

**Report of the Assistant Chief Executive (Citizens and Communities)**

**Report to Executive Board**

**Date: 17 July 2013**

**Subject: Sex Establishment Statement of Licensing Policy**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The Council adopted the ability to licence lap dancing clubs and other premises which provide sexual entertainment in the same regime as sex shops and sex cinemas in January 2011. At the same time the council adopted a Statement of Licensing Policy to guide applicants.
2. Following the initial licensing of seven lap dancing clubs as sex establishments in June 2012, the council undertook to review the policy to ensure it still met the needs of the people of Leeds. Licensing Committee formed a working group of Members and officers to review the policy. A draft policy was submitted for public consultation from 18<sup>th</sup> March to 26<sup>th</sup> April. The responses are detailed in this report.
3. The draft policy (appendix 1) has been referred from Licensing Committee to Executive Board for approval.

**Recommendations**

4. That Executive Board consider the draft policy in view of the consultation responses, the recommendation from Licensing Committee and approve the draft policy as the council's Sex Establishment Statement of Licensing Policy to take effect from 1<sup>st</sup> September 2013.

## **1 Purpose of this report**

- 1.1 To present the Sex Establishment Statement of Licensing Policy (appendix 1) for formal adoption to take effect from 1<sup>st</sup> September 2013.

## **2 Background Information**

- 2.1 In 2010 the Government introduced a new category of sex establishment called a “sexual entertainment venue”. This reclassified lap dancing clubs as sexual entertainment venues and gave local authorities the power to regulate such venues. The intention was to give local people greater say over the number and location of lapdancing clubs in their area.
- 2.2 In January 2011 the Council made a resolution to adopt the provisions of Sch 3 of the Local Government (Miscellaneous Provisions) Act as amended by the Policing and Crime Act 2009, effective from 1<sup>st</sup> October 2011. This brought the licensing of premises which provide sexual entertainment into the same regime that has licensed sex shops and sex cinemas since 1982.
- 2.3 Licensing Committee formed a cross party working group, which developed a licensing policy and after public consultation it was adopted with effect from October 2011. This policy provided guidance to Licensing Committee when it determined the first grant of the sex establishment licences for the city’s seven existing sexual entertainment venues.
- 2.4 Following the initial grant of the seven licences Licensing Committee brought forward the review of the policy, standard conditions and applications forms.

## **3 Main issues**

### Review of the Policy

- 3.1 In July 2012 the Licensing Committee formed a working group to review the policy to ensure it still met the needs of the people of Leeds, and with lessons learned from the first licence applications, was fit for purpose for the future.
- 3.2 The group heard from a range of people interested in the licensing of sex establishments and undertook site visits to two of the lap dancing clubs to see them working in operation.
- 3.3 In this context the working group has reviewed the existing policy, standard conditions and application forms. The group recommended that further research was undertaken to establish if there are localities within Leeds that are unsuitable locations for sexual entertainment venues.
- 3.4 A survey was sent to the Citizen’s Panel in January to establish if there are any localities in Leeds that the people of Leeds think are unsuitable, and if there is a preferred number of lap dancing clubs that the people of Leeds think is a suitable number. The citizen’s panel results provided some clear guidance to working group about locations and numbers. The survey had 1847 responses which is a response rate of 46%.

3.5 The survey provided very clear conclusions:

- SEVs should not be located in residential, deprived or rural areas
- The areas most likely to be seen as not acceptable for SEVs were either prominent areas such as City Square or in the Civic Quarter (Millennium Square, Combined Courts). There was a closer balance of opinion concerning the Calls area than for other locations.
- Over 50% of respondents would like to see a maximum of 4 or less SEVs in the city centre. The most commonly chosen option was to have no SEVs at all.
- The majority of respondents felt that SEVs are not appropriate near all the types of places or buildings listed including retail areas and train and bus stations . The only area which raised less concern was 'late night entertainment'.

3.6 The working group used this information to amend the licensing policy to include:

- Nil policy outside of the city centre
- A cap of 4 premises in the city centre
- A set of uses and localities that it would be considered inappropriate to locate a premises near.

3.7 In March Licensing Committee approved the draft policy for public consultation which took place between 18<sup>th</sup> March and 26<sup>th</sup> April. The council received 135 responses. Each response was classified as positive, positive but would go further, negative or unclear. 87 (64%) responses were in support of the policy, 43 (32%) were not in support and 5 (4%) provided a response where it was unclear.

3.8 In conclusion the majority of respondents were in support of the policy. A smaller, but still significant number were not in support of the draft policy, but did not provide a compelling reason as to why the policy should be changed.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 In line with the licensing authority's practice the Statement of Licensing Policy underwent a total of 12 weeks consultation with anyone affected by the proposed changes. In addition the council consulted with elected members, support groups, groups that have expressed an interest in this matter, including all the respondents to the consultation which was undertaken for the initial policy.

4.1.2 The working group has consulted with a range of interested parties and it was the information provided that informed the policy amendments.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The working group has met with the council's Equality Team to discuss these issues. As the activity of sexual entertainment is considered a gender inequality issue, the working group has taken careful consideration to ensure that the draft policy can be applied to both gentlemen's clubs and those that cater for women.

4.2.2 In addition the consultation was directed at all areas of society with members of religious groups and community leaders being consulted as well as all elected

members, MPs and any other person who has made themselves known to the council as someone who has an interest in this matter.

4.2.3 An Equality, Diversity, Cohesion and Integration Impact Assessment Screening has been undertaken.

### **4.3 Council policies and City Priorities**

4.3.1 The Statement of Licensing Policy sets out the principles the council will use to exercise its functions under the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. Applicants for licences are expected to read the policy before making their application and the council will refer to the policy when making its decisions.

4.3.2 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

4.3.3 The consultation process contributes to our best council objectives:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

### **4.4 Resources and value for money**

4.4.1 The licensing of sex establishments attracts a fee which can only be used to pay for the costs associated with the licence application and cannot be used to cover the cost of enforcement or investigation of unlicensed activity. As such the policy review is a cost to the council, which is not recovered by the licence fee.

### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The council has a policy adopted by Executive Board which came into effect in October 2011. This policy will remain in place until a new policy is adopted. Therefore should the Executive Board decide not to approve the new policy, the original policy will remain in place.

4.5.2 There are currently seven licence holders. The new policy, if adopted, limits the number of SEVs to four so could impact on the current licence holders. Introduction of the policy, or application of the policy, could lead to a challenge that Human Rights have been interfered with, such as the right to freedom of expression or the right to peaceful enjoyment of a licence. The new policy does not fetter the discretion of the licensing sub-committee and can be departed from in exceptional circumstances. The working group and Licensing Committee considered the possible Human Rights implications but believed the new policy and cap of four to be proportionate and justified in the public interest given the consultation results from the people of Leeds.

4.5.3 Consideration has been given to whether this matter constitutes a key decision under the Article 13 of the Council's Constitution. The approval of the policy would not result in the authority incurring expenditure or making savings (including the

receipt or loss of income) over £250,000 pa or to have a significant effect on communities living or working in an area (including one ward).

4.5.4 The policy currently affects the licensing of seven lapdancing clubs and five sex shops. The council also licences approximately 2,200 premises for the sale of alcohol and 138 gambling premises. Therefore this policy affects only a small number of the premises licensed by the council. The lap dancing clubs, which are the main business affected by the review of the policy only operate between 10pm and 5am, and therefore the changes in the policy will only affect the small minority of the general public who utilise these types of premises. In addition the policy is not requiring a complete cessation of these activities, and therefore the choice to visit a lap dancing club has not been affected.

4.5.5 In addition the public interest in this policy it is considered to be of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the authority. Therefore the decision should be considered to be a significant operational decision.

4.5.6 The approval of the revised policy is a matter for Executive Board and will be eligible for call in.

## **4.6 Risk Management**

4.6.1 The report recommends that the draft policy is approved to come into effect on 1<sup>st</sup> September 2013. As there is a policy already in place, the risk of adverse effects of a negative response to the recommendation is low.

## **5 Conclusions**

5.1 This report presents the results of the public consultation and the draft policy to Executive Board for approval.

5.2 The government introduced sexual entertainment venues into the Local Government (Miscellaneous Provisions) Act 1982 in order to give local people a greater say over the number and location of lap dancing clubs in their areas. The council has consulted directly with residents of Leeds on this very matter and the results of the Citizen's Panel provides very clear guidance on locations and numbers which are unacceptable.

5.3 The Citizen's Panel consultation received 1,847 responses and informed the policy revisions. These revisions were then taken to a public consultation which had 135 responses, 64% of which were in support of the new policy.

5.4 Licensing Committee have considered the responses to both the survey and the consultation and recommend the draft policy for approval to come into effect on 1<sup>st</sup> September 2013.

## **6 Recommendations**

6.1 That Executive Board consider the draft policy in view of the consultation responses, the recommendation from Licensing Committee and approve the draft policy as the council's Sex Establishment Statement of Licensing Policy to take effect from 1<sup>st</sup> September 2013.

## **7 Background documents<sup>1</sup>**

None

### **Appendices**

Appendix 1 Draft policy

---

<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.



# Licensing of Sex Establishments

## Statement of Licensing Policy

Local Government (Miscellaneous Provisions) Act 1982  
as amended by the Policing and Crime Act 2009

**Final draft**

**Further copies of this document can be obtained from:**

Entertainment Licensing  
Leeds City Council  
Civic Hall  
Leeds  
LS1 1UR

Tel: 0113 247 4095

Fax: 0113 224 3885

Email: [entertainment.licensing@leeds.gov.uk](mailto:entertainment.licensing@leeds.gov.uk)

Web: [www.leeds.gov.uk/licensing](http://www.leeds.gov.uk/licensing)

**Please note:**

The information contained within this document  
can be made available in different languages and  
formats including  
Braille, large print and audio cassette.



## Contents

### Executive Summary

Section 1	Interpretation	5
Section 2	The purpose of the licensing policy	6
Section 3	The scope of the licensing policy	10
Section 4	The Leeds district	11
Section 5	Integrating other guidance, policies, objectives and strategies	13
Section 6	Cultural activities in Leeds	15
Section 7	General principles	17
Section 8	Application Procedure	23
Section 9	Enforcement	29
Appendices	Appendix 1 – Standard conditions	30
	Appendix 2 - Contact details	43

## Executive Summary

The Policing and Crime Act 2009 amends the Local Government (Miscellaneous Provisions) Act 1982 s2 and Sch 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings to lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Leeds City Council adopted the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 19<sup>th</sup> January 2011 with effect from 1st October 2011.

Leeds City Council adopted a policy and standard conditions in September 2011 to be applied when determining sex establishment licences in the Leeds district.

The policy was reviewed and a revised policy was adopted in xxxx 2013.

This policy:

- Sets out the council’s approach for the benefit of operators
- Guides and reassures the public and other public authorities
- Ensures transparency
- Ensures consistency
- Guides and focuses the Licensing Committee when making determinations under this legislation.

The policy deals with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

## Section 1 Interpretation

**Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.

**Authorised officer** means an officer employed by Leeds City Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**The council** will mean Leeds City Council.

**Display of nudity** means:

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and

(b) in the case of a man, exposure of his pubic area, genitals or anus.

**Dancer** means dancer, entertainment, performer or other such person employed, or otherwise, to provide relevant entertainment.

**Licence** means any sex establishment licence that the council can grant under this Act. This includes any associated consent of permission.

**Licensee** means the holder of a sex establishment licence.

**Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.

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

**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).

**Responsible person** means the person nominated by the licensee who has personal responsibility for and be present on the premises whilst the premises is open to the public. This may be the manager or the relief manager.

**Sex shop** 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 sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity.

**Sexual entertainment venue** means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

**Standard conditions** will mean any terms, conditions or restrictions contained or referred to in the schedule to a licence granted under Schedule 3, but does not include any private dwelling to which the public is not admitted.

**Unsolicited** (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

**Vehicle** means a vehicle intended or adapted for use on roads.

## Section 2 The purpose of the licensing policy

- 2.1 This policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Leeds City Council as the licensing authority for the Leeds metropolitan district on xxx 2013. It will be reviewed regularly.
- 2.2 This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shop and sex cinemas.
- 2.3 The council's licensing regime aims to ensure that sex establishments in the Leeds district operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been taken to advertising, staff welfare, external appearance, locality and the number of licensed premises.
- 2.4 This policy also has regard to the guidance issued by the Home Office.
- 2.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
- West Yorkshire Police/ British Transport Police
  - West Yorkshire Fire and Rescue Service
  - Health and Safety Executive
  - Crime and Disorder Reduction Partnerships
  - Primary Care Trusts in the district
  - West Yorkshire Trading Standards
  - UK Border Agency
- 2.6 The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the industry.

### Public consultation

- 2.7 In January 2013 the Council consulted with the Citizen's Panel. The Citizens' Panel is a group of residents of Leeds who have volunteered to give up their time to complete between 4 and 6 surveys a year about a range of issues. The information provided from Citizen's Panel has been used to inform policy making in the council. The Citizen Panel reaches approximately 4,000 people in Leeds and the response rate is usually around 60%.
- 2.8 The survey was issued in January 2013. 1499 people responded to the online survey and 353 people responded to the postal survey. The survey looked at the setting of numbers and localities for sexual entertainment venues. The following results reference the percentage of the people that responded to the question. The highest figure is highlighted.

Where there are two higher results within a percentage point, both are highlighted. Please note all percentages are rounded up.

## Numbers

2.9 The survey asked if respondents thought that the council should set a maximum number for any locality in Leeds. **87%** of the people who responded to the question stated yes.

2.10 The survey asked what number should be set for certain localities.

	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8+</b>
A residential area	<b>94%</b>	2%	1%	0%	0%	0%	0%	0%	1%
A deprived area	<b>85%</b>	5%	3%	1%	2%	0%	0%	0%	3%
A rural area	<b>79%</b>	8%	6%	2%	1%	0%	0%	0%	3%
An industrial area	<b>57%</b>	12%	11%	6%	4%	3%	1%	1%	5%
A busy late night economy area	<b>47%</b>	13%	13%	7%	5%	3%	2%	3%	7%
A built up area i.e. a town centre	<b>44%</b>	13%	13%	7%	6%	5%	1%	4%	8%
The city centre	<b>26%</b>	5%	9%	10%	9%	12%	4%	12%	13%

## Localities

2.11 Respondents were asked if there are any localities within Leeds that they considered were not appropriate for SEVs:

<b>It would not be acceptable to locate a lap dancing club in:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
A residential area	<b>70%</b>	13%	3%	5%	10%
A deprived area	<b>53%</b>	16%	14%	8%	10%
A rural area	<b>48%</b>	17%	14%	13%	9%
An industrial area	<b>30%</b>	13%	25%	19%	12%
A busy late night economy area	<b>26%</b>	16%	22%	<b>25%</b>	11%
A built up area, i.e. town centre	24%	15%	20%	<b>30%</b>	11%
The city centre	20%	12%	18%	<b>33%</b>	17%

2.12 Respondents were asked if it would not be acceptable to have a lap dancing club anywhere in Leeds:

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
It would not be acceptable to have a lap dancing club in any locality in Leeds	22%	6%	<b>28%</b>	<b>27%</b>	17%

2.13 Respondents were asked if there were any localities in the city centre that they would not consider to be acceptable to locate a lap dancing club on or near to:

<b>It would not be acceptable to locate a lap dancing club on or near to:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Millennium Square, Calverley Street	50%	20%	13%	11%	7%
City Square	44%	20%	16%	13%	8%
The area around the combined Courts	40%	20%	18%	14%	7%
The Headrow, Eastgate	35%	17%	21%	18%	8%
East Parade, Park Row	34%	17%	23%	18%	8%
New Briggate, Briggate	34%	16%	22%	19%	9%
Albion Street, Woodhouse Lane	31%	16%	25%	20%	8%
Merrion Centre, Merrion Street	30%	14%	24%	23%	9%
Boar Lane	29%	16%	25%	21%	8%
New Station Street, Wellington Street	28%	13%	28%	23%	8%
Call Lane, The Calls, Assembly Street	25%	13%	24%	28%	9%

2.14 Respondents were also asked if it would not be acceptable to locate a lap dancing club anywhere in the city centre:

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
It would not be acceptable to locate a lap dancing club anywhere in the city centre	28%	6%	23%	26%	17%

## Vicinity

2.15 The respondents were asked to consider the use of premises in the vicinity of SEVs and where asked to state their opinion on whether it would not be acceptable to have a SEV near to any of the following types of areas or buildings

<b>It would not be acceptable to locate a lap dancing club near to:</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree or disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
Schools and other places of education	84%	9%	1%	1%	4%
Residential areas	82%	10%	2%	2%	3%
Play areas or parks	81%	11%	2%	2%	4%
Youth facilities	81%	12%	3%	1%	4%

Women's refuge facilities	<b>81%</b>	10%	4%	2%	4%
Family leisure facilities such as cinemas, theatres and concert halls	<b>76%</b>	14%	4%	3%	4%
Places of worship	<b>76%</b>	11%	6%	3%	4%
Places used for celebration or commemoration	<b>70%</b>	15%	9%	3%	3%
Cultural leisure facilities such as libraries, museums	<b>62%</b>	20%	10%	5%	4%
Retail shopping areas	<b>60%</b>	17%	12%	7%	4%
Historic buildings	<b>58%</b>	18%	15%	6%	4%
Sports centres/facilities	<b>56%</b>	17%	16%	7%	4%
Train station or bus station	<b>50%</b>	12%	21%	11%	5%
Financial Institutions such as banks	<b>40%</b>	14%	25%	14%	6%
Late night entertainment areas	21%	9%	22%	<b>33%</b>	14%

2.16 The full Citizen Panel survey results are available on request.

2.17 Following the initial consultation with the Citizen's Panel the council has consulted on the policy with and considered the views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Parish and town councils
- Local members of parliament
- Representatives of existing licence holders
- West Yorkshire Police
- British Transport Police
- Leeds City Council - Domestic Violence Unit
- Leeds City Council - Children and Young People Social Care
- Leeds City Council - City Development
- Leeds Primary Care Trust
- Charitable organisations that have interest in sex establishments

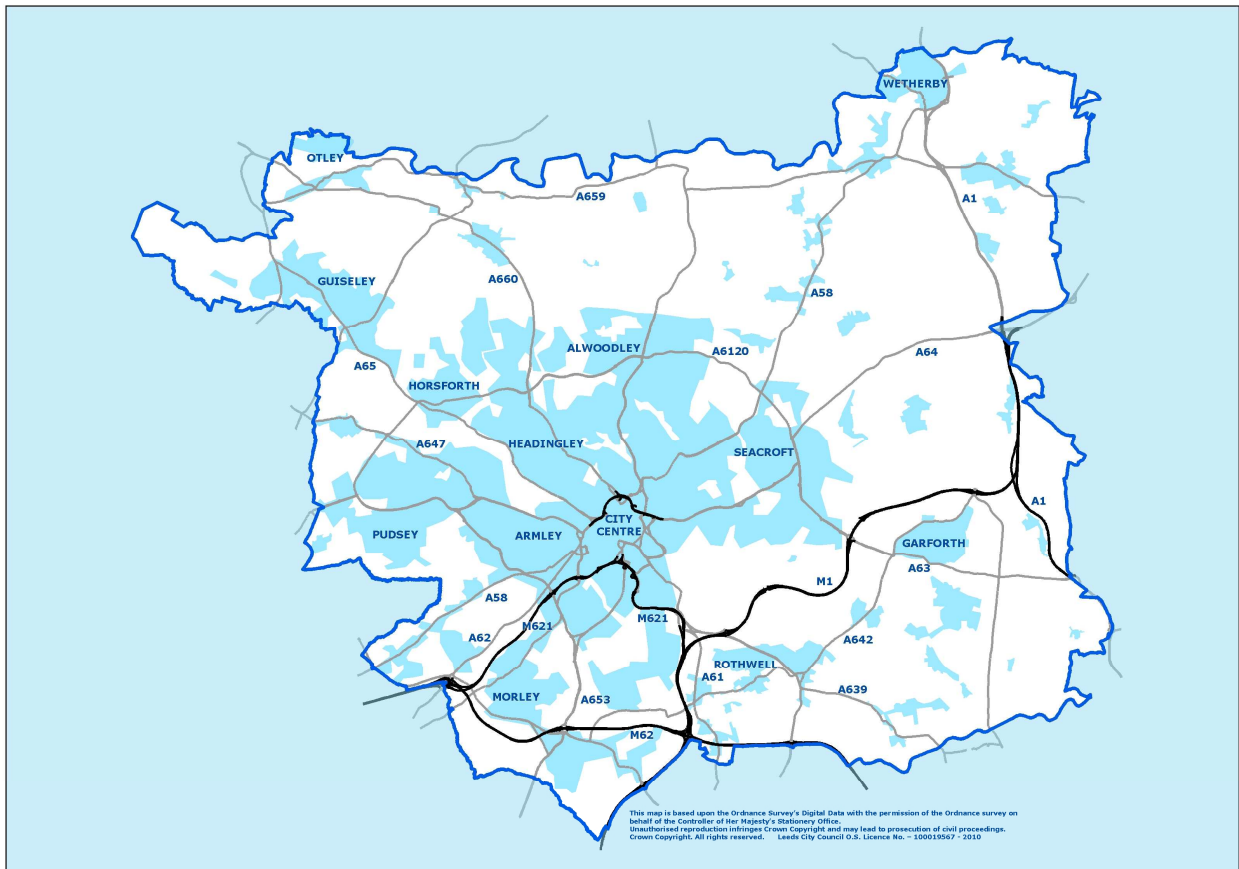
2.18 A full analysis of the Public Consultation is available on request.



## Section 3 The scope of the licensing policy

- 3.1 This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within the Leeds metropolitan district. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 3.2 A sexual entertainment venue is a 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 provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at section 2 and 2A of the Act.
- 3.3 A sex cinema is a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or act of force of restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in section 3 of the Act.
- 3.4 A sex shop is a premises used to a significant degree for the selling, etc. of sex articles or other items intended for the use of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found ay section 4 of the Act.
- 3.5 Advice on whether a licence is required can be obtained from Entertainment Licensing, Leeds City Council. Contact details are set out in Appendix 3.
- 3.6 Throughout this policy the wording will refer to ‘applicants’ for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.
- 3.7 This policy seeks to provide advice to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues.

## Section 4 The Leeds district



- 4.1 Leeds City Council has sought to establish Leeds as a major European city and cultural and social centre. It is the second largest metropolitan district in England and has a population of 2.2 million people living within 30 minutes drive of the City Centre.
- 4.2 The Leeds metropolitan district extends over 562 square kilometres (217 square miles) and has a population of 751,000 (taken from the 2011 census). It includes the city centre and the urban areas that surround it, the more rural outer suburbs and several towns, all with very different identities. Two-thirds of the district is greenbelt (open land with restrictive building), and there is beautiful countryside within easy reach of the city.
- 4.3 Over recent years Leeds has experienced significant levels of growth in entertainment use within the city coupled with a significant increase in residential development. The close proximity of a range of land uses and the creation of mixed-use schemes have many benefits including the creation of a vibrant 24-hour city.
- 4.4 Leeds has strong artistic traditions and has the best attended outdoor events in the country. The success of arts and heritage organisations including the Grand Theatre, City Varieties, West Yorkshire Playhouse, Opera North, Northern Ballet Theatre, Phoenix Dance Theatre, Harewood House and the Henry Moore Institute, has helped to attract other major arts and heritage investments such as the award winning Royal Armouries and the Thackeray Medical Museum. The city also boasts a wealth of community based sports

heritage and recreational facilities. There is a vibrant voluntary sector including thousands of groups and societies.

- 4.5 Sport is a passion for people in Leeds and Yorkshire. Leeds United Football Club has a loyal and passionate following and Elland Road is one of England's great traditional grounds. Cricket is followed with enthusiasm with Yorkshire County Cricket Club's home in Headingley. Leeds has the world's first dual-code rugby partnership - Leeds Rhinos Rugby League and Leeds Carnegie Rugby Union. The Leeds Rhinos in particular have enjoyed great success in recent years. Wetherby racecourse was established in 1891 and is considered one of best jump courses in the country.
- 4.6 Leeds is a city with many cultures, languages, races and faiths. A wide range of minority groups including Black Caribbean, Indian, Pakistani, Irish and Chinese as well as many other smaller communities make up almost 11% of the city population.
- 4.7 The Vision for Leeds 2011-2030 published by the Leeds Initiative as the city's strategic partnership group, indicates that Leeds is now one of Britain's most successful cities. It aims that "by 2030, Leeds will be locally and internationally recognised as the best city in the UK". By 2030:
- Leeds will be fair, open and welcoming.
  - Leeds' economy will be prosperous and sustainable.
  - All Leeds' communities will be successful.
- 4.8 This licensing policy seeks to promote licensing within the overall context of the three aims set out in Vision for Leeds 2011-2030.

## Section 5 Integrating other guidance, policies, objectives and strategies

5.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:

- Vision for Leeds 2011 to 2030
- Leeds Unitary Development Plan
- The Local Development Framework including the Leeds City Centre Area Action Plan
- The Home Office Tackling Violent Crime Programme
- Leeds City Council – Anti-Social Behaviour Statement
- Leeds City Council – Environmental enforcement policies
- Leeds City Council - Violence Against Women Strategy

### Child Friendly

5.2 Since the original policy was adopted and published, the council has announced its intention for the city to become 'Child Friendly'. This links back to the council's vision which states:

*'Best city... for children*

*Leeds will be a child-friendly city where the voices, needs and priorities of children and young people are heard and inform the way we make decisions and take action.'*

5.3 There are over 180,000 children and young people in Leeds. To become a child friendly city, and the best city for children and young people, their voices and views need to be heard and responded to, and that they are active participants in their local community and citywide.



5.4 The UN convention on the rights of the child sets out the basic rights for children worldwide. The UN developed the model for child friendly city model – a place where children rights are known and understood by children and adults alike, and where these rights are reflected in policies and budgets.

5.5 As part of the aim for Leeds to become a child friendly city, the council declared 12 wishes: In a child friendly Leeds...

1. Children and young people can make safe journeys and can easily travel around the city
2. Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play
3. There are places and spaces to play and things to do, in all areas and open to all
4. Children and young people can easily find out what they want to know, when they want it and how they want it
5. Children, young people and adults have a good understanding of children's rights, according to the United Nation Convention on the Rights of the Child

6. Children and young people are treated fairly and feel respected
7. Children and young people have the support and information they need to make healthy lifestyle choices
8. All our learning places identify and address the barriers that prevent children and young people from engaging in and enjoying learning
9. There are a greater number of better quality jobs, work experience opportunities and good quality careers advice for all
10. All children and young people have their basic rights met
11. Children and young people express their views, feel heard and are actively involved in decisions that shape their lives
12. Places and spaces where children and young people spend time and play are free of litter and dog fouling

5.6 This policy is particularly affected by wish 2 – “Children and young people find the city centre welcoming and safe, with friendly places to go, have fun and play” and wish 3 – “There are places and spaces to play and things to do, in all areas and open to all”.

5.7 In response to this new initiative, the council has taken special consideration of the location of sex establishments and the number that is considered suitable for Leeds.

#### **Other policies**

5.8 The council (through its Licensing Committee) may, from time to time receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 7 it may have regard to them when making licensing decisions.

5.9 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

## Section 6 Cultural activities in Leeds

- 6.1 Leeds City Council (in common with other local authorities) is a major provider of facilities for public recreation. The Council has a tradition of promoting a wide range of cultural activity for the benefit of the city and district.
- 6.2 Leeds has a long established reputation for the encouragement of community and diverse cultural events and public entertainment as an essential aid to community involvement and an increasing sense of common identity.
- 6.3 Leeds Town Hall is the dedicated public concert hall/performance area in Leeds and the Carriageworks Theatre is dedicated to amateur performance and public use for Leeds.
- 6.4 Millennium Square in the city centre is used for public events and entertainment such as the Christmas market and 'Icecube' (a temporary ice rink).
- 6.5 Leeds Art Gallery has been described as 'probably the best collection of twentieth century British art outside London' (John Russell Taylor, The Times). Leeds Art Gallery is a newly re-furnished creative and lively gallery in the heart of Leeds on The Headrow in Leeds' Cultural Quarter. Offering displays of Leeds' stunning collections as well as a dynamic programme of changing exhibition, Leeds Art Gallery is an innovative and exciting place to visit for people of all ages and tastes.
- 6.6 Leeds City Museum is located in one of Leeds' much loved civic buildings - the Leeds Institute building on Millennium Square. The Leeds Institute is one of the City's most important historic buildings and was completed in 1862 by Cuthbert Brodrick, who also built Leeds Town Hall and the Corn Exchange. The Institute was built to provide education for the City's industrial workers and as a venue for lectures and large scale events. Work began in autumn 2005 on an ambitious project to turn it into an exciting new museum in the heart of Leeds. The project was funded by the Heritage Lottery Fund, Leeds City Council and Yorkshire Forward and has transformed the Grade II-listed Civic Institute building into a state-of-the-art museum.
- 6.7 The Carriageworks theatre is a thriving theatre at the heart of Leeds' Millennium Square. It showcases the best national and regional performance with a dynamic programme of theatre, dance, comedy and film. At the same time it provides support to young and emerging theatre makers, offering them a key platform to develop work. The venue gives opportunities for members of the local community to take part in a variety of high quality arts activities, and is home to the Leeds Civic Arts Guild. This is an umbrella group of performing societies enabling local people to experience making theatre in a fully functioning professional venue.

- 6.8 Abbey House is located just three miles out of the city centre on the main A65 road to Kirkstall. Located in accessible yet tranquil surroundings, Abbey House Museum is just a short distance from Kirkstall Abbey and its surrounding park. Abbey House opened to the public as a museum in 1927. During the 1950s Victorian street scenes were added. In 1995, the centenary of the reopening of Kirkstall Abbey by the city, it was decided to raise the money needed to redisplay and improve facilities for visitors. The Heritage Lottery Fund, Leeds City Council and the Friends of Leeds Museums made this work possible and work was completed in 2001.
- 6.9 The parks at Roundhay, Woodhouse Moor, Potternewton and Middleton are in use for community organised gatherings fairs and carnivals and Temple Newsam Park is the venue for council promoted public events attracting upwards of fifty thousand people.
- 6.10 The Leeds Arena brings live entertainment to life in a way never experienced in the UK before and can host over 140 events a year, such as pop and rock concerts, boxing, wrestling, darts, dance ice shows, comedy shows, basketball and family entertainment. The 13,500 capacity Leeds Arena is the United Kingdom's first purpose built 'fan-shape' arena and has an iconic external design that can change appearance through an ever changing kaleidoscope of coloured lights.
- 6.11 Spread across a tapestry of arcades that traverse three of the busiest shopping streets in Leeds (Briggate, Albion and Commercial Street), and covering one million square feet over three levels, Trinity Leeds is a retail beacon. It gives shoppers 120 sensational shops, stores, restaurants and cafes to explore at their leisure. The mix of restaurant, café and leisure destinations in Trinity Leeds seamlessly joins day with night, ushering into the city a new era of world-class entertainment and culture.
- 6.12 Eastgate Quarters will deliver over one million square foot of new high quality retail led development transforming this brownfield site. The scheme will create a new focus for the North East of the City Centre joining up Kirkgate Market, Vicar Lane and the Grand Arcade. The creation of new, well-proportioned retail space at Eastgate Quarters will ensure Leeds is lifted in the retail rankings, reaffirming its position as the premier retail destination in the region. In addition to the urban renewal of the city, Eastgate makes a positive contribution to its economic prosperity with the creation of in the region 4,000 permanent retail and leisure jobs supported by pre-employment and skills training programmes.

## Section 7 General principles

- 7.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

### **Mandatory grounds for refusal**

- 7.2 Applications for sex establishments can be refused on the following mandatory grounds:

- if the applicant is under 18,
- if the applicant has a disqualification following the revocation of their licence,
- if the applicant is non-resident in the UK,
- company not incorporated in the UK,
- or a previous refusal of the applicant at the same premises in the previous 12 months.

- 7.3 These matters are considered by the licensing subcommittee on determination of the licence. The subcommittee will be advised of any pertinent information gathered either by officers of the council or by officers of West Yorkshire Police whilst processing the application.

### **Discretionary grounds for refusal**

- 7.4 There are also a number of discretionary grounds. These are:

- if the applicant is unsuitable,
- if the business would be managed by or for the benefit of a third party who would be refused licence in their own right,
- that the number of sex establishments in the locality or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,
- is inappropriate having regard to:
  - Character of relevant locality
  - Use of premises in vicinity
  - Layout, character, condition or location of the premises.

### **Suitability of applicant**

- 7.5 In consideration whether the applicant is suitable to hold a licence, the council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions.
- has no unspent conviction of a nature that deem him/her unsuitable.



## **Suitability of manager or beneficiary**

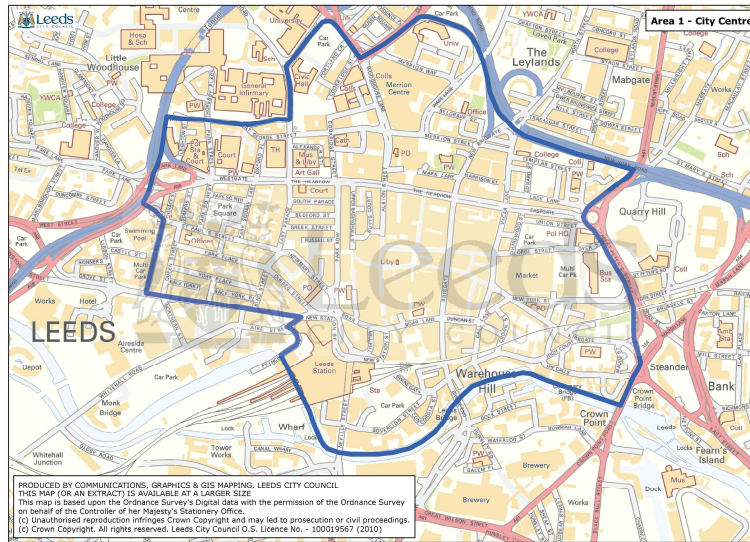
- 7.6 The council will require the applicant to identify the proposed manager or beneficiary of the business. In considering the suitability of these persons the council will apply the principles at 7.5.

## **Appropriate numbers and localities**

- 7.7 The council may refuse a licence on the grounds that the number of licences of that type is equal to or exceeds the number which the authority consider is appropriate for that locality. The council has considered each and every part of the city of Leeds in order to identify whether there are any localities in which the licensing of sex establishments is appropriate.
- 7.8 In deciding when and if so what policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.
- 7.9 The Council has taken account of its own corporate strategies and priorities as represented by its Vision for Leeds 2011 to 2030, Leeds Unitary Development Plan, Violence Against Women Strategy and Child Friendly. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse city. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural and child friendly reputation of the city.
- 7.10 The council has had due regard to the need to advance equality of opportunity between men and women. It considers that the presence of SEVs in any locality of Leeds will not advance equality of opportunity of women workers or residents. It recognizes that a nil per locality policy may reduce the employment opportunities for dancers. However is also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Yorkshire or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct.
- 7.11 The consultation with the Citizen's Panel revealed that a majority of residents in Leeds consider that SEVs are inappropriate in the vicinity to premises with particular sensitive uses. The following uses all scored highly:
- Schools and other areas of education
  - Play areas/parks
  - Youth facilities
  - Residential areas
  - Women's refuge facilities
  - Family leisure facilities such as cinemas, theatres and concert halls
  - Places of worship
  - Places used for celebration or commemoration
  - Cultural leisure facilities such as libraries, museums

- Retail shopping areas
- Historic buildings

- 7.12 The council agrees that these uses are sensitive and that SEVs are generally not appropriate near them.
- 7.13 The consultation with the Citizen’s Panel indicated that in particular rural, residential and deprived areas were particularly unacceptable as localities for SEVs to be located in. When considering each of the council wards the council has considered if it could be considered a rural, residential or a deprived area. Even areas outside of the city that would be considered a built up area are also largely residential. The council has considered each and every ward and has determined all areas outside of the city centre to be unacceptable localities for SEVs to be located due to their proximity to rural, residential or deprived areas.
- 7.14 The same results indicated that 32% agreed and 50% disagreed that the city centre would not be an acceptable locality to locate a lap dancing club in. In addition 42% of respondents agreed and 36% of respondents disagreed that it would not be acceptable to locate a SEV in busy late night economy area. 39% of respondents agreed and 41% of respondents disagreed that it would not be acceptable to locate a SEV in a built up area such as a town centre.
- 7.15 The Citizens Panel also looked at areas within the city centre that would not be acceptable to locate a SEV. 10 of the 11 areas designated in the survey received a response that indicated that it is more unacceptable than acceptable to locate a SEV on or near to them. The only area in the city centre that was inconclusive was the Call Lane, The Calls, Assembly Street area. This area is designated as a violent crime hotspot by West Yorkshire Police and is included in the council cumulative impact policy under the Licensing Act 2003.
- 7.16 Therefore, it is the council’s policy that there is no locality outside of the city centre in which it would be appropriate to license a sexual entertainment venue. Accordingly the appropriate number of SEVs for outside of the city centre is nil.
- 7.17 Taking into consideration all the matters mentioned in this section the appropriate number of SEVs in the city centre is a maximum of four providing those premises are not near properties with sensitive uses or in sensitive locations.
- 7.18 The extent of the city centre is indicated on the following map:



7.19 The council has not determined a limit on numbers or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis but applicants can be guided by the criteria mentioned at 7.4 to 7.6.

### Human Rights

7.20 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

### The Provision of Services Regulations

7.21 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- **non-discriminatory** in regard to nationality,
- **necessary** for reasons of public policy, public security, public health or the protection of the environment and
- **proportionate** with regard to the objective pursued by the legislation.

7.22 The council will consider these three issues in relation to the refusal of licence applications.

### Crime and Disorder Act 1998

7.23 The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including ant-social and other behaviour adversely affecting the local environment);
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

7.24 The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable can to prevent them.

### **Equality Act 2010**

7.25 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- Advance equality or opportunity between persons who share relevant protected characteristic and person who do not share it;
- Foster good relation between persons who share a relevant protected characteristic and persons who do not share it.

7.26 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.27 The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.

7.28 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

### **Planning**

7.29 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.

7.30 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.

7.31 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that

any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.

- 7.32 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

### **Staff Training**

- 7.33 The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Local Government (Miscellaneous Provisions) Act 1982 and the conditions of the licence. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act.
- 7.34 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, and so on.
- 7.35 Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request by an authorised officer or the police.

### **Advertising**

- 7.36 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by council. This approval will be sought at a sub-committee hearing. Applicants will be entitled to attend the hearing. Please contact Entertainment Licensing for further information on how to submit changes to advertising material and external appearance.

### **Fining**

- 7.37 The council is aware that in SEVs in Leeds it is the usual practice of some businesses to fine dancers for misdemeanours such as chewing gum, wearing inappropriate clothing or being late for a shift. The practice of fining can lead to an air of mistrust and resentment in the work place. More importantly in all the cases of fining that have been noted in premises in Leeds the (predominantly male) management fine female dancers, but not bar staff or door staff. The management of premises should seek alternative methods for dealing with misdemeanours perpetrated by dancers, who in the main are self-employed and peripatetic.
- 7.38 Therefore, for reasons of gender inequality, a standard condition has been imposed on all new and renewed licences to prohibit the practice of fining.

## Exemptions

7.39 Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venues for premises which provide relevant entertainment on an infrequent basis. These are defined as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

7.40 This exemption does not apply to sex shops or sex cinemas.

## Section 8 Application Procedure

### The application process

- 8.1 Applications must be made to the council in the form prescribed in Annex 2. Guidance is available to applicants setting out the detail of the process.
- 8.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:
- Application form
  - Criminal Records Bureau check
  - Personal interview either in person, at hearing, by phone or in writing
  - Accreditation
- 8.3 In the first instance, the application will be sent to West Yorkshire Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic CRB checks, or attend an interview, to support their application.
- 8.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:
- is honest
  - has a clear understanding of the conditions that may be attached to the licence
  - has a suitable business plan which will deliver compliance of the standard conditions.
  - has no unspent conviction of a nature that deem him/her unsuitable.
- 8.5 Applications for sexual entertainment venue sex establishment licence will also show they have:
- a clear employees welfare policy
  - a clear code of conduct for employees
  - a clear code of conduct for customers
  - a clear policy on pricing, and
  - protects the interests of his customers
- 8.6 The council will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to the council that the interest of the public is protected.

### **Third Party Beneficiaries**

- 8.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 8.8 Enquiries may be made via the application form, checks with Companies House, West Yorkshire Police, British Transport Police, personal interview or applicants may be asked to provide business records.

### **Fees**

- 8.9 The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

### **Notices**

- 8.10 The applicant must advertise the application in three ways:
- Advertisement in a local newspaper within 7 days of the application
  - Advertisement at the premises by way of a site notice for 21 consecutive days
  - Notice of the application to be sent to the Chief Officer of Police for West Yorkshire within 7 days of the application.
- 8.11 Proof that the applicant has advertised the application will be required.

### **Objections**

- 8.12 Anyone can object to an application for a sex establishment. Objection should be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and can be on any matter. However the appropriate weight will be given to objections which relate to the purpose of the legislation which is the control of sex establishments.
- 8.13 Guidance on making an objection can be found on the council's website.
- 8.14 The council will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application. However objectors will remain anonymous and efforts will be made to sanitise the contents of the objections so the objector's identity remains anonymous.
- 8.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.



## **Hearings**

- 8.16 The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to a licensing sub committee of 3 councillors or, in appropriate cases to officers of the council.
- 8.17 All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee.
- 8.18 It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five days before the hearing as laid down in Local Government Act 1972.
- 8.19 This notice will provide the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.
- 8.20 The hearing will take place in public except where the public interest requires otherwise.
- 8.21 All parties will be given an equal amount of time to present their case.
- 8.22 Councillors will have regard to the Leeds City Council Code of Conduct for Members and guidance issued by the Standards Board for England. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Where ever possible, members will not hear applications from within their own ward to avoid any appearance of bias.
- 8.23 A licensing subcommittee may refer an application to another subcommittee or to the Licensing Committee where it is unable to deal with the application because of the number of members unable to vote on the matter in question.
- 8.24 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

## **Reasons for decisions**

- 8.25 In determining licence applications under the Local Government (Miscellaneous Provisions) Act 1982 the council will take into consideration the application before it, any objections received as well as local knowledge including local issues and cultural sensitivities.
- 8.26 Every decision to refuse a licence made by the Licensing Committee, subcommittee or officers will be accompanied by clear reasons for the decision.

- 8.27 Every effort will be made to provide a decision verbally at the sub-committee hearing, with the written reasons to follow in due course. However in exceptional circumstances the sub-committee may defer the decision in order to allow mature consideration of the respective case and a time for the reasoned condition will be drawn up and all parties notified.

### **Conditions**

- 8.28 The council will impose standard conditions on all licences. However if deemed necessary, the council may change, alter or replace the standard conditions with conditions that are relevant to the application. Please see appendix 1 for the standard conditions.
- 8.29 Any change to the standard conditions will be applied to licences at the time of renewal when all conditions are reviewed.
- 8.30 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:
- “In cases where conditions on a premises licence or club premises certificate are inconsistent with and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”
- 8.31 Therefore if there are any conditions on the sex establishment licence which conflict with a condition on the Licensing Act, the more onerous will apply.

### **Right of Appeal**

- 8.32 Only the applicant has the right to appeal the council’s decision to the Magistrate’s Court and only on limited grounds. There is no right of appeal for objectors or statutory authorities. Applicants and interested parties are referred to the Local Government (Miscellaneous Provisions) Act 1982, para 27 for further details.

### **Period of licence**

- 8.33 A sex establishment licence will remain in force for a fixed period that shall be no more than one year unless brought to an end early by the licence being surrendered or revoked.

### **Renewal, Transfer**

- 8.34 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council’s website.

### **Variation**

- 8.35 At any time, a holder of a licence can apply to vary the terms, conditions or restrictions of a licence. There are some matters, required under the standard conditions, for which the premises licence holder is required to notify the council. These matters may include:

- Minor internal structural changes (moving of existing fixed furniture, etc.)
- Change in personnel
- Amendment of the approved advertising material
- Change of name of premises

8.36 However as there is no requirement to advertise a variation, licence holders should contact Entertainment Licensing before making their application to discuss if a new application is more suitable. In general any variation which affects the matters mentioned in Section 2 will require a new application.

### **Revocation**

- 8.37 Should information be received by the council that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, the council may revoke the sex establishment licence.
- 8.38 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Committee and be heard by them.
- 8.39 The licensee will be given a statement in writing of the reasons for revocation within seven days of the requirement being made.
- 8.40 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

### **Waiver**

- 8.41 Should the council decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.
- 8.42 The council would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.
- 8.43 The application for a waiver uses the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances under which the need for a licence should be waived. There will be no requirement to advertise the application. There is a fee. Further information can be found on the council's website, or by contacting Entertainment Licensing.
- 8.44 The decision to waive the need for a licence will be taken at the next available licensing sub-committee hearing and a Notice of Waiver will be issued in due course.
- 8.45 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

## Section 9 Enforcement

### 9. Enforcement principles

- 9.1 The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.
- 9.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act the council will endeavour to be:
- **proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
  - **accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
  - **consistent:** rules and standards must be joined up and implemented fairly;
  - **transparent:** regulators should be open, and keep regulations simple and user friendly; and
  - **targeted:** regulation should be focused on the problem, and minimise side effects.
- 9.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.
- 9.5 The main enforcement and compliance role for the council in terms of the Local Government (Miscellaneous Provisions) Act 1982 as amended will be to ensure compliance with the conditions placed upon the licence.
- 9.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 9.7 The council's enforcement, compliance protocols and written agreements are available on [www.leeds.gov.uk](http://www.leeds.gov.uk).

## Appendix 1 Standard Conditions

These conditions may be dispensed with, added to or modified by the council. Where, in these conditions, there is a reference to the consent of the council being required, the consent may include terms, conditions and restrictions as appropriate.

### Sexual Entertainment Venues

#### General

1. In accordance with Home Office guidance, where a condition conflicts with a condition in a Licensing Act premises licence, the more onerous applies.
2. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
3. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
4. The licensee will provide (subject to the satisfaction of both the police and the licensing authority), a code of practice for dancers and code of conduct for customers, and these must be made available upon request to both the police and authorised officers.
5. Price lists for both drinks and sexual entertainment and the code of conduct for customers will be clearly displayed at each table and at each entrance to the premises.
6. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read during the normal operation of the premises.
7. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. The training of all staff is to be recorded and the training record must be made available upon request to both the police and authorised officers.
8. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

#### Exhibition of the licence

9. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

#### Hours of opening

10. The premises will only be open to the public during the following hours:

Monday	22:00 to 04:00	Friday	22:00 to 05:00
Tuesday	22:00 to 04:00	Saturday	22:00 to 05:00
Wednesday	22:00 to 04:00	Sunday	22:00 to 04:00
Thursday	22:00 to 04:00		

**Conduct on the premises**

- 11. Dancers will only perform on the stage area, or in booths/areas for VIPs as identified on the plan attached to the licence.
- 12. Relevant entertainment will only be performed by the dancer. There must be no audience participation.
- 13. There must be no physical contact between dancers.
- 14. There must be no physical contact between the dancer and the customer at any time.
- 15. Any performance will be restricted to dancing and the removal of clothes. There will not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
- 16. Sex toys must not be used and penetration of the genital area by any means must not take place.
- 17. Customers will not be permitted to throw money at the dancers.

**External appearance**

18. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following:

<p><b>Strictly No Admittance to Persons Under 18 Years of Age</b></p> <p>This premises operates a Challenge 25 policy. Persons who appear to be under the age of 25 will be required to show proof of age.</p>
--

- 19. The external appearance of the premises must be approved by the council in writing.
- 20. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
- 21. Access to the licensed area of the premises should be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
- 22. Signage will only be illuminated between 10pm and 6am, and movable signs placed outside the premises will be removed between 6am and 10pm.

## **Advertising**

23. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
24. Staff employed or subcontracted by the premises will not verbally or otherwise promote, tout or advertise the premises, except by way of flyers. Staff employed or subcontracted by the premises will not direct potential customers to transport connected with the premises.
25. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee will have a flyer distribution policy to be approved by the Council.

## **Layout of premises**

26. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
27. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

## **Management of the premises**

28. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination will be produced on demand to an authorised officer of the council or the police.
29. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
30. Where the licensee is a body corporate, or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
31. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

32. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. 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 licensee's control of the premises.
33. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
34. No persons under the age of 18 will be admitted to the premises.
35. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
36. The licence holder will not employ any person under the age of 18 in any capacity.

### **Safety and security**

37. A suitable Closed-Circuit Television (CCTV) system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises. The CCTV system will cover all areas of the premises occupied by the public under the terms of the licence, including corridors and stairways (excluding within WCs and changing rooms). The CCTV system will cover the main entrances and exits and designated emergency egress routes from the premises. The CCTV system will cover all external areas of the premises occupied by the public, i.e. queuing areas, beer gardens, smoking areas and car parks. The location of CCTV cameras are identified on the site plan of the premises. No amendments to the locations of the cameras will be made without prior consultation with West Yorkshire Police/British Transport Police and the Licensing Authority.
38. The CCTV system will be of a satisfactory resolution quality which will enable the identification of persons and activities, and other fine details such as vehicle registration number plates. The CCTV system will contain the correct time and date stamp information. The CCTV system will have sufficient storage retention capacity for a minimum of 31 days' continuous footage which will be of good quality. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has accessed the system, the reason why and when.



39. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises will, on the lawful request of an authorised officer or an officer of West Yorkshire Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made the data controller will ensure that they are secured to prevent any overwriting.
40. The CCTV system will be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must allow an authorised officer or an officer of West Yorkshire Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.
41. A minimum of two Security Industry Authority registered door staff (numbers to be subject to police and licensing authority approval) will be present on the premises during the performance of relevant entertainment.

#### **Staff welfare**

42. Dancers will be aged 18 years or over.
43. Before a dancer is permitted to work on the premises the licensee will ensure that the dancer:
  - a) has not been convicted of theft, drug offences or prostitution
  - b) has the right to work in the UKThe licensee will keep records of the checks, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.
44. All premises that provide relevant entertainment will be expected to provide new dancers with a pack of information. This pack will include:
  - a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
  - b) Details of any other conditions applied by management of the premises
  - c) Details of how to report crime to the relevant authority
  - d) Details of the premises public liability insurance
  - e) Information on how dancers can obtain personal liability insurance
  - f) Details of unions, trade organisations or other bodies that represent the interests of dancers
  - g) A copy of the code of conduct for dancers
  - h) A copy of the code of conduct for customers
  - i) Price lists for drinks and sexual entertainment
45. The information provided in the pack will be provided in the dressing rooms or a sign will be placed in the dressing room advising the pack is available on request.
46. All booths and VIP areas used for private dances must be visible to supervision and must not

have closing doors, curtains or coverings of any description .

47. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
48. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
49. Any person on the premises who can be observed from outside the premises will be properly and decently dressed.
50. A smoking area for staff must be provided which is separate from the area where customers smoke. Customers and staff must not be allowed to interact while using these smoking areas.
51. Dancers must be covered up at all times with knee length robes whilst using the smoking areas.
52. The licensee will ensure dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
53. The practice of fining is prohibited.
54. Panic alarms are to be fitted to all booths and VIP performance areas and will be operational at all times.

#### **Vessels, stalls and vehicles**

55. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses, rickshaws, bicycles and novelty vehicles will not be used to transport customers to and from the premises.

#### **Variation of conditions**

56. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
57. The licensee may apply to the council to vary any of the terms of the licence.
58. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.

## Sex Shops

### General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

### Exhibition of licence

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

### Hours of opening

5. The premises will only be open to the public during the following hours:

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

### Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

### External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

**Strictly No Admittance to Persons Under 18 Years of Age**

This premises operates a Challenge 25 policy.  
Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

**Advertising**

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy approved by the council.

**Layout of premises**

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

**Management of the premises**

16. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:

- a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
  19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. 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 licensee's control of the premises.
  20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
  21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
  22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
  23. No persons under the age of 18 will be admitted to the premises.
  24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
  25. The licence holder will not employ any person under the age of 18 in any capacity.

#### **Video recordings**

26. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
27. Items sold, supplied for hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

### **Vessels, stalls and vehicles**

28. Vehicles must not be used for personal solicitation, touting or advertising. Only licensed hackney carriage and private hire vehicles can be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

### **Variation of conditions**

29. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
30. The licensee may apply to the council to vary any of the terms of the licence.
31. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

## Sex Cinemas

### General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

### Exhibition of licence

4. The licence, or a clear copy, will be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the council. A copy of the conditions attached to the licence will be kept on the premises and be available for inspection by an authorised officer of the council, or the police or fire authority.

### Hours of opening

5. The premises will only be open to the public during the following hours:

Monday	Friday
Tuesday	Saturday
Wednesday	Sunday
Thursday	

### Conduct on the premises

6. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

### External appearance

7. There will be a notice displayed on each entrance or doorway to the premises which states the following:

**Strictly No Admittance to Persons Under 18 Years of Age**

This premises operates a Challenge 25 policy.  
Persons under the age of 25 will be required to show proof of age.

8. The external appearance of the premises must be approved by the council in writing.
9. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
10. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
11. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

**Advertising**

12. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
13. Leafleting/distribution of flyers will only be permitted in such a way where it does not cause public offence. This is regulated by the paid permit system authorising distribution of free printed material issued by Leeds City Council. The licensee will remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee will have a flyer distribution policy to be approved by the council.

**Layout of premises**

14. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
15. No alterations (including temporary alterations) will be made to the structure and installations on the premises without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

**Management of the premises**

16. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue (“the manager”), will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
17. The licensee holder will ensure that any person nominated by him/her under the above:



- a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
18. Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such a change. Such details as the council may require in respect of the change in personnel will be furnished within 14 days of a request in writing from the council.
19. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. 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 licensee's control of the premises.
20. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
21. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
22. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.
23. No persons under the age of 18 will be admitted to the premises.
24. The licensee will operate a Challenge 25 age verification policy and people under the age of 25 will be required to show proof of ID. A notice to this effect in accordance with condition 8 will be displayed on the outside of the premises.
25. The licence holder will not employ any person under the age of 18 in any capacity.

### **Vessels, stalls and vehicles**

26. Vehicles must not be used for personal solicitation, touting or advertising and only licensed hackney carriage and private hire vehicles may be used to transport customers to and from the premises. Limousines, Hummers, mini buses and novelty vehicles will not be used to transport customers to and from the premises.

### **Variation of conditions**

27. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
28. The licensee may apply to the council to vary any of the terms of the licence.
29. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

## Appendix 2 Contact details

**Leeds City Council**  
**Entertainment Licensing**  
Civic Hall  
Leeds LS1 1UR

T: 0113 247 4095  
F: 0113 224 3885  
[Entertainment.licensing@leeds.gov.uk](mailto:Entertainment.licensing@leeds.gov.uk)

Application form, plan, fee, policies, notices  
and declaration

**West Yorkshire Police**  
Robert Patterson  
Leeds District Licensing Officer  
Millgarth Police Station  
Leeds LS2 7HX

T: 0113 241 4023  
[bob.patterson@westyorkshire.pnn.police.uk](mailto:bob.patterson@westyorkshire.pnn.police.uk)

Application form, plan, policies, notices and  
declaration