept that Southend has adult and sex industry venues and support measures to regulate these, with the council intervening and revoking licenses if safe standards are not met. We must safeguard vulnerable and under aged women from lap dancing becoming escorting and prostitution, from being victims of human trafficking or used by the drug industry. If they have nothing to hide about their industry then the current owners of licenses have nothing to fear. I object to new venues opening, attracting seediness and in my view organised crime to the area.
23	SEVs are an outdated institution and do not reflect the modern culture we are trying to reflect in Southend.
24	Not increasing current premises feels very reasonable with a view to allowing the existing premises to continue as long as they adhere to licensing regulations.

25	Sex Entertainment Venues are not appropriate, anywhere. They are detrimental to women and promote a culture that commoditises women as a whole. We should be moving towards reducing all types of SEV in Southend to zero.
26	Sexual venues in the current state of culture support the sexual objectification of women. Their presence and majority focus on gratifying male desires sends the wrong signal in the society which although has the equality of sexes recognised in law still surfaces dynamics around discriminating against women - see Weinstein et al scandal, persistent pay gap, pink tax etc.. The presence of SEV serve to normalize male behaviours which show lack of respect for women.
27	Southend is a family resort. The objectification of women for the purpose of male entertainment is outdated and no longer tolerated in society. It encourages human trafficking +serious crime such 'cuckooing' of drug dealers. Southend is not a seedy place +no resident should be subject to having this thrust upon their daily living. We have seen an explosion of betting shops and the subsequent gambling addictions. Southend is an accessible place that deserves to be renowned for the image it's residents deserve not a second rate Soho.
28	Such establishments can be explorative, and the safety of the women working there should be a top priority.
29	Southend must be safe for women and having experienced assault myself directly outside a sex establishment in Southend and also knowing that the research clearly outlines the dangers and risks posed by these places.
30	Southend has worked hard and made considerable investment to lose its 'sleazy' image. We are now a family town, a university town and we should not allow ANY sex establishments in any part of the Borough. No area should be a 'no go' area for woman and families.
31	Support the policy of no increases in numbers of these establishments
32	The adult entertainment and sex industry is a vehicle for the exploitation of women. I accept that Southend has adult and sex industry venues and support measures to regulate these, with the council intervening and revoking licenses if safe standards are not met. We must safeguard vulnerable and under aged women from lap dancing becoming escorting and prostitution, from being victims of human trafficking or used by the drug industry. If they have nothing to hide about their industry then the current owners of licenses have nothing to fear. I object to new venues opening, attracting seediness and in my view organised crime to the area.
33	The area covered by the borough council has a very high proportion of densely-populated residential and retail areas. These areas are inhabited or used by people who are highly unlikely to utilise a local sex entertainment venue (SEV) for social, income or employment reasons. In addition, SEVs, in general, are strongly associated with cultural attitudes and behaviours which are detrimental to the development of inclusive and supportive community cohesion in our residential areas and bring little or no added commercial value to our retail areas.
34	The council should adopt a zero policy on sex industry licenses
35	The proximity of existing establishments to safe-guarded areas of the Borough, as defined in the consultation paperwork, is self-evident and I support the Council's view on this assessment
36	These places cheapen the town, lower the tone - we have enough problems with crime giving Southend a bad reputation.....

37	I do not want any sex shops, sex entertainment venues or massage parlours in Southend
38	I fully support NOT increasing the number of licences, and - if we can't ban such places immediately - very happy with the approach of dropping downwards to zero.
39	I believe there is no room for the objectification of women in our community. I would like to see an end to the establishment of sex entertainment venues and would go further to support the closure of existing premises. I do not wish to see our seaside town descend into a haven for raucous stag/hen dos
40	Is not a healthy approach to sex and encourages misogynistic views
41	It is not a good idea and not what we would like in our town. I think we have enough bad things going on and this would only add to the bad press we get in Southend. This would not improve the town and I wholly applaud this application.
42	I don't agree with the exploitation of women which I believe these venues are.
43	I am not concerned about the number of venues as long as they are properly run
44	I fully support the number remaining and not increasing. Also I understand it is very difficult to revoke existing licenses
45	I do not feel that these establishments, which profit off the exploitation of predominantly women's bodies, have a place in a family town in the 21st century. They are outdated and a policy to manage down the numbers to zero would be very welcome.
46	SEVs should be reduced to zero
47	Sex establishment Venues support the view that the female body sole purpose is to be entertain value for male sexual fantasy and frustration. Exploitation occurs in the workplace and is not in line with the Councils policy on equality of opportunity, clean and healthy lifestyles. There is a correlation with SEV and sexual offences in surrounding areas at least one of the SEVs is in a residential area with vulnerable young people nearby.
48	Southend Borough Council needs to take a principled stance against SEVs and made it abundantly clear that this authority does not condone the sexual objectification of women for any purposes, especially as a form of entertainment. Sex Entertainment is deeply misogynistic and far from providing stable, well-paid and safe employment for women it often puts many already vulnerable women in more precarious positions.
49	Think this signals that SBC does not support the objectification of women and will improve the character of the area.
50	This is a family seaside town. I agree the limit should be zero.
51	This is a step in the right direction- we should have zero in the borough but as it must be hard to revoke existing licences this shows the direction the council want to go in to eventually eradicate them in the borough.
52	This is more than enough for a town the size of Southend. I'd rather there weren't any at all as I believe that such establishments harm all women, particularly those that work in them. They allow the prejudicial and misogynistic attitudes some men hold towards women to go unchallenged, indeed they promote them as if they are acceptable. I would not want my daughters working in such a place and I doubt many of the owners/managers/customers would either. I'm absolutely in favour of limiting, then reducing, the number of SEVs.

53	To limit the risk to vulnerable women of being entrapped within this industry due to their varying complex life situations.
54	We do not need these types of establishments in the borough
55	We have no need for these premises around Southend promoting sexual bias and young women trapped into this work, outdated and dangerous
56	We need to make the town a safer place for women, so that they do not feel pressured into the sex trade or objectified by men who feel that these establishments are acceptable or 'serve a purpose'.
57	Women should not be exploited in this way.

Question 2.2 asked for those responding if they feel that the Council's proposal to limit numbers should be modified in some way it was an open response (free text) which was answered by 28 respondents

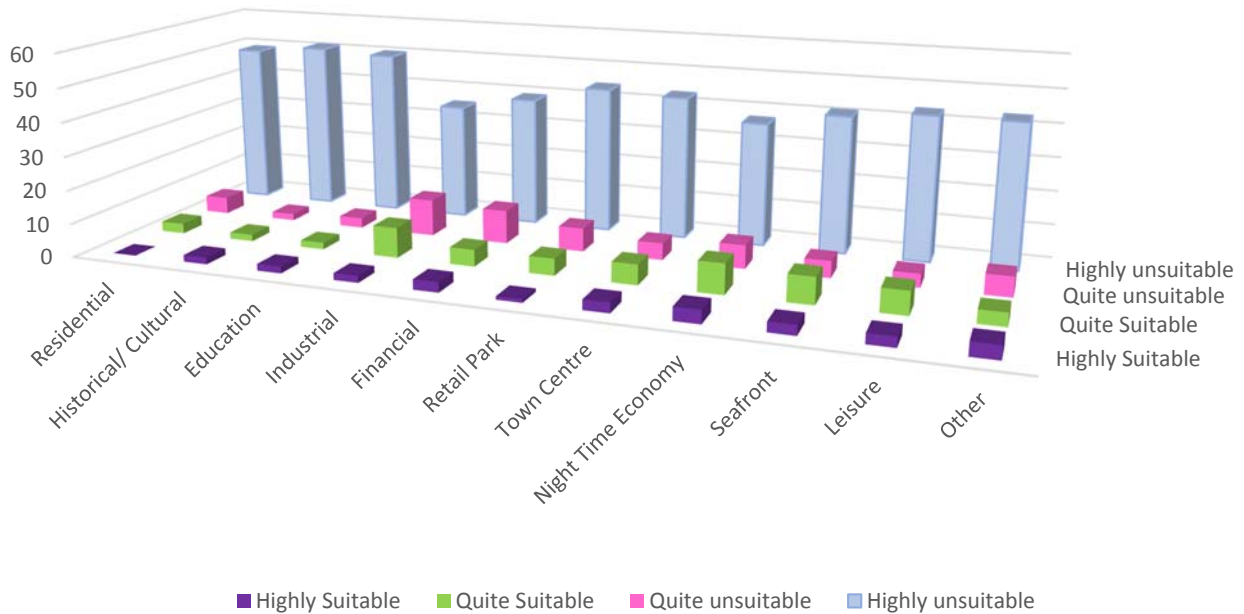
No	Comment
01	A provision of 1 SEV licence slot available to assign to a new business at the Council's discretion.
02	Close them all down and limit them to zero in my opinion.
03	Hold a current level
04	Appendix 1 should be enforced with planned and random checks made (including of incident logs, CCTV and working conditions). Advice and support should be available to dancers and other staff to ensure that their safety, health and well-being are protected. Similarly local residents and other local people should be advised to report any concerns at all. Any breach of conditions should result in renewed consideration of the licence.
05	I am satisfied with the approach, though if a zero figure could legally and easily be reached quicker, I would be in favour of that.
06	I do not want any of the proposal to be considered
07	I do think the amount that are in the town are sufficient and I do agree some sort of limit but this should be done on merit and with each application, rather than a blanket approach, that these are bad and therefore should not be here. Its about having an informed choice for the individual, those that don't like them do not need to visit them and probably would not.
08	I support the council proposal and would review the existing licenses with intention to close or repurpose these venues
09	I think it is fine - in an ideal world it should have gone further to outline the type of support /agencies that are available to support women.
10	I think the proposal should stand as it is. I think the nil cap is on Sex Entertainments Venues is reasonable and necessary
11	No
12	No, I think this is a fair way of reducing the number of establishments.
13	No, I think this is a good idea to limit the number. I am sure this is also a good way for police to focus their resources as well.
14	No, just keep number as is and not increase it
15	No. The proposal should be passed into policy at the soonest opportunity.
16	No; about right

17	Not at all. I agree it should be zero.
18	Only if the venues are not properly run
19	Please we don't need this sort of entertainment in Southend, please promote family , and art and all the lovely friendly things Southend could offer
20	Suggest restrictions on rtyoe and mode and a comprehensive workers package of care. See alternatives raised for Kursaal
21	The council should aim for a zero tolerance for this type of venue. The town is much more suited to venues that are not inherently misogynist in their very existence.
22	The Council should not limit numbers on a borough-wide basis. The Council should review each application on its merits, which may well include the location, but also the number of other (similar) SEV within the area.
23	The council should not only try to limit these license, but should have a long term view to eliminate them altogether.
24	While Southend Council and other Local Authorities continue to allow any sex industry venues and shops to be operation they are colluding with ongoing issues and battles for women and men to both reach equality.
25	Yes have a cap on the amount of shops or strip clubs and yes do not have them near schools and other places like that but to get rid of these premises once licences are not renewed or revoked is madness. Lets hope Southend council rethink some of these policies.
26	n/a
27	n/a
28	n/a

Question 3.1 Do you think that any areas of our Borough might be more suited to having sex establishments than others?

Overall of those responding 85% stated that there are no areas in the Borough that are more suited to having a sex establishments. However, out of all of the options identified the Night Time Economy, Industrial and Financial areas came out higher than the other areas as quite suitable and highly suitable.

3. Do you think that any areas of our Borough might be more suited to having sex establishments than others?



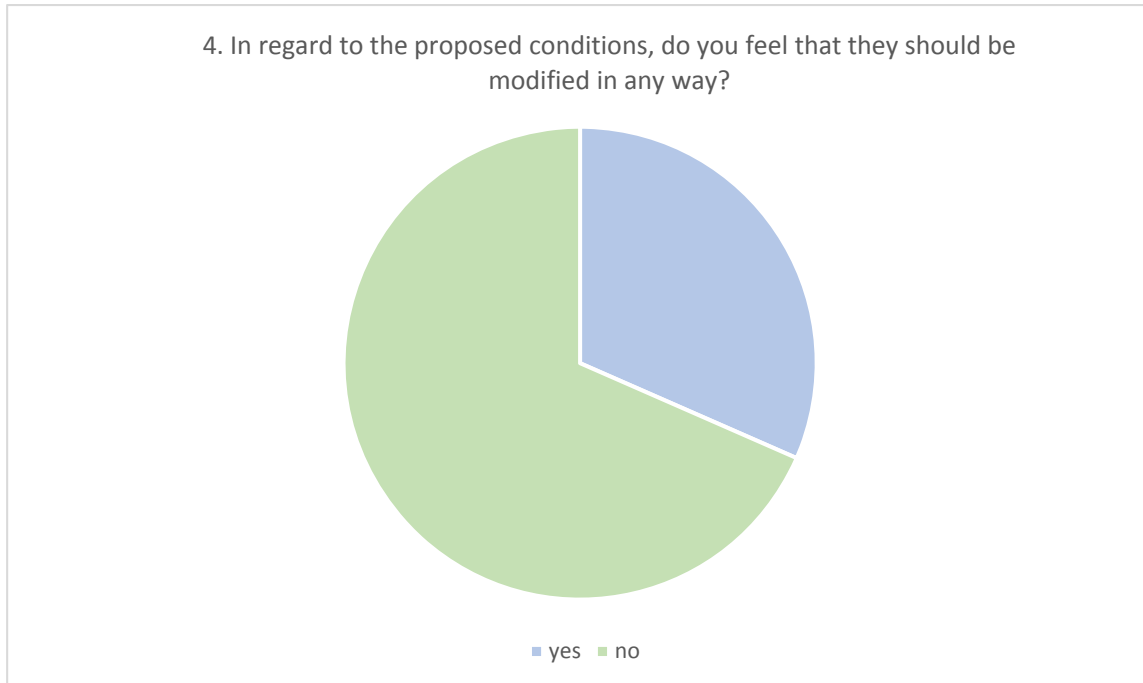
Question 3.2 If you have identified other – this was an open response (free text) which was answered by 16 respondents

No	Comment
01	Any area which is used by people who are highly unlikely to utilise SEVs for any reason and are more likely to be affected adversely by the cultural attitudes and behaviours strongly associated with SEVs. Including, for example: - High street retail areas - Areas where non-SEV employment premises are situated - Areas with public transport links - Areas with premises for the provision of health, social care, libraries, advice, support or other community services. - Areas where clubs, political, religious or other non-SEV-related organisations meet, hold events or use for other purposes - Unpopulated or low-populated areas which provide environments conducive to wild life or have other ecological value - Areas providing public and community amenities such as recycling/ refuse, car parking, fire stations, cycle storage and so on.
02	Anywhere near children, women or men.
03	I agree with the statement that from The Council that it "does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas". There is no suitable place for SEVs.
04	Areas of the seafront not currently frequented by families
05	I agree with the statement that from The Council that it "does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas". There is no suitable place for SEVs.
06	In my opinion any customers that would normally frequent sex shops, would use the internet which is much more discreet. So why does Southend have two such

	establishments in the town centre? One of which is a chain that uses a loophole in the law to sell sex toys.
07	More for the arts.
08	No area is suitable for SEVs as SEVs are not acceptable anywhere. There is no area where it is more or less acceptable to commoditize and sexually objectify women whether you pay them for it or not.
09	No area is suitable. Health and safety for Sex Workers should be a priority and their safety is limited by the type of work they are undertaking. Women residents of Southend should be able to undertake jobs that pay fairly and do not put them at risk of sexual assault due to the nature of their work.
10	Sex shops and strip clubs should be able to operate in most places as long as it can't be seen from the outside and as long as there is notices and signs that explain what the premises are and signs preventing underage people from entering.
11	Sexism/misogyny isn't 'suitable' anywhere at all. Are we really having this conversation in 2018?
12	There is nothing suitable or desirable about promoting sexual objectification.
13	We should not have any in the borough they are highly exploitative, the continent to contribute to gender inequality and send a message out to children and young adult's women can be bought and objectified.
14	Where it has been assessed to be safe and well policed. It does not disturb the population but affords all consenting adults to have inclusive practices. There is no one definitive location
15	There is nothing suitable or desirable about promoting sexual objectification.
16	I really don't agree with any area being deemed as 'suitable' for sex industry sites, so therefore deem all to be unsuitable. I feel it's hypocritical for someone to say one area is suitable and then hit the roof if such an establishment should open up in their residential area,

Question 4. In regard to the proposed conditions, do you feel that they should be modified in any way?

This response was answered by 57 respondents 68% of those said the proposed conditions should not be modified in any way.



4.1. If yes, please give details below, remembering to quote the condition number with each comment on it, this was an open response (free text) which was answered by 17 respondents

No	Comment
01	10.1 should be deleted in its entirety
02	45. I think it would be helpful to be more specific about the type of support workers will be informed about. Support seems a very broad term and the most relevant or vital support may not be provided if the type of support isn't made clear in this condition.
03	all shops that sell sex goods should have a licence (not one rule for one shop and another rule for others)
04	Appendix 1 - Conditions ALL PREMISES - 14) ... and those leading to parts of the premises to which the public does not have access shall be marked 'private': ADD 'and the privacy of those private spaces ensured.' Sex Entertainment Venues - 11) All private booths shall be fitted with a panic button or security alarm. ADD 'tested regularly, with tests and results logged.' Sex Entertainment Venues - 38) Dancers shall be provided with secure and private changing facilities. This shall include the provision of a toilet and, with effect from 1st October 2018, a shower, which are for the sole use of the dancers. NOTE: provision of private toilet and shower facilities essential! ADD minimum requirements relating to size, number of cubicles etc for given number of dancers. Sex Entertainment Venues - 45) The Licensee shall signpost performers and staff to suitable support services... SPECIFY which kinds of services it

	is essential to provide information about, and which are also recommended. Sex Entertainment Venues - 48) The Closed Circuit Television (CCTV) system. ADD a paragraph to ensure the secure storage and tightly-restricted access to all recordings.
05	Condition 45 - I think that the employers can go further than this considering the amount of money that they make in this business. In other jobs (probably including council staff), employees have access to an Employee Assistance Programme - eg advice with financial, legal, family problems etc. These services also include counselling services for staff in times of personal difficulty. I would like the staff in these establishments (if we must have 6 of them in the town) to have access to external support services paid for by the employer. On commencing in one of these establishments, ideally, I would like staff to have a series of counselling sessions eg one a week over six weeks. I don't think that handing a pile of leaflets to someone is sufficient. Then, I would like the staff to have regular access to counselling in order to build resilience to what they may experience in these establishments. This would need to be with an appropriately registered/qualified counsellor/psychologist.
06	Condition 45 is good that it offers support services to the workers however perhaps this could be more helpful and outline what services are available, such as domestic abuse and sexual violence services.
07	I believe conditions 25 - 29 inclusive and 33 and 34 require further consultation specifically with the people working as dancers within the local premises currently licensed as SEVs. They are very prescriptive and I am not clear whether they would prevent dancers from carrying out their legal employment?
08	I think that point 45 should be more specific and list the kinds of support services that information should be available about This should include drug and alcohol misuse support, support with domestic abuse / violence and sexual violence and support services specifically for those working in the sex industry.
09	Ideally the licenses could be revoked as and when not only when they are due for renewal.
10	If the establishment is properly run, I do not feel there should be limitations on it.
11	Just close them all down, Southend is becoming a cesspit what with drugs and crime and this kind of thing. I worry for my children being bought up here.
12	Not renewing anymore sex related entertainment
13	See previous response re random checks etc. I'm pleased to see that dancers will need to have access to a shower wef 1.10.18. Cond. 4. I would say if people in the neighbourhood are disturbed it is unreasonable therefore this word should be removed. Cond. 10 I would like to see some strengthening of the requirements to monitor private booths.
14	Southend Borough council should have a zero capping policy for anything that promotes lack of equality.
15	Would suggest that the offer of sexual health screening and self-testing kits is encouraged at the current venues. Not because intercourse is taking place but because it's an audience with their mind on sex at the time of visiting so would be more open to testing if no wait , also targets a cross range of society
16	45) The Licensee shall signpost performers and staff to suitable support services. This shall include the provision of leaflets sited within the changing area and handed to each performer prior to commencement of their contract/employment. The

	section on "suitable support services" is a little vague and I feel it should be made more explicit what type of support the performers can expect to have access to. In particular some reference should be made to issues of domestic abuse and sexual violence as well as issues surrounding drug and alcohol abuse and sexual health.
17	No comment

5. Please make any other comments you would like us to consider about the proposed policy or conditions. Please include references to the sections in the policy where appropriate. This also was an open response (free text) question and was answered by 30 people.

No	Comment
01	A concern of mine would be the welfare of the women who work in these premises and an increased probability of sexual assault of both these women and those who may be in the area.
02	Anything that helps to reduce the possibility of reducing venues that exploit women to zero would be fantastic progress for this town. Any amendments that help protect women are welcomed.
03	Condition 38 - I think it is reasonable for staff to have access to changing and washing facilities that are of a reasonable standard so that they can shower etc before going home. Probably this is more relevant for the staff in the entertainment venues, but I don't have enough knowledge in this matter to comment on the shops. Condition 14 - I think that 18 is too young for the dancers, I feel that this should be a minimum age of 21 years. I am also concerned about how girls as young as 18 are getting home after working a shift in one of these establishments. I think that the employer should be providing safe transport - door to door.
04	Consistency of health and hygiene should be implemented across all venues, so that the women who are working in SEVs can access showers. People performing at SEVs should have access to support services and information about abuse, domestic violence, sexual violence, drug and alcohol addictions. The safety of the performers at SEVs should be the highest priority of the venues that are currently operating, along with fairer pay.
05	I am concerned that blocking those that wish to open an establishment in this area will drive the industry underground as whilst there is a demand, the supply will always be required, if they were not needed they would close and it be a failed business. I believe the amount we have in the town is enough and I do not believe there is a need for anymore and I am sure if they were successful there would be more open. I do think that those in the High Street selling these goods should be better regulated as when you walk passed you can see exactly what they are selling and anyone under the age could just wander in and walk to the back.
06	I am pleased to see that conditions 38 and 45 will improve the working environment for the staff. Whilst the venues are in existence the staff should be looked after in what is a dangerous and exploitative environment.
07	I am really pleased that the Council have made these adjustments and done this consultation. It shows not only that they are showing performers that their safety at work is paramount but also showing due regard for the Public Sector Equality Duty.
08	I fully support this proposal and thank it's a long time coming

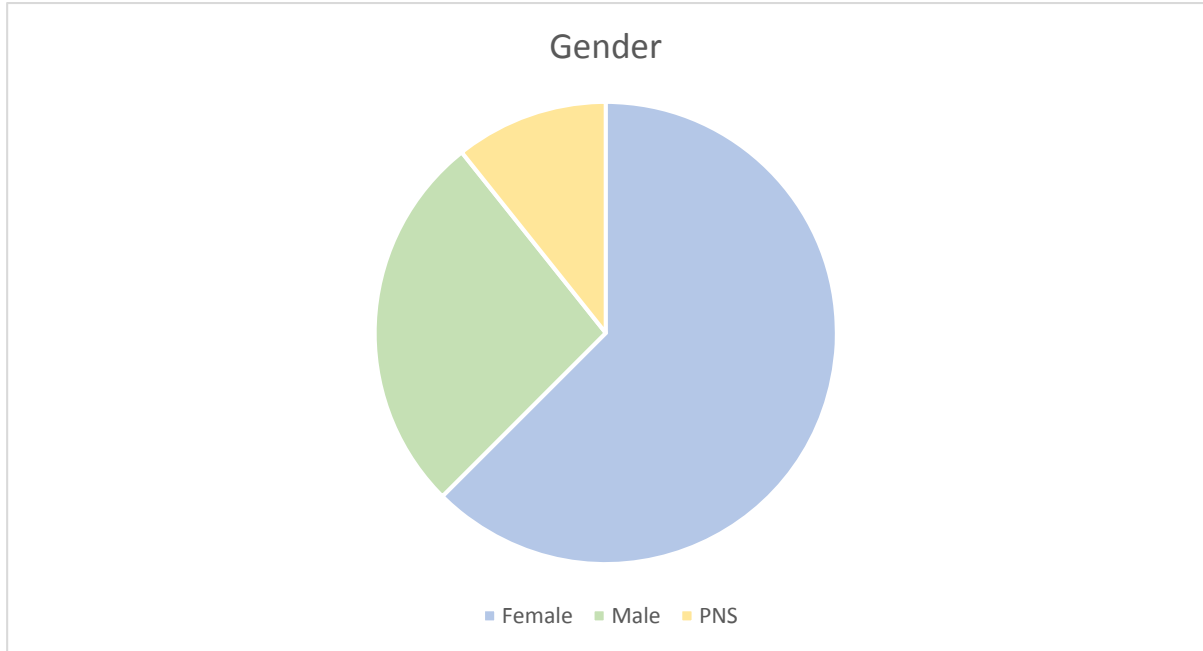
09	I live (and work) next door to one of these establishments, and have done so for approximately 35 years, and it has NOT been a problem.
10	I once worked in a public service for nearly 30 years that required visits to all the licensed premises in the Southend area including all SEV'S. And at no time did I see the guidelines regarding touching etc being adhered to. They were regularly flouted and any cameras that were installed were not even connected, or no recordings made. The operators of these clubs know all too well that the authorities do not have the staff or resources to check that guidelines are being adhered to.
11	I particularly welcome the addition of private shower facilities for performers and the fact that establishments must provide information regarding available support services to performers. It would be good if this policy could include what information establishments are obliged to provide (for example, substance support services, domestic and sexual violence support etc).
12	I support the proposed conditions particularly the requirement for showers exclusively for the use of performers.
13	I think condition 38 could be strengthened to specify minimum space requirements for dressing room facilities and numbers of toilets and showers available according to the number of dancers likely to use them. Otherwise, there's potential for the actual condition to be met while working conditions for the dancers do not improve, or even worsen. I think condition 43 should be excluded. I can't think of another job where the employee is required to advise their manager if his or her spouse, civil partner, boyfriend or girlfriend is on their work premises and it feels discriminatory to issue a "blanket rule" for these particular employees. Especially as no rationale is given for it. If it's about increased potential for inappropriate behaviour, that could be covered in a specific requirement to "notify if have any reason to believe they are likely to cause etc" perhaps? Also, I think it needs to cover former partners etc and any other persons known to the dancer if this is the aim and indicate what action the management is expected to take in these circumstances.
14	I think it is a bad idea to have such establishments near the town centre or near residential areas. We already have enough problems with anti social behaviour and these types of businesses attract a certain clientele, which makes the town even more unsafe, particularly in the evening.
15	I think the policy covers most eventualities and the licensing committee members are very capable of interpreting it
16	I think the requirements to provide private shower facilities (38) and information about support agencies (45) for performers provide essential services for workers in sexual entertainment.
17	I would support the Nordic model with regard to the regulation and licensing of the sex industry in Southend
18	If these venues are to be run with conditions this must be attainable. Safety and health of workers a priority
19	Improving work conditions - all employers need to ensure they maintain a Duty of Care towards their employees. I would want any/ all workers in any sex establishment to have full information and training about many areas of concerns including domestic violence, drug/alcohol abuse and how to keep themselves safe. In the 21st Century and in the midst of the 'me too' campaign is it really appropriate

	to have ANY establishments that cater almost exclusively for males to objectify woman's bodies? Is this really what we want for our town?
20	It doesn't appear that there is a requirement for the CCTV operator to be observing footage whilst the premises is open; this would make it safer for dancers and other staff and should be part of the conditions.
21	It is important that the welfare of performers is a prime concern, with facilities such as showers (section 38) and information about support services being provided (section 45) in all establishments. I welcome the move to limit the numbers and not allow new venues if existing ones have their licenses revoked or not renewed.
22	Please don't spoil our town which is now on up.
23	Please ensure that women's views are taken into consideration. The council is still overwhelmingly male and we must look at this subject in a balanced way. This affects the way women feel about walking in certain areas of our town-this is unacceptable. We know women are being trafficked and forced into sex work-we should not be seen to support this.
24	Point 38 – I think it is important that venues work to the same standard and for example a shower must be available for performers Point 45 – information about support services have to be provided to performers - this point is quite vague. It could specify as an appendix for example a list of local support services which might be pertinent ie. domestic abuse, sexual violence, drug & alcohol
25	Sex Establishment Licensing Policy - Draft Policy for consultation 2018 10.1.6 ... The Council does not consider any area within the Borough to be an appropriate location for any sex shops, sex entertainment venues, or sex cinemas. QUESTION: If this is so, what about the Unlicensed premises (Para 8.4) - how are they to be identified and monitored? If the number of licenced premises is reduced, what is the likelihood of more unlicensed ones springing up? And what safeguarding provisions are there for them?
26	Southend is an amazing town. In the day time we provide entertainment and enjoyment for families who are coming to visit and ones that live here! Yet when night time comes Southend is willing to exclude this by allowing massage parlours, lap dancing clubs and other venues to be allowed. I think the proposed changes to our sex establishments licencing policies are a much needed step forward for our town. Currently there are four areas of the town that feel off limits to many women and make the towns space feel dominated and priotised for men's enjoyment. I think stopping any more of the towns space being used to sexually commodify women will send Southend in the direction of being a more cultured and egalitarian town. In the meantime I think it is wonderful that you are putting forward plans to improve the working conditions for the women within these lap dancing clubs. It seems to me that the ability to shower and feel safe should be a basic requirement of any SEV establishment. I'm so pleased the town is moving forward in regards to its consideration for the women and girls who live here. Excellent work and proposals!
27	The policy says the Council does not take a moral stand (2.2) but why not? After all such moral judgements are made (subtle though they may be) e.g. not citing them in residential/family friendly areas. Why not be forward looking and state that the Council recognises that women and girls should be free from sexual objectification and that the council are proud to support a zero SEV policy? Such venues do not 'satisfy' certain needs of men, they reinforce the idea that men are entitled to 'view'

	<p>all women in the same way. A spectrum from 'free to comment on the way they dress', free to pass judgements about their bodies' to 'expectations that women's bodies are available for their entertainment' licensed or not. I always find it helps when trying to find a fair approach to such matters is to swop genders. How would men feel if licensed venues existed for women to go to where we sat round discussing the size of man's genitals while he gyrated around a pole. Would that man feel grateful for the chance to earn a little money and contribute to the economy of the borough or would he feel supported by his council in taking a clear stance against tolerating the existence of sexual entertainment venues?</p>
28	<p>The two new conditions, 38 and 45, should be adopted immediately and without prejudice.</p>
29	<p>There was a meeting of the licensing committee recently and I'm worried that the Tories are going to try to remove the nil cap which is really important for me as it sends a clear message that Southend does not think the sexual objectification of women for entertainment of men is OK. Some Tory councillors apparently talked about the "need" for lap dancing clubs and "a man's right" to go to one. I'm struggling with both those ideas to be honest!</p>
30	<p>No comment</p>
31	<p>Ridiculous! This attitude stating nowhere is appropriate as a location for sex shops is ridiculous. When you then go on about how you will take consideration of applications. What is the point when you already stated nowhere is suitable. Sex is a natural part of life. Considering sex lifestyle shops inappropriate is backward and retrograde step in the wrong direction. I am a therapist who deals with sexual shame and mental health issues due to this sort of attitude trying to wipe this out of the area is exactly what we don't need. Sex shops are a part of society and driving this underground through this denial of the valuable service places people at risk of exploitation from unscrupulous and illegal activities. This is effectively prohibition that is proven time and time again not to work. Get real Southend council you're trying to take Southend back to the 1800's with this backward and Victorian attitude.</p>
32	<p>I would like to express my views with regards for the need of sex establishments in our local area. I live and work with the most vulnerable young people in society, I also counsel adults with various addictions including sex. In my opinion there is a misconception that these establishments are 'filling a need', let me explain where that need comes from. In early childhood development the narcissistic needs should be met, if that early childhood development gets deregulated for whatever reason, the person throughout life will continue to search for something to fill that need. The sex industry is just one of many ways for that need to be met. The people involved will get a temporary fix, either through financial reward or arousal, once that has happened both parties will eventually feel a low sense of self-worth, there are no winners. The short term fix will never compensate for the long-term low self-worth developed when quietly reflecting by themselves. Humans are fantastic at justifying anything, that is why we have so much depression in our world, the message of 'its harmless', 'it is okay, from my experience is not worth the price of the deep routed negative self-worth for all involved. Once again, in my opinion, more investment is needed to help those who are objectified and those that watch, if they are helped to understand why they have reached this level of need in their lives, that an alternative to thinking and feeling is available, I feel they will choose</p>

the healthy option, all the time these establishments are there, the need to change will not be available.

Breakdown of respondents



62% - Female

15% - Male

10% - prefer not to say

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