



**SEX ESTABLISHMENT AND SEXUAL ENTERTAINMENT  
VENUE LICENSING POLICY**

**MARCH 2011**

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## **1. Introduction**

- 1.1 This policy sets out the County of Durham Council's ("The Authority") requirements for premises to be licensed as sex establishments or sexual entertainment venues.
- 1.2 Durham County Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that the Authority may licence sex shops, sex cinemas, and sexual entertainment venues in County Durham.
- 1.3 The 1982 Act and the 2009 Act can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk)
- 1.4 In this policy all such premises are referred to as "sex establishments" unless stated otherwise.
- 1.5 The Authority 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 industries. The licensing authority's role is to administer the licensing regime in accordance with the law.
- 1.6 This policy was approved by Full Council on (date).
- 1.7 Consultation was conducted with local residents; potential holders of sex establishment licences for premises in County Durham; the statutory responsible authorities under the Licensing Act 2003; and holders of premises licences and club premises certificates under the Licensing Act 2003.
- 1.8 In developing the policy the Authority considered the legal requirements of the 1982 Act and its duties under:
  - (a) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder.
  - (b) The Regulators' Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations set out and to particularly consider the impact of regulations on small businesses.
  - (c) The Provision of Services Regulations 2009 to ensure requirements are non-discriminatory, justified by an overriding reason relating to the public interest, proportionate to that public interest objective, clear and unambiguous, objective, made public in advance, transparent and accessible.

## **2. County Durham**

- 2.1 The County of Durham is located in the heart of the North East of England. From its western boundary high in the Pennine Hills, to the limestone cliffs of its North Sea coastline, County Durham features a rich diversity in lifestyle and culture including an historic University, a World Heritage Site, Beamish and Bowes Museums, Durham City, Lumley and Lambton Castles, designated areas of Outstanding Natural Beauty, and historic villages and market towns. Approximately 4 million visitors are attracted to the County each year.
- 2.2 The County currently has a resident population of around 493,500 with more than half of the residents living in villages of less than 10,000 people. Many of the County's 12 main towns and 240 other small towns and villages are associated with its proud coal mining heritage.
- 2.3 Potential operators should refer to the Local Development Framework for details about the local planning authority's approach to granting planning permission for developments where such activities may take place:  
([www.durham.gov.uk/pages/service.aspx?serviceid=856](http://www.durham.gov.uk/pages/service.aspx?serviceid=856)).
- 2.4 Further information is contained in the Sustainable Community Strategy 2010-2030 which can be obtained from the Council's offices or website ([www.durham.gov.uk](http://www.durham.gov.uk)).

### **3. Commenting on Licence Applications**

- 3.1 The Chief Officer of Police is a statutory consultee for all applications but a wide range of people can raise objections about sex establishment licence applications.
- 3.2 Objections should be relevant to the statutory grounds for refusal that are set out in Schedule 3 (s.12) of Local Government (Miscellaneous Provisions) the 1982 Act:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - (d) that the grant or renewal of the licence would be inappropriate, having regard:
    - (i) to the character of the relevant locality; or
    - ii) to the use to which any premises in the vicinity are put;or
    - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 3.3 The Authority will take the following approach to deciding applications:
- (a) Each case will be decided on its merits.
  - (b) As well as individuals, objectors can include residents' associations, community associations, local businesses, trade associations. Councillors elected to the County Council of Durham, Parish Councils and Members of Parliament elected to serve areas within the County of Durham. Elected Councillors may represent interested parties, provided that they do not also sit on the Licensing Committee determining that application.
  - (c) Clear reasons will be given for the Authority's decisions.
- 3.4 The Authority will not consider objections that are frivolous, vexatious or repetitious, or which relate to moral grounds, as these are outside the scope of the 1982 Act. Decisions on whether objections are frivolous or vexatious will be made objectively by the

Authority and not on the basis of any political judgement. A referral will be made to the Chair or Vice-Chair of the Licensing Committee. The objector will be given a reason, in writing, where an objection is rejected. A report will be made to the Licensing Committee determining the application, indicating the general grounds of the representation and why it was rejected.

- 3.5 Objections will be considered by the Licensing Committee. Objectors will be entitled to attend any hearing to determine an application and both applicants and objectors will be given an equal opportunity to state their case.
- 3.6 An application referred to the Licensing Committee will normally be considered within 20 working days of the day after the end of any representation period permitted by law. However, the Authority may extend this period if it is considered fair to do so in the public interest. If the Authority decides to extend the fixed period, written notification of the extension and duration will be given to the applicant and objectors, giving the reason(s).

#### **4. Exchange of Information**

- 4.1 The Authority will occasionally exercise its powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the Police and other partners to fulfil its statutory objective of reducing crime in the area.
- 4.2 Details of applications and objections that are referred to the Licensing Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000.
- 4.3 The names and addresses of objectors will not be disclosed or published in public reports in accordance with the 1982 Act although such details will be made available to Councillors on the Licensing Committee. Names and addresses of objectors will not be disclosed to applicants without the consent of the person making the objection.

## **5. Compliance and Enforcement**

- 5.1 The Association of Chief Police Officers advise that sex establishments are not generally a source of crime or disorder. The Authority will normally adopt a light touch inspection regime except when, on the basis of information received, such an inspection regime would not be considered sufficient.
- 5.2 The Authority's approach to enforcement is set out in the Authority's Corporate Enforcement Policy which is available on request.



## **6. Sex Shops and Sex Cinemas**

- 6.1 Licences for sex shops are required where there are any 18R films or where there is a “significant degree” of “sex articles” being offered.
- 6.2 The phrase “sex articles” is defined in the 1982 Act but a “significant degree” is not. When considering whether or not a business is selling a significant degree of sex articles and needs a licence, the Authority will consider:
- (1) the ratio of sex articles to other aspects of the business
  - (2) the absolute quantity of sales
  - (3) the character of the remainder of the business
  - (4) the nature of the displays in the business
  - (5) turnover
  - (6) other factors which appear to be materially relevant.
- 6.3 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence due to age, domiciliary status or previous criminal convictions.
- 6.4 The Authority will consider any application on its merits, although generally:

### Sex Shops

- in predominantly residential areas will be subject to the presumption that they will always be refused;
- in predominantly commercial areas may be granted subject to the satisfaction of defined criteria unless outweighed by other persuasive or compelling factors;
- in predominantly industrial areas may be granted subject to the satisfaction of defined criteria unless outweighed by other specified factors.

### Sex Cinemas

- in predominantly residential areas will be subject to the presumption that they will always be refused;
- in predominantly commercial areas may be granted subject to the overall nature of the area being taken account of and any representations made;
- in predominantly industrial areas will be subject to the presumption that they will always be refused but discretion may be exercised to grant after taking account of the area and any representations made.

- 6.5 In considering the characteristics of a locality the Authority will particularly take account of the density and proximity of residential accommodation, parks and children's play areas, other retail units (and their uses), educational establishments, religious buildings, community halls, youth clubs, hospitals, medical and counselling centres, sports clubs and venues, public entertainment venues and other licensed premises.
- 6.6 The Authority will grant licences for sex shops and sex cinemas for the maximum duration of a year. For renewal applications, the statutory requirements for advertising, giving notice, consideration by the licensing authority, hearings and the giving of reasons are the same as those applying to initial grants.
- 6.7 The Authority does not consider it would be appropriate to permit waivers from the requirement to hold a sex establishment licence except in extreme circumstances considered by the Licensing Committee (for example, to allow a temporary relocation of a business following damage to licensed premises).
- 6.8 The Authority has a standard application form, including public notices, which is available on request.
- 6.9 The Authority has adopted standard conditions for the operation of sex shops that are set out at appendix 1. Where it is reasonable and necessary to do so, the Licensing Committee will impose additional proportionate conditions on a licence.

## **7. Sexual Entertainment Venues**

- 7.1 Licences for sexual entertainment venues are required for “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”.
- 7.2 “Relevant entertainment” is defined in schedule 3 (as amended by section 27 of the Policing and Crime Act 2009) 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)”. An audience can consist of just one person, e.g. in a private booth.
- 7.3 In deciding whether entertainment is “relevant entertainment” the Authority will judge each case on its merits but it will generally apply to lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. Other Adult entertainment not classed as “relevant entertainment”, and the supply of alcohol, will still require licensing under the Licensing Act 2003 for which a separate licence is required. It should be noted that there does not have to be nudity to make it relevant entertainment and clothed or partially clothed performers may come within the definition.
- 7.4 There are some specific grounds for refusing sex establishment licences set out in paragraph 12 of schedule 3 to the 1982 Act. These include where the applicant is unsuitable to hold a licence due to their age, domiciliary status or previous criminal convictions.
- 7.5 The Authority will consider any application on its merits, although generally:

### Sexual Entertainment Venues

- in predominantly residential areas will be subject to the presumption that they will always be refused;
  - in predominantly commercial areas may be granted subject to the overall nature of the area being taken account of and any representations made;
  - in predominantly industrial areas will be subject to the presumption that they will always be refused but discretion may be exercised to grant after taking account of the area and any representations made.
- 7.6 In considering the characteristics of a locality the Authority will particularly take account of the density and proximity of residential accommodation, parks and children’s play areas, other retail units (and their uses), educational establishments, religious buildings, community halls, youth clubs, hospitals, medical and counselling

centres, sports clubs and venues, public entertainment venues and other licensed premises.

- 7.7 The Authority will grant licences for the maximum duration of a year. For renewal applications, the statutory requirements for advertising, giving notice, consideration by the licensing authority, hearings and the giving of reasons are the same as those applying to initial grants.
- 7.8 The Authority does not consider it would be appropriate to permit waivers from the requirement to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis of no more than eleven occasions within a 12 month period, providing there is at least one month between each period of entertainment which itself does not last for more than 24 hours.
- 7.9 Where a person is to hold entertainment that would make the premises a sexual entertainment venue, but on less than eleven occasions within a 12 month period, whilst a sexual entertainment licence is not required the person must comply with all statutory requirements that apply to a person taking advantage of this exemption and will in any event be expected to notify the Licensing Authority of each such event.
- 7.10 The Authority has a standard application form, including public notices, which are available on request.
- 7.11 The Authority has adopted standard conditions for the operation of sexual entertainment venues that are set out at appendix 2. Where it is reasonable and necessary to do so, the Licensing Committee will impose additional proportionate conditions on a licence.

## **Appendix 1**

**The following are standard conditions for Sex Shops and Sex cinemas that will be automatically applied to any licence granted.**

### Management of the Premises

1. The licence holder (or some responsible person nominated in writing by the licence holder and approved by the Council) has personal responsibility for the premises and is responsible at all times when the premises are open to the public.
2. Where the licence holder is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body must be notified in writing to the Council within 14 days of such change.
3. A summary of the licence must be displayed at all times in a conspicuous position on the premises, and a full copy must be available upon request.
4. The name of the person responsible for the management of the premises must be displayed at all times in a conspicuous position on the premises.
5. The licence holder must retain control over all parts of the licensed premises and must not let, licence or part with possession of any part. The Council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licence holder's control of the premises.
6. No person under the age of 18 may be admitted to the licensed premises and a notice to this effect, in accordance with condition no. 18, must be displayed on the outside of the premises. The Challenge 25 Scheme must be operated at the premises.
7. The licence holder, any employee or agent must not solicit custom for the sex establishment outside or in the vicinity of the premises.
8. The licence holder must ensure that, during the hours the premises are open for the purposes of the business, every agent or representative of the licence holder (other than the performers) wears a badge of a type approved by the Council indicating their name and that they are an employee, agent or representative.

### Opening of the Premises

9. The hours prescribed by the Authority will be detailed on the licence.

### Conduct of the Premises

10. No change from a sex shop to a sex cinema or a sex cinema to a sex shop may be made without the written consent of the Council.

11. No sex articles or 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, may be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.
12. A sex shop must be conducted primarily for the purpose of the sale of goods by retail.
13. All sex articles and other things displayed or advertised for sale, hire, exchange or loan must be clearly marked to show the price being charged.
14. All printed material offered for sale, hire, exchange or loan must be available for inspection prior to purchase, and a notice to this effect must be displayed in a conspicuous position within the premises.
15. No film or video recording (or computer game) may be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to the effect.

#### External Appearance of the Premises

16. The licence holder may, on the outside of the premises, and subject to the prior written approval of the Council, exhibit the name of the business and a notice consisting of the words "Licensed Adult Establishment".
17. The licence holder must exhibit a notice of the opening times including the words "No person under the age of 18 allowed. People who appear to be under the age of 25 will be required to produce on request identification bearing their photograph, date of birth and a holographic mark to show proof of their age."
18. No other words, signs, displays or advertisements may be displayed outside or in the vicinity of the premises except those mentioned in condition 19 or otherwise approved by the Council in writing, and no external loudspeakers may be installed.
19. The interior of the premises must not be visible from outside the building.

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

20. The premises must be maintained in good repair and condition.
21. External doors must be kept closed at all times other than when people are entering or leaving the premises. The external doors must be fitted with automatic closing devices and these devices must be maintained in good working order.
22. The premises must be fitted with an inner entrance door or screen so that no part of the interior or any of the contents in the premises may be visible when people are entering or leaving the premises.

23. Access must not be permitted through the premises to any adjoining or adjacent premises except in an emergency.
24. Lighting must operate continuously in the premises whenever it is open to the public.
25. No alterations or additions, whether internal or external, may be made to the premises without prior written consent from the Licensing Authority.
26. Any facilities for previewing films, video or digital recordings or similar material must be physically separated from the display area of the shop so that no material being displayed is visible or audible outside the preview area.
27. No fastenings of any description may be fitted to any booth or cubicle within the premises and no more than one customer or member of the public (excluding an employee or agent of the licence holder there solely for the purposes of the licence holder's business) may be present in any booth or cubicle at any time

### Safety and Security

28. The licence holder must take all reasonable precautions for the safety of the public and employees.
29. The licence holder must take the necessary steps to check the age of customers entering the premises who appear to be under the age of 25 to ensure they are not younger than 18 and where a person is refused entry because of age to keep a record of such in an appropriate register.
30. The licence holder must ensure that a digital CCTV system is installed in the premises to the satisfaction of Durham Constabulary and in respect of which the following conditions shall apply:
  - It must be of such a quality that individuals are readily identifiable from recordings made.
  - It must cover all public entrances and other areas to which the public have admission.
  - It must be operated by properly trained staff.
  - It must be in operation at all times that the premises are being used for licensable activities.
  - Recordings must be kept secure where they cannot be tampered with, and retained for a period of no less than thirty (30) days or such other period as shall be specified by Durham Constabulary.
  - Recordings must be available on request to the Licensing Authority and/or Durham Constabulary, and be provided within 14 days of any such request.

31. The licence holder must within the premises, without charge, display and make available such free literature on counselling on matters relating to sexual problems as may be published by the Family Planning Association and other similar organisations. Free literature relating to the prevention of sexually transmitted diseases and HIV must be available and displayed in a prominent position.
32. All advertising and/or promotional literature must not depict explicit material that shows nudity or describes or represents sexual activity in a direct and detailed way.



## Appendix 2

**The following are standard conditions performer rules and codes of conduct for Sexual Entertainment Venues that will be automatically applied to any licence granted.**

### Licence Conditions

- 1 No person under the age of 18 years is permitted in the premises whilst any live performance of sexual entertainment or live display of nudity is taking place, and a notice must be clearly displayed at the entrance to the premises stating “No person under 18 will be admitted. People who appear to be under the age of 25 will be required to produce on request identification bearing their photograph, date of birth and a holographic mark to show proof of their age.”
- 2 Each area must display signs advising customers of the minimum standards for customer conduct. Such signs must first have the approval of the Authority and must include the minimum standards set out in these conditions.
- 3 Performers must be aged 18 years or over. People who appear to be under the age of 25 will be required to produce on request identification bearing their photograph, date of birth and a holographic mark to show proof of their age.
- 4 A price list must be displayed in a prominent position giving the price and time allowed for a dance routine that may be requested by a customer.
- 5 Performers not performing must not remain in the public area unless clothed.
- 6 There must be no physical contact between customers and entertainers during a performance, except for the placing of dance tokens or money into the hands of a performer at the beginning or end of a performance.
- 7 Customers must remain seated whilst watching a performance.
- 8 Anyone employed on the premises to work in the capacity as a door supervisor must hold a current licence with the Security Industry Authority.
- 9 No glass bottles may be taken from the premises.
- 10 The licence holder must ensure that a digital CCTV system is installed in the premises to the satisfaction of Durham Constabulary and in respect of which the following conditions shall apply:
  - It must be of such a quality that individuals are readily identifiable from recordings made
  - It must cover all public entrances and other areas to which the public have admission

- It must be operated by properly trained staff
  - It must be in operation at all times that the premises are being used for licensable activities
  - Recordings must be kept secure where they cannot be tampered with, and retained for a period of no less than thirty (30) days or such other period as shall be specified by Durham Constabulary
  - Recordings must be available on request to the Licensing Authority and/or Durham Constabulary, and be provided within 14 days of any such request.
- 11 A representative of the licence holder will become a member of the local Pubwatch or Clubwatch scheme and attend regularly.
- 12 Performers must be provided with a secure lockable changing room.
- 13 At the beginning and end of a performance performers must be escorted by an employee to and from the dressing room and stage or area set aside for a performance so far as possible without passing through the audience.
- 14 At the end of each shift, suitable arrangements must be made for the safe departure of all performers.
- 15 Any person who appears to be drunk or too much under the influence of alcohol and/or drugs will not be admitted to the premises.
- 16 The licence holder or nominated person must discourage criminal conduct, in particular the use of illegal substances, by displaying notices in and at the entrance to the licensed premises that clearly state "Entry will be refused to any person who appears to be drunk and/or too much under the influence of alcohol and/or drugs and/or threatening or violent. Entry may be refused to any person who has been convicted of an offence of drunkenness, violent or threatening behaviour, or the use of or distribution of illegal substances at a licensed venue. CCTV is in use at the premises and evidence may be recorded using such or other electronic means. Offences will be reported to the Police".
- 17 The licence holder or nominated person will record full details of the circumstances surrounding any seizure of drugs or articles taken as a consequence of a criminal offence or other incident, notify the Police within 24 hours, and items will be retained where they may be required as evidence.
- 18 The licence holder or nominated person will provide a suitable receptacle in accordance with Police guidance for the safe retention of illegal substances and inform the Police to arrange appropriate disposal.

## Performer Rules

Performers must be required:

1. The licence holder must have in place suitable arrangements to ensure the safety of performers arriving or leaving the building, to the minimum standard outlined in the application.
2. To be clothed when not performing.
3. Prior to starting work to complete and sign an appropriate form and provide evidence by means of photographic identification in the form of a valid passport or driving licence that they are 18 years of age or over.
4. Not be under the influence, or appear to be under the influence, of alcohol or drugs at any time on the premises.
5. Only to perform in any booth allocated for that purpose by the management.
6. To stop the dance or dancing if a customer attempts to touch or speak to a performer inappropriately during a booth dance performance and immediately inform the management or member of the security staff thereof.
7. Not to sell or solicit any form of sexual favour.
8. To notify management in the event of his or her spouse, civil partner boyfriend or girlfriend being on the premises.

## Minimum Standards for Customer Conduct

1. Customers be seated during a performance.
2. There must be no physical contact with the performers at any time during the performance.
3. Unacceptable and inappropriate behaviour will result in a customer being removed from the premises.
4. No illegal substances may be brought into, or consumed on, the premises.
5. No photography is permitted including the use of mobile phones and other electronic devices for such.
6. Customers must be aware that any breach of the code of conduct for customers will result in the customer being excluded from the premises.

## **Appendix 3**

### Definitions

#### **Sex Cinema (paragraph 3, schedule 3)**

A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:

- i) sexual activity; or
- ii) acts of force or restraint which are associated with sexual activity; or
- iii) 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.

No premises shall be treated as a sex cinema by reason only:

- a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
- b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

#### **Sex Encounter Establishment (paragraph 3A, schedule 3)**

In this schedule “sex encounter establishment” means:

- a) Premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- b) Premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- c) Premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or

- d) Premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity;

Provided that no premises which are:

- (i) For the time being, being used for the provision of regulated entertainment (within the meaning of the Licensing Act 2003), or in circumstances where that use is authorised under that Act; or
- (ii) For the time being, being used for the purposes of late night refreshment (within the meaning of that Act) in circumstances where that use is so authorised; or
- (iii) A private dwelling house to which the public are not admitted;

shall be regarded as a “sex encounter establishment”.

### **Sex Shop (paragraph 4, schedule 3)**

A sex shops means 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; or
- b) 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.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

### **Sex Article**

A sex article means:

- a) Anything made 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;
- b) Anything to which the below applies:

Any article 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 any recording of vision or sound which:

- (i) 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
- (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions (other than medical, scientific and/or other instructional literature or artefacts that has not been written or manufactured with a view to sexual stimulation).

**Sexual Entertainment Venue (paragraph 2A, schedule 3, as amended by section 27 of the Policing and Crime Act 2009)**

In this schedule, a sexual entertainment venue means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

“Relevant entertainment” means any live performance or any 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 the audience (whether by verbal or other means).

Local Authorities will judge each case on its merits, but relevant entertainment includes lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

The following are not sex encounter venues:

- a) sex cinemas and sex shops
- b) premises at which relevant entertainment is provided as mentioned above less frequently than once a month
- c) premises or types of performances or displays exempted by an order of the Secretary of State.

“Audience” includes an audience of one.

“Display of nudity” 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.

“The organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of the relevant entertainment or the premises.

“Premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public are not admitted.

“18R” refers to the classification of a video or DVD that is restricted to over 18s only. By virtue of the Video Recordings Act 1984, when the classification 18R is placed on a recording, that video (or DVD) may only be distributed from a licensed sex shop.