



# **WYCOMBE DISTRICT COUNCIL**

***DRAFT***

# **SEX ESTABLISHMENT AND ENCOUNTER POLICY**

SEPTEMBER 2016

**Wycombe District Council  
Sex Establishment Policy**

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## **1. Introduction**

- 1.1 This document sets out Wycombe District Council's proposed draft policy (the "Policy") regarding the regulation of sex establishments and the procedure for applications relating to sex establishment licences. The Policy became effective on the 1<sup>st</sup> April 2012. The policy will continue to be reviewed in light of developing practice, guidance and secondary legislation.
- 1.2 This document relates to applications for sex establishment licences. Sex establishments fall into one of the following three categories:
  - sex cinemas
  - sex shops
  - sexual entertainment venues
- 1.3 The scheme for the control of sex establishments by way of a licensing regime is contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. In producing this Policy the Council has had regard to the Home Office Sexual Entertainment Venues Guidance for England and Wales (March 2010).
- 1.4 This Policy sets out the Council's approach to licensing of sex establishments for the benefit of applicants, operators and the general public. It also aims to ensure transparency and consistency in decision making. When the decision making powers of the Council are engaged, each application will be considered on its merits.
- 1.5 The procedure outlines:
  - the process for making an application, and
  - the process the Council will follow in considering and determining an application for a sex establishment.
- 1.6 This Policy will be reviewed at least every 3 years. Its contents will be revised to incorporate any new, relevant legislation and guidance as appropriate.

## **2. Consultation on the Policy**

- 2.1 Consultation on this Policy will take place with:
  - The Chief Officer for Thames Valley Police for the area of Wycombe district;
  - One or more persons who appear to the authority to represent the interests of persons carrying on, or proposing to carry on the business of a sex establishment in the authority's area.
  - One or more persons who appear to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment;

- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. This includes, but is not limited to, regulatory authorities such as Thames Valley Police, the Fire Authority, Community Safety and Child Protection;
  - Interested parties such as resident associations and trade associations and others as considered appropriate.
- 2.2 The Licensing Authority will give due weight to the views of those consulted and will amend the Policy where appropriate. In determining what weight to give particular representations, the factors to be taken into account will include:
- Who is making the representation (what is their expertise or interest)
  - How many other people have expressed the same or similar views
  - How far the representations relate to matters the Council should include in its Policy.
- 2.3 The full list of those consulted is available on request from the Licensing Unit or by email to [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk)
- 2.4 The Policy is published via the Licensing website:
- [www.wycombe.gov.uk/licensing](http://www.wycombe.gov.uk/licensing)
- Hard copies are available upon request from the Licensing Unit.
- 2.5 Should you have any comments regarding this Policy, please send them via email or letter to:
- Licensing Team Leader  
The Sex Establishment Policy  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Bucks, HP11 1BB  
[licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk)
- Alternatively comments can be made on-line at  
[www.wycombe.gov.uk/licensing](http://www.wycombe.gov.uk/licensing)

### **3. Definitions**

#### **3.1 The Act**

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

#### **3.2 The Policy**

This refers to Wycombe District Council's Sex Establishment and Encounter Policy.

### **3.3 Sex Cinema**

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures however produced, which:

- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to or intending to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity
- (b) are concerned primarily with the portrayal of, or primarily deal with or relate to genital organs or urinary or excretory functions but does not include a dwelling-house to which the public is not admitted .

### **3.4 Sex Shop**

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- (a) sex articles
- (b) other things intended for use in connection with or for stimulating or encouraging:-
  - (i) sexual activity
  - (ii) acts of force or restraint which are associated with sexual activity.

### **3.5 Sex Articles**

A sex article is anything for use in connection with or for stimulating or encouraging

- (a) sexual activity
- (b) acts of force or restraint which are associated with sexual activity.
- (c) anything:-
  - i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
  - ii) to any recording of vision or sound, which
    - a) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
    - b) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

### **3.6 Sexual Entertainment Venue**

A sexual entertainment venue is any premises where any live performance or any live display of nudity is of such a nature that, regardless of financial gain, it must reasonably be assumed to have been provided solely or mainly for the purpose of sexually stimulating any member of the audience. It includes, but is not limited to, lap dancing, pole dancing, table dancing, strip tease, live sex shows and similar venues.

### **3.7 The Organiser**

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

### **3.8 Display of nudity**

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- in the case of a man: exposure of his pubic area, genitals or anus

### **3.9 Relevant locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment. The locality and the area covered is a matter for the Local Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence.

### **3.10 Permitted hours**

These are the hours of activity and operation that have been authorised under a sex establishment licence.

### **3.11 Appropriate Authority**

Wycombe District Council is the 'Appropriate Authority' for the purposes of the sex establishment licensing regime introduced by the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and adopted by the resolution of the Council on the 28<sup>th</sup> February 2011 taking effect from the 1<sup>st</sup> April 2011.

## **4. Background to the Area**

### **4.1 District background**

The District is a mixed urban and rural area, whose amenity the Council has a duty to protect. One of the Council's aims is to promote safer and stronger communities. These factors will be taken into account where applications will increase the concentration of entertainment uses in a way that would materially impact on the local area.

4.2 Wycombe District is situated in the heart of Buckinghamshire, which includes such features as the Chilterns and Thames Valley. The three main towns, High Wycombe, Marlow and Princes Risborough are within 'The Chilterns', a designated Area of Outstanding Natural Beauty, whose secluded countryside and rural communities provide a unique environment for residents and visitors to enjoy.

- 4.3 There is currently one premise licensed under the Licensing Act 2003 that conducts lap dancing, which is a 'sexual entertainment venue' under the new legislation.

### **Strategic Vision**

- 4.4 Wycombe District Council's vision to 2026 is that Wycombe District, will be economically strong and the place to live work and visit.
- 4.5 To deliver this vision the Council has adopted a Corporate Plan ((2016-2019) which sets out the strategic direction for the Council and informs the work of each of its services under three priorities of "place, people and pounds". We have set a series of projects to deliver these priorities and these can be found in our Corporate Plan on our website [www.wycombe.gov.uk](http://www.wycombe.gov.uk)
- 4.6 Wycombe District Council recognises that some of the issues that face our communities are bigger than we can deal with on our own. To address this we work in partnership with other local agencies to make a positive difference in people's lives. This group of agencies is called the Wycombe Partnership. The Partnership is collectively responsible for the delivery of the Sustainable Community Strategy (20139–2031) which has five common themes across Buckinghamshire: thriving economy; sustainable environment; safe communities; health and wellbeing and community involvement.
- 4.7 The projects and activities set out within Wycombe District Council's Corporate Plan are our direct contributions to the partnership Sustainable Community Strategy.
- 4.8 This aims of this Policy complement the thriving economy; safe communities; health and wellbeing and cohesive and strong communities themes of our Sustainable Community Strategy and the priorities as set out in our Corporate Plan.
- 4.9 All of these issues will be taken into consideration when considering applications made for sex establishment licences.

### **4.10 Impact**

In considering applications for the grant of new licences or variation of conditions, the Council will assess the likelihood of a grant causing adverse impacts, particularly on local residents. The Council will take the following general matters into account:

- Type of activity;
- Duration of proposed licence;

In considering all applications for renewal the Council will take into account:

- Proposed hours of operation.
- Layout and condition of the premises

- The use to which premises in the vicinity are put
- The character of the locality in which the premises are situated

4.11 In considering all applications for the grant of new licences or applications for variation of conditions the Council will take into account the potential impacts of the licensed activity on:

- Crime and disorder;
- Cumulative impact of licensed premises in the area including hours of operation;
- The character of the locality in which the premises is situated;
- Levels of recorded crime and disorder in the area;
- Past demonstrable adverse impact from the activity;
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts;

#### 4.12 **Location**

The Council acknowledges that the character of a locality is not something that remains static, but which can alter at any 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.

4.13 Licences will only be granted in predominately commercial areas and the Council is mindful of its power to determine that no sex establishment should be located in a particular locality. In accordance with case law, the Council shall decide a locality as a matter of fact to be determined by the particular circumstances of each case and not by drawing boundaries on a map.

The Council shall reserve the right to identify future areas that are not appropriate in accordance with The Home Office Sexual Entertainment Venues Guidance (March, 2010). The Policy shall be to determine the merits of any future applications dependant upon the prevalent 'character' of a locality, and in accordance with Government guidance and relevant case law.

### 5. **General Policy** **Principles to be applied**

5.1 Specific mandatory grounds for refusal of a licence are set out in the Act. A licence cannot be granted:

- a) to anyone under 18 years of age;
- b) to someone who has held a licence that was revoked in the previous 12 months and who was disqualified from holding a licence for that period;
- c) to someone who has been refused a new licence or renewal of licence within the last 12 months (from the date of making the application);



- d) to an individual who is not resident in the United Kingdom or who has not been resident for six months prior to the making of an application;
- e) to a company not incorporated in the United Kingdom;

## **5.2 Crime and Disorder**

Under section 17 of the Crime and Disorder Act 1998, local authorities must have regard to the likely effect of the exercise of their functions on, and do all that they can to prevent, crime and disorder in their area. This policy will have regard to the likely impact of such licences on related crime and disorder in the district. In giving “due regard” to this the Council will consider all information available and representations made from any objectors, the Applicant and in particular Thames Valley Police.

- 5.3 Every application for the grant, renewal or transfer will be considered on its individual merits, on a case by case basis.
- 5.4 The Council may also refuse a licence if the applicant is unsuitable to hold a licence because they have been convicted of a relevant offence or for any other reason. The suitability of an applicant is a matter for the local authority to determine at the time of application.
- 5.5 The Local Authority will take into account representations from the applicant, any person objecting and the Chief Officer of Police. The Council shall normally take into account:
  - previous knowledge and experience of the applicant and their managerial competence;
  - any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other area;
  - any report about the applicant and /or management of the premises received from objectors or the Police plus any relevant criminal convictions or cautions;
  - that the operator is proposing a management structure which will deliver compliance with operating conditions and policies. Information should be provided detailing the training of staff and the welfare of performers as well as means to protect the public;
  - any other relevant information.
- 5.6 The number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality.
- 5.7 The grant or renewal of licence would be inappropriate having regard to:
  - i) the character of the relevant locality;
  - ii) the use to which any premises in the vicinity are put; or
  - iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made;
  - iv) Where it can be shown that the business would be managed for the benefit of a third party who would be refused a licence;

- 5.8 The relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter of the local authority to decide at the time the application is made. Each application will be considered on its own merits.
- 5.9 In determining the character of relevant locality and the appropriate number of sex establishments in that relevant locality, the Local Authority will take into account, but not limit its determination to:
- (a) the use to which any premises in the vicinity are put;
  - (b) the number of existing sex establishments both in total and also in respect of each type (*i.e.* sex cinemas, sex shops and sex entertainment venues);
  - (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment associated with such entertainment (for example tattooing, piercing etc;)
  - (d) the proximity of residents to the premises, including any sheltered housing and accommodation for vulnerable persons;
  - (e) the proximity of educational establishments to the premises;
  - (f) the proximity of places of worship to the premises;
  - (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;
  - (h) the proximity to shopping centres;
  - (i) the proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs. This list is not exhaustive;
  - (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
  - (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated;
  - (l) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
  - (m) any evidence of complaints about noise and/or disturbance caused by the premises;
  - (n) current planning permission/planning requirements on the Premises and any current planning policy considerations;
  - (o) whether there is planned regeneration of the area;
  - (p) any current licensing permissions relating to the premises in relation to activities, uses and hours;
  - (q) the proposed activity and hours of opening

#### 5.10 Permitted Trading Hours

Premises will not be permitted to be open for trade other than at the following hours:

Sex Establishments (Shops/Cinemas): between 09.00 hours – 18.00 hours on Mondays to Saturdays, with no trading permitted on Sundays.

Sexual Entertainment Venues: Thursday - Saturday 12:00 – 02:00 hours,  
Sunday – Wednesday and Bank Holiday's; 12:00 – 00:00 hours.

## **6. The Application Process**

### **Making an application**

- 6.1 Any application should be made in writing to the Council Licensing Team. Please note that generally, applications may take 8-12 weeks to determine. Applications can be made by individuals (over 18) or by companies.
- 6.2 Applicants for a licence must complete and return the application form, together with:
- two sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
  - two sets of plans showing the existing and front elevation of the premises depicting all signage;
  - two sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
  - two sets of plans (scale 1:50) showing the layout of the sex establishment;
  - the correct fee as approved by the Council. Fees will be reviewed on an annual basis and details will be published on the Council's website and included within application packs.
- 6.3 As part of the application process, applicants are required to post a white A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details.
- 6.4 The notice must be posted in a prominent position on the premises for the whole of that time so that it can be easily read by passers-by. Applicants are also required to place a public notice in a local newspaper, for example the Bucks Free Press, at their own expense. The newspaper notice should appear in the publication within 7 days of the application being lodged. Within 14 days of the date on which the Application is made the applicant must also send one complete copy of the newspaper containing the advertisement to the Council's Licensing Unit.
- 6.5 Authorised Officers from the relevant Authority may choose to inspect the premises. This includes Council Licensing Officers, Thames Valley Police and the Fire Authority to ensure that required technical standards are met. If works are required to bring the premises up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 6.6 As part of the established procedure for dealing with applications, the Council's Control of Pollution Team will be consulted. If there is the possibility of noise nuisance from amplified music or other sources, these

officers may also carry out an inspection and recommend noise insulation work. Any requirements they identify must be complied with at all times any licence is in force.

- 6.7 Notice of all applications (new, renewal, variation and transfer) shall be given to Council Licensing Officers, Thames Valley Police, the Council's Control of Pollution Unit, the Fire Authority, relevant Ward Members and any other person(s) as deemed appropriate by the Council. Copies of all documentation must be provided to all parties.
- 6.8 Applicants are advised that any person who, in connection with an application for the grant renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which she/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 6.9 Any licence approved does not constitute any approval under any other Acts (for example, the Town and Country Planning Act 1990) or Bye-Laws. The applicant must ensure that all other necessary consents and approvals are obtained prior to operation.
- 6.10 The Council will not determine an application for grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.
- 6.11 On the grant of a licence, the licence document will have the agreed days and hours of operation set out, together with any other specific and/or standard conditions applied. Licence holders must comply with all requirements of the licence. Sex Establishment Licences will normally expire on an annual basis, but can be issued for a shorter term if deemed appropriate.
- 6.12 Application forms, sample advertisements and site notices are available via [www.wycombe.gov.uk/licensing](http://www.wycombe.gov.uk/licensing) or on request from the Licensing Unit.
- 6.13 **Renewal of Licences**

To continue operating as a sex establishment, licence holders must make a renewal application prior to the expiry of any existing licence.
- 6.14 The Council will not determine an application for renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

### **6.15 Variation of Licence**

The application form, with relevant plans and fee should be sent to the Licensing Unit. Please note that applications for any variation to a licence are also subject to the site and newspaper notice requirements as set out above for new applications.

- 6.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in Licensee must be the subject of a transfer application.

### **6.17 Transfer of Licence**

The Council will not determine an application for transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

## **7. Representations on an Application**

- 7.1 As a result of the specific statutory advertising requirements, the Council will not proactively consult local residents on applications. The Council will reserve the right in exceptional circumstances to consult local residents in relation to applications for grant, renewal or variation of the terms or conditions of a licence depending upon the individual circumstances of each application. The nature and extent of consultation will depend on the history of a particular premises and the perceived likelihood of problems occurring and objections being received.
- 7.2 Any person wishing to object to an application must submit a written representation within the 28 day consultation period specified to the Licensing Service, setting out the grounds of objection.
- 7.3 Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 7.4 The legislation dictates that, unless a person making representations consents, their name and address shall not be revealed to the applicant. They may also be reluctant to appear before a hearing of the Sub-Committee.
- 7.5 However, the grounds of any objection made in relation to an application must be provided to the applicant prior to the determination of the application. The report to the relevant Sub-Committee will provide full details of the objections, including any actions / undertakings proposed by the applicant to address matters raised.
- 7.6 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address

the Sub-Committee before the application is determined (See Appendix 2 below).

## **8. Grandfather Rights**

There are no grandfather rights contained within the Act. Where an application is made for a new licence to carry out the same activities as previously undertaken at a premise, where hours of operation and conditions are requested as previously licensed, the Council shall give due weight to the fact that the licence was granted in the previous year and for a number of years before that if relevant. However, the Council will take into account:

- Levels of recorded crime and disorder in area;
- Evidence of past demonstrable adverse impacts from the activity on the safety and amenity of local residents;
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.

## **9. Appeals**

9.1 There is no right of appeal:

- against refusal of a licence on the grounds set out in paragraph 5.1 above, unless an applicant can prove the appropriate ground of refusal does not apply to them;
- where refusal of a licence is based on the grounds set out in paragraphs 5.6 and 5.7 above;
- against conditions applied to a licence

9.2 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

9.3 Where an appeal is lodged (other than on grounds previously stated) against refusal to renew or for revocation, the licence remains in force until such time as the appeal is determined. Where an appeal is lodged against conditions applied to a licence, the conditions are deemed not to come into force until the determination or abandonment of the appeal.

## **10. Enforcement Enforcement Policy**

10.1 The Council's Licensing Enforcement Policy is based upon the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.

10.2 The Enforcement Policy (available on request from the Licensing Unit) proposes that a graduated response is taken where offences against licensing legislation are found or where licence conditions have been

contravened. An isolated administrative offence – such as failing to display a Premises Licence Summary – may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety – such as failing to maintain fire safety equipment properly – may result in a referral for prosecution.

### **Enforcement General**

- 10.3 The Council will seek to work actively with the police in enforcing licensing legislation and is a signatory to the Buckinghamshire Memorandum of Understanding and Joint Enforcement Protocol along with Thames Valley Police and the other local authorities in Buckinghamshire. The Protocol seeks to ensure a consistent and appropriate approach to enforcement. The Protocol is available on the Council's website at [www.wycombe.gov.uk/licensing](http://www.wycombe.gov.uk/licensing) or a copy can be obtained by contacting the Licensing Unit on 01494 421222 or at [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk). The police, the Authority and other agencies will share information about licensees and licensed premises under the provisions of current legislation.
- 10.4 The Council will provide a licensing enforcement function to investigate allegations of unlicensed activities and to ensure that licence conditions are complied with. Any inspection regime will be relative to the type of premises to be inspected i.e. properly managed and maintained premises will not require the same number of inspections as problem and high risk premises.
- 10.5 The Council will carry out its responsibilities in relation to enforcement so as to promote business whilst protecting the public and will aim to ensure that enforcement is fair, open, reasonable, consistent and proportionate. Action will be taken against the most appropriate person, which may not be the licence holder or premises supervisor, depending upon the circumstances.

## **11. Human Rights**

- 11.1 The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 that in the 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, including, for example, the right to a “good night sleep”;
  - Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession.

## **12. Further Information / Contacts**

Licensing Unit  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Buckinghamshire  
HP11 1BB

e-mail: [licensing@wycombe.gov.uk](mailto:licensing@wycombe.gov.uk)  
Tel: 01494 421222  
Fax: 01494 421791

Further information about the new licensing regime can also be obtained from:

Department for Media, Culture and Sport,  
2-4 Cockspur Street  
LONDON  
SW1Y 5DH  
Tel: 020-7211 6200  
e-mail: [Enquiries@culture.gov.uk](mailto:Enquiries@culture.gov.uk)  
Web: [www.culture.gov.uk](http://www.culture.gov.uk)

The Local Government Licensing Forum  
[www.lglf.org](http://www.lglf.org)

Copies of reports and minutes of the Licensing Committee are available on the Council's website at [www.wycombe.gov.uk](http://www.wycombe.gov.uk), following the links to **Council and Democracy** or by contacting the Licensing Unit (details as above)



# APPENDIX 1

## WYCOMBE DISTRICT COUNCIL

### REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

THESE REGULATIONS ARE MADE BY WYCOMBE DISTRICT COUNCIL UNDER PARAGRAPH 13(1) OF THE THIRD SCHEDULE OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

#### Notes

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

#### Part I General

##### Definitions

1. In these Regulations, save when the context otherwise requires, the following expressions shall have the following meanings:
  - i) "Sex Establishment", "Sex Cinema", "Sex Shop", "Sex Article" and "Sexual Entertainment Venue" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
  - ii) "Premises" means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.

- iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- iv) "Approved" means approved by the Council in writing.
- v) "The Council" means Wycombe District Council.

### **General**

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

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

### **Exhibition of Licence**

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

### **Times of Opening**

- 5. Except with the previous consent of the Council a Sex Cinema or Sex Shop shall not be open for trade except between the hours of 09.00 hours – 18.00 hours on Mondays to Saturdays, with no trading permitted on Sundays. A Sexual Entertainment Venue shall not be open for trade other than between the hours of 12:00 – 00:00 Mondays to Wednesdays, 12:00 – 02:00 Thursdays to Saturdays and 12:00 – 23:00 hours on Sundays and Bank Holidays.

### **Responsibility of Licensee**

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

## **Conduct and Management of Premises**

8. The Licensee or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and within the Premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules, a copy of which shall be held on the premises.
9. The Licensee or the responsible person approved under Regulation 8 shall maintain a daily register to be kept on the Premises in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the Council.
10. The Licensee shall ensure that during the hours the Sex Establishment is open for business, every employee wears a badge of a type to be approved by the Council bearing the photograph of the employee, indicating his name and that he is an employee.
11. A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
12. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
13. The Licensee shall maintain good order in the premises at all times.
14. The Licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
15. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
16. Neither the Licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

17. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.
18. The Licensee shall comply with all statutory provisions and any regulations made thereunder.

### **External Appearance**

19. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
  - i) any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
  - ii) such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
20. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
21. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council opaque curtains of a type and size approved by the Council. This regulation shall not be construed as lessening the obligations of the Licensee under Regulation 19 hereof.

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

22. The Premises shall be maintained in good repair and condition at all times.
23. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :
  - (i) all such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
  - (ii) doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private".
  - (iii) save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
24. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

25. The Licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
26. No fastening of any description shall be fitted upon any booth or cubicle within the premises nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
27. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
28. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council at all times.

### **Maintenance of mean of escape**

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

### **Fire Appliances**

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

### **Lighting**

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

### **Electrical Installations**

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

### **Change of Use**

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

### **Admission of Authorised Officers**

40. Officers of the Council, Thames Valley Police, and other authorised agencies shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

**Part III Conditions Applying to Sex Shops**

**Goods Available in Sex Establishments**

- 41. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 42. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
- 43. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

**Part IV Conditions Applying to Sex Cinemas**

**Film Categories**

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

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	Passed only for persons of 12 years and over.
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
RESTRICTED (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

**Exhibition of Films**

- 45. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985; i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.
- 46. No film shall be exhibited at the premises unless:
  - (a) it is a current news-reel; or
  - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
  - (c) it has been passed by the Council as a U, PG, 12, 15, 18 RESTRICTED (18) film.

### **RESTRICTED (18) films**

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

### **Unclassified Films**

48. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rules 45 and 47 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

### **Persons under 18 Notice**

49. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:  
  
PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

### **Category notices**

50. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in form large enough for it to be read from any seat in the auditorium.

### **Timetable of films**

51. The licensee shall display in a conspicuous position, to the satisfaction of the Council, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

### **Advertisements**

52. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
53. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground, that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime to lead to disorder or to be offensive to public feeling, that advertisement shall not be displayed at the premises except with the prior consent in writing of the licensing authority.



## **Objection to exhibition of film**

54. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

## **Additional conditions for 'Club' Cinemas showing films in the restricted classification**

55. (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.

(ii) When the programme includes a film in 'restricted 18' category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

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

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

(iii) The timetable of films required by rule 51 shall include the following addition to the categories shown;

"Category 'RESTRICTED 18' passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".

(iv) All registers of members and all visitors, books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.

(v) Tickets shall in no circumstances be sold to persons other than members.

(vi) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vii) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(viii) Membership rules for these club cinemas shall include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

- (b) Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.
- (f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.
- (h) On admission, a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made thereunder.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The proprietors will reserve the right to refuse admission to any person.
- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

### **Sale of sex articles**

- 56. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or

restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

## **Part V Conditions Applying to Sexual Entertainment Venues**

### **Times of Relevant Entertainment**

1. Relevant entertainment shall be permitted at premises between 12:00 – 01:00 Mondays to Saturdays and 12:00 – 23:00 on Sundays and Bank Holidays

### **Performances of Relevant Entertainment**

2. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

### **Age Restrictions**

3. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
4. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

### **Staff**

5. All staff employed to work at any premises licensed as a Sexual Entertainment Venue in a managerial or supervisory capacity shall be required to provide an Enhanced Criminal Records Bureau Disclosure to the Licensing Authority in which the premises is located.

### **Club Rules**

6. The premises must provide a copy of its Club Rules to the Council and Thames Valley Police.
7. All performers and staff shall be aware of the Club Rules.
8. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

### **Management Operation Manual**

9. A Management Operation manual detailing all aspects of procedure when the premises are operating relevant entertainment shall be produced and approved by Thames Valley Police. This document shall be on going and under constant review.

## **Performers**

10. Performers shall be aged not less than 18.
11. All performers shall be aware of the Management Operation.
12. A log book shall be maintained on the premises detailing the names, start and finish times of individual performers involved in all forms of adult entertainment.
13. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.
14. On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

## **Performances**

15. There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance. Clear notices shall be displayed at each table stating this requirement.
16. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
17. No audience participation shall be permitted.
18. Signs displaying the rules on the performance relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.
19. In the event of the relevant entertainment be performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment.

## **Door Supervisors**

20. An adequate number of registered Door Supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the premises and in the vicinity of the dressing room.
21. The Door Supervisors shall be on duty at the premises at all times when the premises provide relevant entertainment.
22. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear high visibility clothing.
23. The premises shall be a member of the Pubwatch scheme and have radio communications with the Council's CCTV Control Room.

## **Closed Circuit Television (CCTV)**

24. A CCTV system shall be installed to cover all entrances and exits to the premises and areas where relevant entertainment will take place. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 28 days with date and time stamping.
25. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
26. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
27. A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Thames Valley Police.
28. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises are open till the premises are clear of customers, cleared of staff and closed.
29. The premises will provide any footage upon request by Thames Valley Police or the Licensing Authority within 24 hrs of the request.
30. The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours.

## **Crime Survey**

31. Upon completion of a crime survey by Thames Valley Police, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

## **Layout of premises**

32. The approved activities shall take place only in the areas designated by the Licensing Authority and Thames Valley Police.
33. All dance booths are to be equipped with a panic alarm for safety.

34. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it.
35. The approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place.
36. The layout within areas used by customers shall not under go substantial change without the prior written consent of both Thames Valley Police and the Licensing Authority.

### **Change of Use of Premises**

37. The Licensing Authority and Thames Valley Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

### **Sale of Goods**

38. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

## APPENDIX 2

### WYCOMBE DISTRICT COUNCIL

#### PROCEDURE AT ORAL HEARINGS BEFORE THE COUNCIL'S SUB-COMMITTEE UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. The Panel will be assisted on matters of law and procedure by their Legal Advisor ("the Legal Advisor") who will be one of the Council's Solicitors.
2. The Sub-Committee will be sent the report and associated papers in advance of the hearing and will come to the panel meeting having read the papers and familiarised themselves with the application.
3. The hearing will be in public, unless the Sub-Committee decide that it is in the public interest to exclude the public from all or part of a hearing. The Licensing Authority has determined that it is in the public interest to exclude the public, including all parties, from that part of the hearing when the Sub-Committee are deliberating in order to reach their decision.
4. The Chairman (or if he or she wishes, the Legal Advisor) will briefly explain the procedure to all parties and will introduce the Members of the Sub-Committee and other persons present. He or she will explain the roles of the Sub-Committee and the Legal Advisor.
5. Any party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.
6. If a party is unrepresented, the Legal Advisor to the Sub-Committee may assist them in presenting their case and this assistance may include asking them questions for the purpose of clarifying their representation.
7. Any party wishing to call another person (other than a person representing them) to make oral representations must provide details of this in advance of the hearing. At the beginning of the hearing, the Sub-Committee will consider any such requests and confirm whether permission is granted for that person to speak.
8. The purpose of an oral presentation is for a party to amplify their written application or representation and no new representations should be made at the hearing. In order to ensure fairness, all parties are expected to restrict their case to a reasonable time period for their oral presentation (including presentations made by another person on their behalf, but excluding time taken to answer questions from other parties). The Chairman will be responsible for ensuring that this time limit is adhered to. In the case of interested parties, where the representations relate to the same or similar issues, they should either appoint a spokesperson to

speak of their behalf for up to the maximum period of 5 minutes or should split the time between them. Each separate Responsible Body is entitled to make oral presentations for a maximum period of 5 minutes. If a party believes it is necessary to make an oral presentation in excess of 5 minutes, they should make their request to the Chairman prior to any party having presented their case. The Sub-Committee will decide if it is appropriate for a longer time period to be given. If a longer time period is allowed, the other parties will also be able to make oral presentations up to this new maximum period. The Sub-Committee's decision on the length of oral presentations is final.

9. The Sub-Committee will generally allow parties to ask questions of other parties and the procedure outlined below allows for this. However, the Sub-Committee may stop a party asking questions if they feel the questions are unnecessary. Parties are reminded to treat other parties with respect and any form of harassment or excessive questioning will not be tolerated. In such a case, the Chairman will ask the party to discontinue that type of questioning and may ask the party to leave if they are disrupting the proceedings.
10. Any person disrupting the proceedings, whether a party or not, may be asked to leave the hearing and will only be permitted to return on such conditions as the Sub-Committee shall specify.
11. ORDER OF ORAL PRESENTATIONS
  - a. The Licensing Officer will present the report on the application and outline any objections received. He or she will refer in particular to objections and representations where a party has chosen not to attend the hearing.
  - b. Any party may question the Licensing Officer.
  - c. The Sub-Committee may question the Licensing Officer.
  - d. Any responsible body having made a written representation may present their case.
  - e. Any other party may question a responsible body.
  - f. The Sub-Committee may question a responsible body.
  - g. An interested party, having made a written representation, may present their case.
  - h. Any other party may question an interested party.
  - i. The Sub-Committee may question an interested party.
  - j. The Applicant may present their case.
  - k. Any other party may question the Applicant.
  - l. The Sub-Committee may question the Applicant.
12. The Legal Advisor will raise any relevant legal points and if any are raised, the parties will have an opportunity to respond to any legal advice given.
13. The Sub-Committee, their Legal Advisor and any person present solely for the purpose of taking notes of the meeting will then withdraw or will require



other persons, including all parties, to leave the room in order for the Sub-Committee to determine the application.

14. The Sub-Committee will come to a decision.
15. The Legal Advisor will by letter inform the Applicant, the Licensing Officer and any person who has made a representation (whether or not they were present at the meeting) of the Sub-Committee's decision within the time limits as set out in Regulations.