



## **Consultation on Gravesham Borough Council's Policy on licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues**

### **Introduction**

The Policing and Crime Act 2009 has introduced new powers for local authorities to regulate sexual entertainment venues. Gravesham Borough Council is minded to adopt these powers and this consultation is designed to gather views on its draft policy.

The purpose of this policy is to set out the expectations of the local authority in meeting the requirements of the legislation.

### **Venues that require licensing within this policy:-**

#### Sex Shop

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 (anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity) or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

#### Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or primarily deal with or relate to, genital organs or urinary or excretory functions but does not include a dwelling to which the public is not admitted.

#### Sexual Entertainment Venue

Sexual entertainment venues are premises where relevant entertainment or displays of nudity take place for the purpose of sexually stimulating an audience. Examples of relevant entertainment would be those that provide lap dancing or pole dancing.

### **Adoption of Legislation**

From the date on which the powers come into force, which will be decided by the Council, premises must be licensed. Premises on which relevant entertainment takes place infrequently, a maximum of eleven times in a twelve month period and on occasions at least one month apart, are exempt from the requirement for a licence. The Council may decide not to grant a licence if they consider that the location and layout of the premises is unsuitable and/or that the applicant is unsuitable. We may also decide how many licences should be granted in particular locations, which may be none.

If a licence is granted the Council may impose conditions, which could relate to such things as the outside appearance of the property, the management of the premises, internal layout and the nature of the performances. The Council will also decide what the application process will be, the fees to be charged, specific conditions and how problems will be dealt with.

### **Consultation Process**

The Council intends to consult with members of the public, trade and relevant enforcement agencies on its policy. You may make your views known by completing all or any part of the following document.

# Consultation Form

Objections must not be based on purely moral / religious grounds or values as these are outside the scope of the Act. This must be taken into account when commenting on this consultation of the policy.

You may make your submission by email or by post to:

Licensing Section  
Regulatory Services Department  
Gravesham Borough Council  
Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

[licensing.changes@gravesham.gov.uk](mailto:licensing.changes@gravesham.gov.uk)

The closing date for submission is

The council will take account of all views expressed during this consultation. The outcome of the consultation will be published on the Council's website.

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## Contact Details

Name:	
Name of Premises / Relevant Enforcement Agency (if relevant)	
Address:	
Telephone Number:	
Email:	
Date:	
Signature	

## Section 1 – Controlling the Location and Numbers of Establishments

The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

The Licensing Authority is minded not to set specific relevant localities or numbers in respect of each type of sex establishment, choosing instead to decide each application on its own individual merits but taking into account the impact of such premises and their operation on the vicinity in which they are located.

The Licensing Authority believes that by judging each case on its own merit it maintains its responsibilities to residents under the legislation whilst not stifling proper and well managed businesses.

We have considered and have listed the likely impact such premises may have on the following:-

- The likely effects of any increased footfall or vehicular traffic
- Any advertising or displays of an erotic or pseudo-erotic nature
- The type of location (residential, commercial, industrial)
- The vicinity of establishments whose patrons are likely to be effected by the operation of the premises
- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children’s centres or similar premises in proximity to the premises
- The proximity to shopping centres
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The proximity to historic buildings and tourist attractions
- Localities where the cumulative impact of the venue, taken with other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance
- The nature and concerns of any objections received from residents or businesses
- Any evidence of complaints about noise and/or disturbance caused by the premises
- The proximity of other sex establishments

<b>Q1 Do you agree with not setting localities and numbers of premises?</b>	
Agree / Disagree	If you disagree with this approach please explain why?
<b>Q2 Are there any areas that you consider more suitable than others?</b>	

<b>Q3 Are there any areas that you consider are not suitable?</b>
<b>Q4 Are there any other comments you would like to make about the location of sex establishments?</b>

## Section 2 – Considering Applications

When considering an application for a sex establishment the council will also take into account the following:-

- The type of activity to which the application relates
- The duration of the proposed licence
- The days and hours of operation of the activity
- The layout and condition of the premises
- The use to which other premises in the vicinity are put
- The levels of crime and disorder in the area.

<b>Q5 Do you agree with this approach?</b>	
Agree / Disagree	If you disagree with this approach please explain why

## Section 3 – Controlling Sex Establishments by conditions and application process

### Advertising

The council does not consider it appropriate for all types of sex establishments to have explicit displays outside their premises. However, there is a need for there to be a clear indication of the type of entertainment that takes place within the premises. It is therefore, proposed that there would be conditions attached to the licence prohibiting explicit displays outside the premises.

<b>Q6 Do you agree with this approach?</b>	
Agree / Disagree	If you disagree with this approach please explain why

### Protection of Performers and Public

The council believes that it is appropriate to introduce conditions to protect both performers and the public in relation to 'relevant entertainment'. This will include distances between the audience and performers, facilities for performers such as changing rooms, public attending the entertainment will be able to see the performance and other persons within the building or outside the premises will not be able to gain entry or see into the venue whilst entertainment is taking place.

#### **Q6 Do you agree with this approach?**

Agree / Disagree	If you disagree with this approach please explain why
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### Management of premises

The Council will engage with the management of the premises (applicant) and will require them to provide evidence to demonstrate that they have suitable experience and understand the requirements of the business within the application process.

A licence will not be granted if the management cannot comply with the following:

- A person under the age of 18
- A person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months
- A person other than a body corporate who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made or
- A body corporate which is not incorporated in an EEA State or
- A person who has within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- The applicant is unsuitable to hold the licence
- If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself

#### **Q7 Do you agree with this approach?**

Agree / Disagree	If you disagree with this approach please explain why
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## Section 4 – Crime and Disorder

The Council has no evidence of any reported crime and disorder including anti-social behaviour, drug and alcohol misuse and other behaviour adversely affecting the local environment which is directly attributable to the operation of existing sex shop and premises that hold 'relevant entertainment' in the area.

The Council feels that by adopting this legislation gives the community and relevant enforcement agencies the ability to make representations and for the local authority to refuse applications or impose restrictions/ conditions on licences where they feel it is necessary, reasonable and proportionate to achieving the objective of the legislation. This will enable the licensing authority to put preventative measures in place to deal with the potential for crime and disorder in the future.

<b>Q8 Do you think the Council has addressed your concerns regarding the potential for crime and disorder in the future?</b>	
YES / NO	If you answer YES please explain why

<b>Q9 Do you have evidence to the contrary that there is a problem with sex establishments in the area?</b>	
YES / NO	If you answer YES please provide evidence

## Section 5 – Any other comments

<b>Q10 Do you consider that the proposals to licence sex establishments will have an impact on equality issues? If so, please explain?</b>

<b>Q11 Do you have any further comments in relation to the policy</b>