

# AGENDA

## LICENSING COMMITTEE MEETING



Date: Monday 5 September 2016

Time: 10.00 am

Venue: Town Hall, High Street,  
Maidstone

Membership:

Councillors Adkinson, Garten, Greer, Mrs Grigg,  
Mrs Hinder, Joy (Chairman),  
McLoughlin, B Mortimer, Naghi (Vice-  
Chairman), Newton, Mrs Robertson  
and Springett

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers

**Continued Over/:**

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**Issued on Thursday 25 August 2016**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Poppy Collier on 01622 602242**. To find out more about the work of the Committee, please visit [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

**Alison Broom, Chief Executive, Maidstone Borough Council,  
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting held on 16 June 2016 1 - 5
8. Report of the Head of Housing and Community Services - Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 – Application for the Renewal of a Sex Establishment Licence – for Players, Gentlemens’ Club, 57 High Street, Maidstone, Kent, ME14 1SY 6 - 112
9. PART II

**To move that the public be excluded for the items set out in Part II of the Agenda because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.**

		<b>Head of Schedule 12 A and Brief Description</b>	
10.	Exempt Information in respect of the report of the Head of Housing and Community Services - Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 – Application for the renewal of a sex establishment licence – for Players, Gentlemens’ Club, 57 High Street, Maidstone, Kent, ME14 1SY	Para 3 – financial or business affairs	113 - 127

## MAIDSTONE BOROUGH COUNCIL

### Licensing Committee

#### MINUTES OF THE MEETING HELD ON THURSDAY 16 JUNE 2016

**Present:** Councillor Joy (Chairman), and  
Councillors Adkinson, Garten, Mrs Grigg, Mrs Hinder,  
Joy, McLoughlin, Naghi, Newton, Mrs Robertson,  
Springett, Vizzard and Mrs Wilson

1. APOLOGIES FOR ABSENCE

It was noted that apologies had been received from Councillor B Mortimer.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Vizzard would substitute for Councillor B Mortimer, however Councillor Vizzard had advised that he would arrive late to the meeting. Councillor Wilson substituted for Councillor B Mortimer until Councillor Vizzard's arrival.

3. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Perry was in attendance as an observer.

4. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor Joy be elected Chairman of the Committee for the Municipal Year 2016-17.

5. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor Naghi be elected Vice-Chairman of the Committee for the Municipal Year 2016-17.

6. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

7. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

8. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

**RESOLVED:** That all items on the agenda be taken in public as proposed.

9. MINUTES OF THE MEETING HELD ON 31 MARCH 2016

**RESOLVED:** That the minutes of the meeting held on 31 March 2016 be approved as a correct record and signed.

10. LICENSING COMMITTEE ROLES AND RESPONSIBILITIES

John Littlemore, Head of Housing and Community Services, introduced a report recommending a timescale within which new Member training and refresher training should be undertaken by Members of the Committee. The report also clarified the process for Member site visits.

During discussion of licensing training the following was explained:

- Under the constitution the Community, Housing and Environment Committee had the function to oversee the development, review and implementation of the Council's Licensing Strategy and Policies, including making recommendations to Council. The Licensing Committee had input into policies through making recommendations to the Communities, Housing and Environment Committee.
- Members of the Communities, Housing and Environment Committee were not required to undertake licensing training.
- There was no legal obligation for Members of the Licensing Committee to undertake training, however if Members were untrained this could leave a decision with a heightened risk of challenge.
- Should a Member be unable to attend specific dates offered for training, Officers would liaise with the partner authorities of Tunbridge Wells and Sevenoaks to see if there were places available on their training sessions.
- Invitations to attend licensing training would clearly state whether the session was mandatory for all Committee Members, or was particularly targeted at new and untrained Members and Substitute Members.

The Committee discussed the guidance on Members site visits. In response to questions it was set out that:

- Members could not undertake site visits independently in an official capacity. For clarification it was explained that Members would be seen to be acting in an official capacity if they made themselves known to the proprietor or licensee, and advised the licensee that they were a Member of the Committee or were making a visit on behalf of the Licensing Authority.
- Members were not prevented from visiting establishments unofficially.

Councillor Vizzard entered at 6.49 p.m. as a Visiting Member.

Councillor Wilson left the meeting after the vote at 6.59 p.m.

**RESOLVED:**

1. That it be agreed that training in accordance with paragraph 2.6 of the report of the Head of Housing and Community Services be completed by members and substitutes within 6 months of being selected for the Licensing Committee.
2. That it be agreed that training in accordance with paragraph 2.6 of the report be refreshed every year if required or when statutory or significant guidance changes were made, whichever was the sooner.

For – 10          Against – 0          Abstain - 0

3. That a recommendation to Democracy Committee be made in the following terms:

- a) That the function to oversee the development, review and implementation of the Council's Licensing Strategy and Policies (including making recommendations to Council) be removed from the delegated functions of the Community, Housing and Environment Committee, and inserted into the delegated functions of the Licensing Committee at part 2.1, para. 2.9 of the Constitution;

For – 10          Against – 0          Abstain - 0

- b) That a penultimate sentence be added to part 4.5, para. 1c of the Constitution to read: 'Members will not be eligible to sit on a Licensing Act 2003 sub-committee until training has been completed'.

For – 10          Against – 0          Abstain - 0

11. HACKNEY CARRIAGE SPECIFICATIONS

Councillor Vizzard substituted for Councillor B Mortimer.

John Littlemore, Head of Housing and Community Services, spoke to the report and explained that the recommendation was to amend the policy to include a new vehicle within the Hackney Carriage specifications. The recommendation proposed that authority be delegated to the Head of Housing and Community Services to add or remove vehicle types.

During discussion Members considered whether authority should be delegated to the Head of Housing and Community Services for this issue going forward, or whether vehicles proposed for inclusion should be presented to the Committee for decision.

The recommendations were moved with an amendment to read 'That the Hackney Carriage & Private Hire Licensing Policy is amended to give delegated authority to the Head of Housing and Community Services to add or remove vehicle types to those that are approved for licensing, on the condition that the vehicle has EC Whole Vehicle Type Approval.'

This was seconded and became a substantive motion with 8 votes in favour.

**RESOLVED:** That it be recommended to Communities, Housing and Environment Committee:

1. That the Hackney Carriage & Private Hire Licensing Policy is amended to include the Peugeot E7 within the definition of approved vehicle; and remove Section 5 relating to the turning circle requirement of Appendix 5A of the Policy;
2. That the Hackney Carriage & Private Hire Licensing Policy is amended to give delegated authority to the Head of Housing & Community Services to add or remove vehicle types to those that are approved for licensing, on the condition that the vehicle has EC Whole Vehicle Type Approval.

For – 7

Against – 1

Abstain – 1

## 12. ANIMAL ESTABLISHMENT FEES REPORT

Claire Perry, Licensing Partnership Manager, introduced the report on Animal Establishment Fees and explained that a new fee model had been used to ensure that the fee reflects the time taken for the council to process an application.

During discussion it was stated that:

- The licence was not required to keep animals in one place. An example given was that the licence was not required to keep horses, but would be required if the horses were hired out for riding;
- Fees would be reviewed annually;
- A deposit was required for zoos because a specialist vet who was approved by Defra was required to undertake a site visit;
- Vets fees had been removed from the Animal Establishments fees for riding establishments at the request of the establishments concerned. In future vets fees would be invoiced separately by the Environmental Enforcement team. It was expected that the separation of vets fees in this way would lead to a slight increase in cost to the establishments.
- The fees could not be amended to support smaller businesses differently. Since the ruling in the Hemming v Westminster case it

was best practice that the fee charged should reflect the time taken to process the application, and the cost of admin was the same for all applications received. A greater fee could not be charged for some establishments to subsidise the fee for others.

A Member requested that a figure for the minimum and maximum costs for vets fees be provided outside of the meeting.

**RESOLVED:**

That the fee levels as set out in paragraph 2.7 of the report of the Head of Housing and Community Services – Animal Establishment Fees be approved for implementation as of 4 July 2016.

For – 9      Against – 0      Abstain - 2

13. ANNUAL LICENSING PARTNERSHIP UPDATE REPORT

Claire Perry, The Licensing Partnership Manager, spoke to the report providing an annual update on the Licensing Partnership.

Members congratulated and thanked Mrs Perry and the Licensing team on their performance over the year.

**RESOLVED:** That the report be noted.

14. URGENT ITEM

The Chairman, in her opinion, decided to take the appointment of group spokespersons as an urgent item due to the length of time until the next meeting.

15. ELECTION OF GROUP SPOKESPERSONS

Nominations were taken for Group Spokespersons, and it was:

**RESOLVED:** That the Group Spokespersons for the Licensing Committee for the Municipal Year 2016-17 be appointed as follows:

Councillor Adkinson, Labour Group Spokesperson  
Councillor Hinder, Conservative Group Spokesperson  
Councillor B Mortimer, Liberal Democrat Group Spokesperson  
Councillor Newton, Independent Group Spokesperson

16. DURATION OF MEETING

6.30 p.m. to 7.46 p.m.

# Agenda Item 8

## LICENSING COMMITTEE

5 SEPTEMBER 2016

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,  
SCHEDULE 3 – APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT  
LICENCE – FOR PLAYERS, GENTLEMENS’ CLUB, 57 HIGH STREET,  
MAIDSTONE, KENT,  
ME14 1SY**

<b>Final Decision-Maker</b>	Licensing Committee
<b>Head of Service</b>	John Littlemore
<b>Report Author</b>	Lorraine Neale
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	High Street

**This report makes the following recommendations to the final decision-maker:**

1. That the Committee grants the application made by Emma Louise Sexton on 6 April 2016 to renew the Sexual Entertainment Licence for Players, 57, High Street, Maidstone, with the existing conditions remaining attached.

**This report relates to the following corporate priorities:**

- Keeping Maidstone an attractive place for all
- Securing a successful economy for Maidstone Borough

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982,  
SCHEDULE 3 – APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT  
LICENCE – FOR PLAYERS, GENTLEMENS’ CLUB, 57 HIGH STREET,  
MAIDSTONE, KENT, ME14 1SY**

**1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 To consider and determine the application made on 6 April 2016 by Emma Louise Sexton for the renewal of a Sex Establishment Licence for a Sexual Entertainment Venue which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 as amended by the Policing and Crime Act 2009
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**2. INTRODUCTION AND BACKGROUND**

- 2.1 On 2 March 2011 the Council resolved to adopt the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009; therefore, subject to limited exceptions and exemptions, or in the absence of a waiver, premises offering relevant entertainment require a Sexual Entertainment Venue (SEV) licence to operate in Maidstone. The new powers took effect locally from the 1 May 2011.
- 2.2 Where a licence is granted any standard conditions adopted by the Council will automatically be imposed unless expressly excluded or varied. The Council has adopted standard conditions and a policy to facilitate consideration of applications and guidance is provided to the committee in subsequent paragraphs of this report.
- 2.3 Players have provided adult entertainment since the grant of their Licensing Act 2003 premise licence issued on 30 July 2007. Players made their initial application for their sexual entertainment venue licence on 28 October 2011 and at the Licensing Committee meeting on 5 March 2012 their sexual entertainment venue licence was granted with variations to conditions 2,4,14,20 and 37, and additional Security and CCTV conditions were attached, this licence came into operation on 1 May 2012. The SEV licence has been in place at the premises since 2011 and is renewed annually.

In 2013, 107 objections were received in relation to the renewal application, Members considered all the relevant factors at the hearing and made the decision to grant the licence.

In 2014 no representations were received and the licence was granted without the requirement of a hearing.

In June 2015 members agreed to the transfer of the sexual entertainment venue to Emma Sexton.

At a meeting in October 2015 members considered 1 representation received on the renewal application and agreed to grant the licence on the existing terms and conditions together with following additional conditions and an informative.

#### ADDITIONAL CONDITIONS.

- All premises rules documents must be reviewed and updated to correctly reflect current practice, for example removal of reference to pole shows and dancers being involved in promotions as referred to at the hearing. The revised documents should be submitted, within 28 days of the date of issue of this licence, to the Head of Housing and Community Services to confirm approval and form part of the premises information. Any notices displaying these documents on the premises or handed to employees should be amended within 7 days of the date of confirmed approval.
- A sign shall be placed in a prominent place at each exit from the premises, where it can be easily read, stating that customers are reminded to leave quietly and consider the impact of their behaviour on those in the locality.
- All current and any new door staff shall be specifically advised by management of the premises that those customers awaiting entry to and leaving the premises should be encouraged to behave appropriately and under no circumstances to harass those in the vicinity. Harassment is not to be tolerated.
- A member of door staff at the entrance/exit must have clear sight of the outside of the premises at all times when there is a queue outside or persons leaving the premises.

All these conditions have been complied with.

- INFORMATIVE.
  - The licence holder should consider whether some use of female door staff would encourage the maintenance of appropriate behaviour in the immediate vicinity of the premises should harassment be found.
- 2.4 An application was received on 6 April 2016 from Emma Louise Sexton for renewal of the Sexual Entertainment Venue licence in respect of Players, 57 High Street, Maidstone, Kent, ME14 1SY and a copy is attached as Appendix A.
- 2.5 This application has been made in accordance with the amendments to the 1982 Act, as amended by the Policing and Crime Act 2009, as an existing operator currently carrying out 'Relevant Entertainment' as defined by the amendments to the Act and as detailed at 5.6 and 5.7 pages 6 and 7 of the Council's 'Sex Establishments Policy'.

- 2.6 The application is for the provision of sexual entertainment during the following hours Monday to Sunday 20:30 – 02:00 and New Years Eve 20:30 – 03:00.
- 2.7 The applicant is required to serve a copy of their application on the Chief Officer of Police and to give notice to other interested parties by way of a notice on site for 21 days and in the local paper once within 7 days of application. These requirements have been satisfied for this application. A copy of the site notice and newspaper advert as it appeared in the Kent on Sunday is attached as Appendix B. Any objections were required by 4 May 2016.
- 2.8 No observations were received in response to the notices of application from the Police but a comment was submitted in relation to the premises on 18 May 2016 and is attached as Appendix C.
- 2.9 There have been 3 objections received by 4 May 2016, 1 letter received on 15 April 2016 and 2 e-mails received on 18 and 25 April 2016, in summary their objections are:-
- Emma Sexton is not a fit and proper person to hold the Sexual Entertainment Venue licence due to being involved in the “adult” industry in the past.
  - alleged drug problems at the club
  - club rules and regulations not followed.
  - the welfare of dancers is not maintained, as there is an expectation to do more than the rules and regulations allow.
- 2.10 Copies of the objections providing full details of the comments are attached as appendix i to the exempt report for the letter and Appendix D for the e-mails. Names and addresses have been redacted as the objectors have not consented to their details being revealed.
- 2.11 The letter of objection received on 15 April 2016 included attachments and was signed. However it contained no contact information for the author. As we have no contact information for this objector we are unable to establish to our satisfaction the source of the contents. We could not inform them of the date of the hearing and therefore it is unlikely they will be in attendance. Due to the nature of the information contained within this document this objection is attached as appendix i to the exempt report and any discussion of the content will take place with exclusion of the public. The meeting information has, however, been published in the usual manner.
- 2.12 In respect of the e-mail of objection received on 18 April 2016 requests for further information were sent on 13 May 2016 and 27 May 2016 by the Licensing Department (Appendix E), there has been no response to the requests for information or any indication given that they would attend the hearing.
- 2.13 In respect of the e-mail of objection received on 25 April 2016 requests for further information were sent on 13 May 2016 and 27 May 2016 by the

Licensing Department (Appendix F), there has been no response to the requests for information or any indication given that they would attend the hearing.

- 2.14 The letter and e-mails of objection were furnished to the applicant and her legal representative has provided responses to the objections that are attached.
- a) Response from the applicant Miss E Sexton, this is attached as appendix G to this report and ii to the exempt report this is due to the nature of the information provided ,
  - b) Response from the Assistant Manager and House Mother (Appendix H)
  - c) Response from a member of the door security (Appendix I)
- 2.15 Members should note that licences cannot be refused on solely moral grounds i.e. sex establishments are immoral and none should be allowed. They need to confine their considerations to matters relevant to the statutory grounds, (12.3 policy).
- 2.16 The definition of a Sexual Entertainment Venue is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- 2.17 There are a number of mandatory grounds for refusal of an SEV licence which are:-
- (a) to any person under the age of 18 years
  - (b) to any person who is for the time being disqualified due to having had a previous licence revoked in the area of the appropriate authority within the last 12 months
  - (c) to any person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate which is not incorporated in an EEA state; or
  - (e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused that 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.
- 2.18 There are also discretionary grounds for refusal of an SEV licence.
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason

(b) if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself

(c) the number of sexual entertainment venues, in the relevant locality at the time which the authority consider is appropriate for the locality

(d) the grant or renewal of the licence would be inappropriate, having regard:

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the lay out, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

2.19 In considering this application the Committee should have regard to:

- The Council's Sex Establishments Policy (Appendix J)
- Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, as amended by Policing and Crime Act 2009.
- Home Office – Sexual Entertainment Licence – Guidance for England and Wales.

2.20 Additionally Section 1 and Schedule 1 Parts I & II of The Human Rights Act 1998 will apply to this application:

Article 1 – Every person is entitled to the peaceful enjoyment of his or her possessions including the possession of a licence and shall not be deprived of the possession except in the public interest

Article 6 – That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the

protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

See item 7, page 7 of the Council's 'Sex Establishments Policy.

- 2.21 The provision of Services Regulations 2009 impose three tests on any refusal of a licence under the Act, they must be:-
- Non discriminatory
  - Necessary
  - Proportionate
- 2.22 Section 17 of the Crime and Disorder Act 1998 imposes a duty on Licensing Authorities to have due regard to the likely effect of the exercise of their functions on and the need to do all they reasonably can to prevent Crime and Disorder.
- 2.23 The Equality Act 2010, Section 149 requires public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity between the sexes and foster good relations between them. Consideration of this may inform Conditions. This duty also covers religious belief and disability.
- 2.24 Players SEV licence was issued on 16 May 2015 and expired on 15 May 2016 (Appendix K). The application for renewal of the licence was received on 6 April 2016 (Appendix A). The licence is now due for renewal and the premises can continue to trade while these matters are determined.
- The premises has operated with no issues or complaints being reported to the Licensing Department. The last visit made to the premises by Licensing Officers was on 28<sup>th</sup> April 2016, no issues were found.
- 2.25 Renewal of a licence is an occasion on which the licensing authority can revisit the principle of the licence, the legislation does not differentiate between discretion to refuse to grant and refusal to renew a licence. Case law has confirmed that a licensing authority is entitled to refuse to renew a licence for a sex establishment on grounds under paragraph 12 (3) (d) of schedule 3 of the Local Government (Miscellaneous provisions) Act 1982 ,(grant or renewal would be inappropriate having regard to the character of the relevant locality or the use to which any premises in the vicinity are put etc.), despite there not having been any change of circumstances since the last grant, provided that due weight is given to the fact that the licence has been previously granted and gave rational reasons for the refusal. If, however, the decision purports to rely on a change of character of the relevant locality, if there was in fact no evidence of such a change sufficient to justify the refusal to renew the licence an appeal could be allowed.

An authority can take into account changing considerations so as to refuse a licence even where the licensee has done nothing wrong.

- 2.26 Section 12.1 of the Sex Establishments Policy details the Mandatory Grounds for refusing an application; none of these grounds apply to this application.
- 2.27 Section 12.2 details discretionary grounds where a licence may be refused.

**(a) suitability of applicant (paragraph 12.4 a) policy) –**

The applicant for renewal of the premises licence is Emma Sexton who has been the Licensing Act 2003 DPS since 7<sup>th</sup> May 2015 and SEV licence holder since June 2015. Of the 3 objections that have been received the letter refers to her lack of suitability to hold the Sexual Entertainment Venue Licence and the emails refer to issues suggesting insufficient management of the premises.

The ground relevant in respect of refusal for suitability is the applicant is unsuitable to hold the licence by reason of having been “**convicted of an offence or for any other reason**”. There are no allegations concerning conviction for an offence and so consideration is of whether there is evidence of any other reason relevant to this application.

Paragraph 12.4 of the Council’s policy refers to factors that will be considered:

- previous knowledge and experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors

This applicant has been the 2003 Act licence holder and SEV licence holder since 2015 and involved with the premises prior to that. The Police and Licensing Authority have not experienced issues with the premises during this time. The only issues raised for consideration have been those from the 3 objections which have come from sources that cannot be confirmed despite further contact. The allegations made are denied by the applicant.

**(b) Business carried out on behalf of a person who would be refused**

(paragraph 12.4 b) Policy). No information indicates that this ground of refusal would be relevant or justified.

**(c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time of determination is equal to or exceeds the number which the authority considers is appropriate for the locality.**

At the hearing on 19 May 2013 it was decided that 1 Sexual Entertainment venue would be suitable for the relevant locality and the relevant locality in respect of these premises was established as being the High Street area between Mill Street and the Bridge area BishopsWay/Fairmeadow.

There was no requirement for a hearing in 2014 therefore the matter was not considered.

- 2.28 At the hearing on 19 October 2015 it was decided that 1 Sexual Entertainment venue would be suitable for the relevant locality and the relevant locality in respect of these premises was established as being the High Street area between Mill Street and the Bridge area BishopsWay/Fairmeadow.

Each application must be considered on its own merit at the time the application is determined. When considering the application for Players Members may wish at this time to consider the relevant locality and how many Sex Establishments are suitable for this relevant locality at this time. There have been no significant changes since these previous decisions and this ground is not raised by objectors.

2.29 What is the Relevant Locality

This is relevant to Paragraphs 12(3) (c) and (d) (i) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Paragraphs 12.5 to 12.10 policy refer.

- 2.30 The building is located in Lower High Street, an area with mixed uses. Members should consider the locality at the time of this decision and consider the locality at the time when it is proposed the premises will be operating as an SEV. Parties at the hearing will be able to make submissions on this issue. Locality may be a large area, probably larger than vicinity, but the locality is a matter for members and will depend on the circumstances of the case. It has been held that locality cannot be the entire administrative area and further that locality is likely to be a homogenous area. Case law has held that a whole town may be too large. There does not have to be a clearly predefined area or precise boundaries.

2.31 What is the Character of the Relevant Locality

Paragraph 12(3)(d)(i) of Schedule 3 to the Local Government (Miscellaneous provisions) Act 1982 and paragraph 12.10 policy. The area is in the Maidstone Town Centre conservation area, there are some listed building in the vicinity including 57 High Street for further details see the plan attached at Appendix N.

- 2.32 There are no residences located immediately adjacent to the premises, but there are residential premises in the area. In general there are there are 44 residential properties in the High Street/Mill street area, 22 are occupied and 22 are empty. The nearest residences being 55a High Street which is currently occupied and Flats 1-5 River Court, 53a High Street currently showing 2 residents, these residences are on the Players side of the High Street also 37 High Street which is almost opposite Players. There are other licensed

premises, (Licensing Act 2003), in the lower end of the High Street and nearby that also form part of the night time economy, they are:-

Name of premises	Address	Opening Hours
Buddha Belly	22 – 23 High Street	Mon to Sun – 09:00 – 03:00
Kullar News	30 High Street	Mon – Sun 00:00 – 24:00
Pizza Chicken Hot 4 You	31 High Street	Mon – Sat 11.00 – 04.00 Sunday 11.00 – 23.00
Fortify Cafe	32 High Street	Mon to Sun 08:00 – 00:00
Dinos Pizza	34 High Street	Fri & Sat 11:30 – 05:00 Sun – Thurs 23:00 – 00:00
Wok Inn	38 High Street	Mon to Sun 11:00 – 05:00
Maidstone Grill	54 High Street	Mon – Sun 00:00 – 24:00
Gem of Kent/Rafters	62 High Street	Sun – Wed 08:00 – 00:00 Thurs – Sat 08:00 – 04:00
Buenos Aires	63 High Street	Mon – Sat 12:00-16:00 and 18:00 -00:00 Sun 12:00 – 23:00

- 2.33 There are shops/businesses that operate during the day immediately around the premises. High Street is a retail thoroughfare and a pedestrian street, see policy paragraph 12.13
- 2.34 There are bus stops located in Lower High Street however the premises would not operate until 20:30 hours, which would be after schools finish and normal commuting times.
- 2.35 At 34A High Street, there is a youth café called switch which is used by young people and any local organisations involved with them. Its hours of operation are Tuesday –Friday 15:30 – 17:30 and Saturday 15:00 – 18:00, they are not open during the operational hours for Players. However, at night the premises are used as a base by Maidstone’s street pastors.
- 2.36 There is an established space approximately 200 – 250 metres from Players called Jubilee Square which is used for civic and community events and is used by the public as a meeting and resting place also during the summer months there are children’s funfair rides often positioned there. Jubilee Square and the High Street was Phase I of Maidstone Borough Council regeneration scheme and was completed in May 2012. In October 2013 Phase II was completed this saw the lower end of the High Street being regenerated its intention to encourage public use into that area. There have not been any events put on in this part of the High Street either before or since Phase II of the regeneration.

2.37 **(d) That the grant of the licence would be inappropriate, having regard –**

i. to the character of the relevant locality  
(paragraph 12.10 Policy)

The Notices displayed at the premises as part of the application process did not attract any complaints from member of the public on the grounds of “character of the relevant locality. The Police offered no observations on receipt of their copy of the application but a comment was submitted in relation to the premises on 18 May 2016 and is attached as Appendix C.

The Players windows are blacked out with only the name of the premises and the operating hours advertised on them, the only other advertising is a billboard just outside the door during the hours of operation, which is controlled by standard conditions 13-15, rather than refusal of the licence. The regeneration of the lower end of the High Street completed in 2013 its intention when finished was to encourage public use into that area, to date this objective has not been fully met.

No objections have been raised as to locality.

; or

**ii. to the use to which any premises in the vicinity are put;**  
(paragraph 12.11 Policy)

Paragraph 12(3)(d)(ii) of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and paragraph 12.11 policy.

Vicinity is likely to be a narrower area than “relevant locality” and parties will be able to make representations on this issue.

Paragraph 2.23 describes the character of the locality and here we concentrate on the uses of premises which may be relevant to members’ consideration if they are considered to be in the vicinity of the premises.

The nearest residential properties are at Flats 1-5 River Court, 53a High Street, there are other Licensing Act 2003 premises nearby that attract a significant number of customers.

The nearest churches are Maidstone Baptist Church at the corner of Knight rider Street and Mill Lane and All Saints Church which is directly opposite on College Road (0.5 mile). There is also the United Reform in Week Street (0.3 mile) and the Life Church and Methodist Church in Brewer Street (0.3 mile).

The nearest schools are Maidstone Boys Grammar School at Barton Road (0.8 mile) Invicta Girls Grammar School and Valley Park School are at Huntsman Lane (0.9 mile) Maidstone Girls Grammar School and Maplesden Noakes at Buckland Road (0.9 mile).

The nearest public recreation spaces are the Archbishop's Palace Gardens, amphitheatre by the riverside and Brenchley Gardens.

Bus stops are situated on High Street not far from the premises.

The premises are within the Maidstone conservation area and the nearest historic buildings are Archbishops Palace, All Saints Church, Carriage Museum and the Town Hall. Some of the buildings in High Street are also listed.

The premises in the area mainly reflect two types of economy namely the retail outlets during the day and those establishments relevant to the night time economy. High Street is a mix of these.

No objections have been raised as to locality, character of locality or use to which premises in the vicinity are put.

or

**iii. to the layout, character or condition of the premises in respect of which the application is made.** (paragraph 12.12 Policy)

The premises is on two levels with one main door that leads directly into the High Street with minimal signage on the street which is subject to any planning requirements and the approval of the licensing department.

The applicant has requested that lap and pole dancing carries on between the hours of 20:30 – 02:00 Monday to Sunday and 20:30 – 03:00 on New Year's Eve. Included as part of the application are the Customers and Dancers House rules, a welfare of dancers document and their training procedures, these things combined illustrate the suitability of the management systems with regard to these premises.

The two emails received raise the issue that drugs are used at the premises and rules are not followed these engage the consideration of character of the premises and whether it is appropriate.

Officers have made visits to the premises as routine and always found the premises to be compliant. To date there have been no complaints made in respect of these premises from the public or observations from the Police.

2.38 The Committee must have regard to the Councils Sex Establishments Policy (attached as appendix J) and in doing the so the overriding principle is that each application will be determined on its own merit. A licence granted would last for one year and is subject to renewal annually.

2.39 The Council has approved a set of Standard Conditions which they can apply to or impose on any licence that may be granted, unless, the application has requested that one or more of the Standard Conditions are to be removed if this appears to the Members to be necessary and proportionate in this particular case. This is a matter for the Committee to

consider in their determination. The Standard Conditions as part of the Councils policy are attached as appendix L

- 2.40 Under Paragraph 8 of Schedule 3 of the Act the Council may grant a Sex Establishment Licence on such terms and conditions and subject to any restrictions as may be specified and that these specific terms and conditions will be tailored for each individual premises.

In respect of Players there are some variations to standard conditions and additional conditions in place on the current licence appendix K and the application is for these to continue.

- 2.41 Policy- Locality and Numbers.

An authority may publish a policy but that cannot prevent any individual application from being considered on its merits at the time of the decision, when submissions can be made by all parties. Thus a policy predetermining localities and numbers would have to be reviewed on each application, in any event, and the circumstances of any area may change over time.

- 2.42 At the meeting on the 5 March 2013, when Players first made application for a Sexual Entertainment Venue Licence (SEV) the Licensing Committee decided at that time that the appropriate number of such establishments in the locality of the Lower High Street between Mill Street and the bridge area (Bishops Way/Fairmeadow) was one. In 2014 there was no requirement for a hearing and in 2015 again it was considered to be one for the area. The Committee may now revisit their decision and make a decision at this time. Determination will be made on individual merit of the application, at the time the application is decided

- 2.43 Appeals.

A statutory right of appeal against any decision to refuse in this case, or to impose conditions, is given to the applicant, in respect of mandatory grounds of refusal only on the basis that the ground does not apply to the applicant and in respect of discretionary grounds in paragraph 12 (3) (a) and (b), (suitability of applicant, manager and beneficiary of the operation). This is to the Magistrates' Court, by way of complaint for an order, within 21 days beginning with the date the decision is notified. There is no right for other parties to appeal in this way but they can apply to the Court to be heard at any appeal. In respect refusal for grounds under paragraph 12 (3) (c) and (d) (i) – (iii) these rights do not apply. Any other appeal would be by way of judicial review.

- 2.44 When Decision is Effective.

If there should be a refusal to renew on grounds under schedule 3 paragraphs 12 (3) (c) or (d) the decision takes immediate effect and the licence lapses with the decision. If there is a refusal on other grounds then the decision is not effective until the time for appeal expires and if an appeal is brought until that is abandoned or determined.

---

### 3. AVAILABLE OPTIONS

The Committee may:

- 3.1 Grant the application as applied for with Standard Conditions, or
  - 3.2 Grant the application as applied for with Standard Conditions and additional conditions, or
  - 3.3 Grant the application on varied terms, with or without additional conditions.
  - 3.4 Refuse the application on one or more of the statutory grounds.
- 

### 4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The existing licence conditions have enabled the premises to operate without incident or cause for concern and the recommendation is that the licence is renewed with the existing conditions attached.
- 

### 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Three objections were received during the statutory consultation period and are attached as Appendices D & E.
- 

### 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Service or Manager]
Financial		[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal	Contained within the body of the report	[Legal Team]
Equality Impact Needs		[Policy &

<b>Assessment</b>		Information Manager]
<b>Environmental/Sustainable Development</b>		[Head of Service or Manager]
<b>Community Safety</b>	Contained within the body of the report	[Head of Service or Manager]
<b>Human Rights Act</b>	Contained within the body of the report	[Head of Service or Manager]
<b>Procurement</b>		[Head of Service & Section 151 Officer]
<b>Asset Management</b>		[Head of Service & Manager]

## 7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A - Application form including company policy
- Appendix B - Applicants site notice and newspaper notice
- Appendix C - Police comment.
- Appendix D - E- mails of objection
- Appendix E - Licensing Department request for information re 18.4.16 e-mail
- Appendix F - Licensing Department request for information re 25.4.16 e-mail
- Appendix G – E Sexton response to objections
- Appendix H - Assistant Manager/House Mother response to objections
- Appendix I - Security response to objections
- Appendix J - Maidstone Borough Council sex establishments policy.
- Appendix K - SEV licence now expired
- Appendix L - Policy SEV Conditions
- Appendix M - Hearing Procedure
- Appendix N - Plan of the area

## 8. BACKGROUND PAPERS

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

<http://www.legislation.gov.uk/ukpga/1982/30/contents>  
<http://www.legislation.gov.uk/ukpga/2009/26/section/27>

Home Office – Sexual Entertainment Licence – Guidance for England and Wales.  
<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/crimereduction057a.pdf>

**MAIDSTONE BOROUGH COUNCIL**  
**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 3**  
**POLICING AND CRIME ACT 2009 SECTION 27**  
**APPLICATION FOR A ~~GRANT/RENEWAL/TRANSFER~~ (DELETE AS APPLICABLE) OF A**  
**LICENCE TO USE ANY PREMISES, ~~VEHICLE, VESSEL OR~~**  
**~~STALL~~ AS A SEX ESTABLISHMENT**

**A. APPLICANT DETAILS:**

**1.** Is the application being made by:- Tick or enter where appropriate:

(a) An individual? <b>Please go to question 2</b>		<b>YES</b>
(b) A Company or other Body Corporate? <b>Please go to question 3 &amp; 5</b>		
(c) A Partnership or other unincorporated body? <b>Please answer questions 4 &amp; 5</b>		

**2.** If the applicant is an individual please give the following information:-

(a) Full name of the applicant.	<b>EMMA LOUISE SEXTON</b>
(b) If the applicant has ever been known by a different name, please state the former name. <b>Please go to question 5</b>	

**3.** If the applicant is a Company or other corporate body please give the following information:-

(a) The name of the Applicant?	/									
(b) Where is the Applicant registered?										
(c) What is the registered number of the Applicant?										
(d) Has the Applicant previously been known by any and if so what name?										
(e) Has the Applicant:										
	<ul style="list-style-type: none"> <li>• Ever been convicted of a criminal offence?</li> <li>• Ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked?</li> <li>• Ever been served with a winding up petition?</li> </ul>	<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="padding: 2px;">YES</th> <th style="padding: 2px;">NO</th> </tr> </thead> <tbody> <tr> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> </tr> <tr> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> </tr> <tr> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> </tr> </tbody> </table>	YES	NO						
YES	NO									

If the answer to any of these questions is Yes, provide full details.

(f) What are the names of the Applicant's Directors.

(g) Are there persons responsible for the management of the Applicant other than the Directors and the Company Secretary? If so, state their names.

(h) State the names of all persons with a shareholding greater than 10% in the Applicant.

(i) Is the Applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary.

**Please go to question 5**

4. If the applicant is a partnership or other unincorporated body please give the following information:-

(a) The name of the Applicant.		
(b) The name of the Applicant's partners.		
(c) Are there persons responsible for the management of the Applicant other than the partners? If so, state their names		
(e) Has the Applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked?	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is Yes, provide full details.

**Please go to question 5**

5. Does the Applicant have a trading name different from that given in answer to questions 2, 3 or 4 above?

If so, state the trading name.

PLAYERS

6. What is the Applicant's trading address?

57, HIGH STREET  
MAIDSTONE  
KENT ME14 1SY

7. YES NO

Will the business for which a licence is sought be carried on for the benefit of a person other than the Applicant?

✓

If the answer is Yes, state the name of such person(s). If such person(s) are a company or other corporate body state their place of registration and registered number, and the identity of all Directors, the Company Secretary, and those with a greater than 10% shareholding.

8. Does the Applicant operate any other sex establishments, whether licensed or not?

If so, state the name, address and type of sex establishment (e.g. sex cinema, sex shop, sexual entertainment venue) of each.

No

9. YES NO

For each of the individuals named in the answers to Questions 2, 3, 4, 7 and 8, please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

YES

**B. THE PREMISES, VEHICLE VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE**

10. Is the application in respect of:-

(a) Premises	PLAYERS, GENTLEMENS CLUB 57, HIGH STREET, MAIDSTONE, ME14 1SY
(b) Vehicle	
(c) Vessel	
(d) Stall	

11. Answer only where the application is for a vehicle, vessel or stall

Where is it proposed to use the vehicle, vessel or stall?

N/A

12. Answer only where the application is for a premises

What is the full address of the premises for which a licence is sought?

PLAYERS GENTLEMENS CLUB  
57, HIGH STREET, MAIDSTONE, ME14 1SY

13.

YES NO

(a) Is the whole of the premises to be used as a sex establishment?

✓

(b) If not, state the use of the remainder of the premises

N/A

(c) State the names of those who are responsible for managing the remainder of the premises.

N/A

14.

(a) State the nature of the Applicant's interest in the premises, vehicle, vessel or stall, e.g. owner, lessee, sub-lessee.

LESSEE AND GUARANTOR

(b) If the Applicant is a lessee or sub-lessee, state:

(i) the name and address of the landlord;

ADMIRAL TAVERNS NEVADA PROPERTIES LTD  
150, ALDERSGATE STREET  
LONDON EC1A 4EJ

(ii) the name and address of the superior landlord (if any);

N/A

(iii) the amount of the annual rental;

30,000 + VAT

(iv) the length of the unexpired term

10 YEARS

(v) the length of notice required to terminate the tenancy.

28 days

15

(a) State the current use of the premises.

Gentleman's Club

(b) Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

(c) If so, state the date of the planning permission.

Existing use established more than 10 years ago

(d) If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details.

Premises have been licensed for about 30 years for leisure purposes

16

(a) Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003? Provide full details including the name of any Designated Premises Supervisor.

Licensing Act 2003

(b) Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act? If so, provide full details.

YES	NO
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

(c) Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details.

Premises licence

17.

- a) Is each customer access to the premises, ~~vehicle, vessel or stall~~:
- Directly from the street or a public thoroughfare?
  - From other premises? If so where from.

YES	NO
✓	

Directly from the street

if from other premises, provide full details.

- (b) Is each customer access from the street to be supervised at all times the premises are open to the public? **N/A**

YES	NO

If the answer is No give full details of proposed door control and supervision.

- (c) State whether all door supervisors are to be licensed with the Security Industry Authority.

YES	NO
✓	

18.

Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled?

YES	NO

If the answer is No, state the Applicant's proposals for affording such access.

Anyone who is disabled is advised by door staff that the premises are a listed building and that if they require use of toilet facilities they can be lifted manually up the stairs. This has been ongoing for many years and was known about when the original application was made

19.

- (a) Are the premises, ~~vehicle, vessel or stall~~ being used as a sex establishment at the date of this application?

YES	NO
✓	

- (b) If the answer is yes, state the name and address of the person or body now operating the business.

EMMA SEXTON

**C. THE BUSINESS**

20.

Under what name will the business be known?

PLAYER'S GENTLEMEN'S CLUB

21.

Is the application in respect of:

a. A sex shop?

h. A sex cinema?

c. A sexual entertainment venue?

22.

Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share arrangement? If so, provide full details together with a copy of any such agreement.

No

23.

Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements.

N/A

24.

Is the business required to purchase merchandise from a particular person or body? If so provide full details.

N/A

**D. MANAGEMENT OF THE BUSINESS**

25.

(a) State the identity of the person who will be responsible for the day to day management of the business at the premises, ~~vehicle, vessel or stall~~ ('the Manager').

EMMA SEXTON

(b) Confirm that the Manager will be based at the premises, ~~vehicle, vessel or stall~~ and that management of the business there will be his/her sole and exclusive occupation.

CONFIRMED

(c) Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ('the Relief Manager(s)')?

JEMMA LOUISE ANSCOMBE

(d) Confirm that the Relief Manager(s) or one of them will be based at the premises full-time in the absence of the Manager.

CONFIRMED

(e) For each of the Manager and Relief Manager(s), confirm that the form at Annex A to this application has been completed and submitted as part of this application.

CONFIRMED - SEE ATTACHED

26.

**This question need not be answered in the case of renewals**

Give details of the times during which it is proposed to open the business.

Days of the week MONDAYS to SUNDAYS

Hours of the day 20.30 - 02.00 and on New Year's Eve  
20.30 - 03.00

27

State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used.

Please note that a plan of the exterior showing such signage and advertising is required to be submitted with this application.

Existing signage has been approved when the licence was granted on 1st May 2012. Windows are blacked out so that the interior cannot be seen. There is no change to the documentation previously lodged.

28.

(1) What steps are to be taken to prevent the interior of the premises being visible to passers-by?

Windows are blacked out and there is a closed lobby as customers enter preventing the door from the lobby being open at the same time as the entrance door.

(2) What if any window displays are to be exhibited? Please indicate the size and nature of any intended display.

NONE

29.

State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.

Bill boards as agreed with the council in Bank Street and fliers as agreed with the council.

30.

State what age restrictions are to be applied in respect of admissions, and how are these to be enforced. In answering, state what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For sex shops provide details of arrangements for preventing proxy sales.

No person under the age of 18 is admitted to the premises. Driving licence, Passport or PASS approved card. It is not proposed to use electronic identification systems.

31.

State the arrangements for CCTV and for retention of recordings. In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded

Existing conditions apply, the CCTV is in operation throughout the opening hours of the premises. Recordings are kept for 31 days.

**Answer only where the application is for a sexual entertainment venue**

(1) State whether the proposal is for full nudity.

YES	NO
✓	

(2) Give full details of the nature of the entertainment, e.g. lap- dancing, pole dancing, stage strip-tease.

lap dancing, pole dancing, performance dancing in dancing area (set aside for performers - for performers - no stage) and strip tease.

(3) State what if any separation between performers and audience is proposed, e.g. performers on stage, 1 metre, no contact or full contact.

As per conditions on existing licence.

(4) State whether arrangements are proposed for private booths or areas. If so, provide full details, including proposals for supervision of such areas.

There is CCTV which is permanently monitored whilst the premises operate. There are no private booths - the licence conditions cover the operation of the private room upstairs.

**This question need not be answered in the case of renewals**

N/A - Renewal Application

(1) State proposals for preventing nuisance to residents and businesses in the locality.

(2) State proposals for promoting public safety

(3) State proposals for preventing crime or disorder

(4) State proposals for protecting children from harm

(5) Set out the Applicant's system for checking the age and right to work in the UK for all employees.

6) For sexual entertainment venues, set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance.

**Note, the Code of Practice must be attached to this form.**

(7) For sexual entertainment venues, set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance.

**Note, the Rules for Customers must be attached to this form.**

(8) For sexual entertainment venues, set out the system for monitoring compliance with the venue's Policy for Welfare of Performers.

**Note, the Policy for Welfare of Performers must be attached to this form.**

34

Set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sex Establishment Licensing Policy.

The Applicant proposes that the current conditions of the licence continue to apply. The premises are considered to be well run, and

35

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.

Anything relating to the private details of Miss Sexton, her assistant manager + contact Agent

#### APPLICANT CONTACT DETAILS

Please give the contact details which you would like used for the purposes of this application

Name

Stephan Thomas

Organisation

Stephan Thomas Law

Address

8, Grassmore, Kyburne, Kent ME19 5AP

Telephone Number

01732 321114

Mobile Number

07774 612651

Fax Number

01732 321075

E-mail address

st@stephanthomaslaw.co.uk.

**APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).**

**F. SIGNATURE AND DECLARATION**

The following declaration must be signed in all cases:

- a. If the Applicant is an individual, by that individual;
- b. If the Applicant is a partnership, by all individuals who are partners;
- c. If the Applicant is a company, by a director or the company secretary;
- d. In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do **SO** may result in any licence issued being revoked.

I/we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Council should any of the information given in this application change.

Name	EMMA LOUISE SEXTON
Position in organisation	MANAGER
Date	14th APR 2016
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

**THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING DEPARTMENT, MAIDSTONE BOROUGH COUNCIL, MAIDSTONE HOUSE, KING STREET, MAIDSTONE, KENT, ME15 6JQ.**

**PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-**

1. In respect of individual applicant and each of those named in response to Questions 3, 4, and 7, a birth certificate.
2. 1 copy of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 3, 4, and 7. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. All Annex A forms relevant to the application.
4. The Annex B form and all the required documents included – this form applies to new applications only.
5. The fee of **£4000** for a new application or **£2000** for a renewal or transfer application. A refund less Council costs will be made where an application is refused.

## ANNEX A

If so, provide full details.					
4. Have you ever been convicted of a criminal offence (for relevant offences please see the guidance at page 4) , whether in the United Kingdom or elsewhere? If so, provide details of the date, convicting court, offence and penalty imposed.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
5. To your knowledge are you currently the subject of any criminal investigation? If so, provide full details.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
6. Have you ever had any civil legal action taken against you? If so, provide full details.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
7. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement? If so, provide full details.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
8. Have you ever been disqualified from acting as a company director? If so, provide full details.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
8. Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied? If so, provide full details.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #333; color: white;"> <th style="width: 50%;">YES</th> <th style="width: 50%;">NO</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </tbody> </table>	YES	NO	<input type="checkbox"/>	<input checked="" type="checkbox"/>
YES	NO				
<input type="checkbox"/>	<input checked="" type="checkbox"/>				
<p><i>I have 6 years experience in the Sex Industry and for 3 years I was the Juice Mother at Players</i></p> <p>Is there any information in this Annex which you do not wish to be seen by members of the public?</p> <p><i>My private details</i></p>					

If so, state which information and the reasons why you do not wish it to be seen

YES	NO

**I DECLARE THAT THE INFORMATION ON THIS FORM IS TRUE AND COMPLETE**

Signed: [REDACTED]-----

Dated: 4/4/2016-----

**APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).**

**F. SIGNATURE AND DECLARATION**

The following declaration must be signed in all cases:

- a. If the Applicant is an individual, by that individual;
- b. If the Applicant is a partnership, by all individuals who are partners;
- c. If the Applicant is a company, by a director or the company secretary;
- d. In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do **SO** may result in any licence issued being revoked.

I/we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Council should any of the information given in this application change.

<b>Name</b>	JEMMA LOUISE ANSCOMBE
<b>Position in organisation</b>	DPS and Assistant Manager
<b>Date</b>	04.04.16
<b>Signature</b>	

<b>Name</b>	
<b>Position in organisation</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Name</b>	
<b>Position in organisation</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Name</b>	
<b>Position in organisation</b>	
<b>Date</b>	
<b>Signature</b>	

<b>Name</b>	
<b>Position in organisation</b>	
<b>Date</b>	
<b>Signature</b>	

**THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING DEPARTMENT, MAIDSTONE BOROUGH COUNCIL, MAIDSTONE HOUSE, KING STREET, MAIDSTONE, KENT, ME15 6JQ.**

**PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-**

1. In respect of individual applicant and each of those named in response to Questions 3, 4, and 7, a birth certificate.
2. 1 copy of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 3, 4, and 7. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. All Annex A forms relevant to the application.
4. The Annex B form and all the required documents included -- this form applies to new applications only.
5. The fee of **£4000** for a new application or **£2000** for a renewal or transfer application. A refund less Council costs will be made where an application is refused.

## ANNEX A

If so, provide full details.

4. Have you ever been convicted of a criminal offence (for relevant offences please see the guidance at page 4) , whether in the United Kingdom or elsewhere?  
If so, provide details of the date, convicting court, offence and penalty imposed.

YES	NO
	✓

5. To your knowledge are you currently the subject of any criminal investigation?  
If so, provide full details.

YES	NO
	✓

6. Have you ever had any civil legal action taken against you?  
If so, provide full details.

YES	NO
	✓

7. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?

If so, provide full details.

YES	NO
	✓

8. Have you ever been disqualified from acting as a company director?  
If so, provide full details.

YES	NO
	✓

8. Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?  
If so, provide full details.

YES	NO
	✓

Is there any information in this Annex which you do not wish to be seen by members of the public?

*My private details*

If so, state which information and the reasons why you do not wish it to be seen

YES	NO

**I DECLARE THAT THE INFORMATION ON THIS FORM IS TRUE AND COMPLETE**

Signed: [REDACTED]

Dated: 04.04.16

## Convictions To Be Declared In Respect Of Applications for Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:-

- Sexual offences.
- Offences involving obscenity, violence or dishonesty.
- An offence involving the use, possession or supply of any drug.
- Any breach of requirements of Local Government (Miscellaneous Provisions) Act 1982 schedule 3 as amended.
- An attempt, incitement or conspiracy to commit any of the above offences.

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

### Sentence.

### Rehabilitation Period.

2½ years (30 months) imprisonment and over whether sentence suspended or not.

Never spent.

Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not.

Ten years.

Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not.

Seven years.

A fine, compensation or community service order.

Five years.

Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.

One year or period of probation sentence, whichever is longer?

Absolute discharge.

Six months.

Disqualification, disability or prohibition.

Period of sentence unless a longer period as above (e.g., disqualification and a fine 5 Years)

Remand Home/Approved School/Attendance Centre Orders.

One year after Order expires.

Hospital Order under Mental Health Acts.

5 years, or two and a half years after the order expires (whichever is the longer).

**Offences under HM Services** - please enquire at the Licensing Authority for periods of rehabilitation.

# Players

## CUSTOMER HOUSE RULES

YOU ARE ADVISED THAT THERE IS FULL CCTV COVERAGE OF THESE PREMISES AND WE ARE REQUIRED TO KEEP RECORDINGS FOR 31 DAYS. RECORDINGS WILL BE HANDED TO THE POLICE UPON REQUEST.

1. ANY CUSTOMER FOUND TO BE IN BREACH OF THE HOUSE RULES WILL BE EXPELLED AND WILL NOT BE RE-ADMITTED TO THESE PREMISES
2. THE MANAGEMENT EXERCISES A ZERO TOLERANCE POLICY TO ANY FORM OF CRIME AND DISORDER.
3. ONLY PERSONS WHO ARE ATTIRED IN SMART/CASUAL CLOTHING WILL BE ADMITTED. THE DECISION OF MANAGEMENT IS FINAL IN THIS REGARD.
4. IT IS PROHIBITED TO ASK THE DANCERS TO BE AN ESCORT FOR YOU OR SOLICIT FAVOURS FROM A DANCER DURING OR AFTER LEAVING THE VENUE.
5. YOU ARE NOT PERMITTED TO DANCE WITH THE DANCER ENTERTAINING YOU
6. YOU ARE REQUIRED TO REMAIN AT LEAST 2 FEET FROM ANY DANCER WHEN ENJOYING ENTERTAINMENT IN THE GROUND FLOOR AREA OF THE PREMISES.
7. YOU ARE NOT PERMITTED TO TOUCH ANY DANCERS.
8. AGGRESSIVE BEHAVIOUR TO DANCERS, STAFF OR SECURITY WILL NOT BE TOLERATED.
9. WHERE A PRIVATE DANCE IS REQUESTED IT MUST BE PAID FOR IN ADVANCE OTHERWISE THE DANCER WILL NOT PROVIDE SUCH A DANCE.
10. TELEPHONE NUMBERS MUST NOT BE GIVEN OR EXCHANGED.
11. THE MANAGEMENT EXERCISES A ZERO TOLERANCE POLICY TO THE POSSESSION OR USE OF DRUGS AT THESE PREMISES. ( MANAGEMENT RESERVE THE RIGHT TO NOTIFY THE POLICE OF ANY PERSON FOUND TO BE IN BREACH OF THIS RULE)
12. MANAGEMENT RESERVE THE RIGHT TO SEARCH PERSONS ON THE PREMISES.
13. IN LINE WITH THE REQUIREMENTS OF THE LICENSING ACT 2003 NO PERSON IS PERMITTED TO GET DRUNK. BAR STAFF WILL NOT SERVE ANYONE WHO IS DRUNK
14. THE BRINGING OR REMOVAL OF ALCHOHOLIC PRODUCTS ONTO/OR FROM THE PREMISES IS PROHIBITED.
15. NO PHOTOGRAPHY IS ALLOWED ON THESE PREMISES. ANY PHOTOGRAPHS TAKEN WILL BE REMOVED.

## Players House Rules

1. No exchange of phone numbers, Facebook, Twitter, Snap Chat, Instagram or Bebo with customers.
2. No friends to be used or exposed whilst you are still working.
3. 48 hours' notice is required to cancel shifts. Failure to notify of this will result in a financial penalty.
4. No more than two alcoholic drinks when on duty.
5. No drug taking – anyone found to be under the influence of drugs upon arrival will not be allowed to perform. The taking of drugs during the performance will lead to termination of your contract.
6. Management reserve the right to search you, whilst supervised by another member of staff, if they have reason to believe you have drugs or drink, either on you or in a bag you own or there is a theft during the same shift.
7. If anyone offers or asks for drugs you are expected to report the situation immediately to door staff.
8. You are not allowed to bring in your own alcohol.
9. Your working hours start at 2130 Tuesday to Thursday and 2030 Friday to Saturday and finish at 0200 hours but on New Year's Eve the start time is 2030 and finish time is 0300.
10. You are a self-employed dancer and are liable to pay your own tax and national insurance and have suitable public liability cover.
11. Players will not accept liability for any accident or injury to yourself whilst on the premises.
12. Dancers are not allowed to approach customers if they are on one to one with another dancer.
13. Hygiene is your responsibility, please maintain it.
14. A healthy atmosphere is essential, please refrain from slandering other dancers.
15. Kissing customers on the lips is forbidden.
16. Dancers are not allowed to approach customers as soon as they enter the premises. You are permitted to make an approach once the customer has gone to the bar has settled and ordered their drink.
17. Your car and your possessions are your responsibility. Players cannot be held liable for any losses that may occur whilst working at the premises.

18. No photography is allowed without consent from management.
19. Only one dancer at a time is allowed in the smoking area accompanied by a member of door staff. A gown will be provided.
20. Meeting customers after your shift is forbidden.
21. Dancers are only allowed to eat in designated areas.
22. No girls are allowed upstairs when the red light is on. This is for your own safety to stop overcrowding in the dance area.

Name

Print

Signature

DOB

Contact Number

Date

Address

Postcode

# Players

Gentlemen's Club  
57 High Street  
Maidstone  
ME14 1SY  
Tel: 01622671436

## PRIVATE DANCE RULES

- |   | FINE                    |
|---|-------------------------|
| 1. DANCERS MUST TAKE THEIR PAYMENT FROM THE CUSTOMERS UP FRONT BEFORE THE PRIVATE LAP DANCE COMMENCES.  |                         |
| 2. DANCERS ARE ADVISED TO REMIND THE CUSTOMERS THERE IS A "NO TOUCHING" RULE AT THE START OF THE LAP DANCE. IT IS STRICTLY FORBIDDEN FOR THE CUSTOMER TO TOUCH DANCERS. DANCERS ARE EXPECTED TO REMOVE THE CUSTOMERS' HANDS. STEP AWAY AND GIVE A WARNING TO THE CUSTOMER. IF THE CUSTOMER CONTINUES, THEN THE DANCERS SHOULD FINISH THE DANCE. | £20                     |
| 3. NO SELLING DANCES CHEAPER THAN THE GUIDED PRICE SET BY PLAYERS   | £20                     |
| 4. A DANCE SHOULD LAST THE LENGTH OF A SONG. DO NOT CUT THE DANCE SHORT. OUR CUSTOMERS ARE VALUABLE TO YOU.   | £10                     |
| 5. NO GRINDING IS ALLOWED   |                         |
| 6. DANCERS ARE EXPECTED TO LEAVE ONE FOOT ON THE FLOOR AT ALL TIMES.  | £10                     |
| 7. DANCERS ARE NOT ALLOWED TO KISS CUSTOMERS ON THEIR LIPS.   | £10                     |
| 8. YOUR DANCE SHOULD NOT SIMULATE SEX.  | CLUB'S DISCRETION       |
| 9. NO MASTURBATION.   | £20                     |
| 10. THE CUSTOMER IS NOT ALLOWED TO DANCE WITH YOU.  |                         |
| 11. IF A CUSTOMER EXPOSES HIMSELF YOU ARE EXPECTED TO TERMINATE THE DANCE IMMEDIATELY AND REPORT TO SECURITY.   |                         |
| 12. IF A CUSTOMER WANTS ANOTHER DANCE IMMEDIATELY AFTER A DANCE, YOU ARE EXPECTED TO STOP AND TAKE PAYMENT AGAIN AND THEN CONTINUE  |                         |
| 13. YOUR BREASTS ARE EXPECTED TO BE A MINIMUM OF 6 INCHES AWAY FROM THE CUSTOMER'S FACE   | £10                     |
| 14. A DISTANCE OF 6 INCHES MUST BE OBSERVED WHILST THE DANCER'S ARE DANCING FOR CUSTOMERS   |                         |
| 15. 2 GIRT DANCES ARE PERMITTED IN THE DANCE ROOM BUT LESBIAN SHOWS ARE NOT   |                         |
| 16. NO PENETRATION TO EITHER YOURSELF OR ANOTHER DANCER   | £20                     |
| 17. THE DANCE ROOM IS FOR PRIVATE DANCES. IT CANNOT BE USED TO SIT AND CHAT TO CUSTOMERS THIS IS WHAT THE VIP ROOM IS FOR.  | REMOVED FROM DANCE ROOM |
| 18. NO TOUCHING CUSTOMER'S BARE SKIN.   |                         |

SIGNATURE..... DATE.....

NAME.....

D.O.B.....

ADDRESS.....

TEL NO.....

# *Players*

Gentlemen's Club  
57 High Street  
Maidstone  
ME14 1SY  
Tel: 07730464706

## WELFARE OF DANCERS

- Dancers have exclusive use of the VIP area before and after the start of the evening show.
- Entry at the start of shift must be via the rear smoking area for safe monitoring by security or management.
- All dancers are required to sign in at the beginning of their shift
- Personal belongings must be left in the security room for safe keeping
- Customers are not allowed to touch dancers. Strict supervision will be maintained by security staff.
- If any dancer has concerns about a customer this should be notified to security forthwith.
- No contact is permitted with customers by any means outside of work.
- Alcohol is not permitted to be brought onto the premises.
- Only two alcoholic beverages to be consumed whilst working. Dancers will be taken off the floor if suspected of drinking more than the permitted beverages
- The club has a zero tolerance to drugs
- Security must be notified should a customer expose himself.
- Dancers must wait upstairs until the club is clear of all customers
- For personal safety transport home must be used at the end of the shift.
- Security or management must be notified if a taxi is required to ensure reputable company is used
- Exit must be via back smoking area for safe monitoring to vehicles by security or management
- All security staff are trained to monitor the welfare of the dancers
- Photographs are not permitted. Security must be notified if customers are in breach of this rule
- The whole premises are monitored by CCTV

# *Players*

Gentlemen's Club  
57 High Street  
Maidstone  
ME14 1SY  
Tel: 07730464706

## TRAINING

- Management carries out training before commencement of each new member of staff's first shift.
- Monthly refresher training on fire safety and club safety is carried out.
- Staff are familiarized with the premises including all fire exits, fire break glass points, fire extinguishers and cleaning chemical injury procedures. Thereafter monthly fire training sessions are completed.
- Management ensure each individual understands all rules and regulations
- Instruction on all rules and regulations are given on a one to one basis. This ensures each member of staff is fully aware of, and understands them and sign off pages to that effect completed
- A buddy system is employed for the first three shifts. New members of staff are teamed up with experienced members thus endorsing training already given. This also ensures the appropriate level of dancing is maintained.
- One to one training is given by a pole dance instructor on safe use of pole and the standard required
- Drug awareness training is carried out
- All bar and security staff are instructed in the Club and Dance rules and are au fait with the industry
- The probation period consists of the first three shifts.

**MAIDSTONE BOROUGH COUNCIL**  
**Notice of application for renewal**  
**of a Sex Establishment Licence pursuant to Schedule 3**  
**Local Government (Miscellaneous Provisions) Act 1982**

TAKE NOTICE that on 6<sup>th</sup> April 2015 Emma Sexton applied to Maidstone Borough Council for the renewal of a sex establishment licence in respect of

Players Gentlemen's Club, 57, High Street, Maidstone, Kent ME14 1SY

DAYS AND HOURS OF OPERATION: Mondays to Sundays inclusive from 20.30 to 02.00 hours and on New Year's Eve – 20.30- 03.00

1

ACTIVITY: sexual entertainment venue

The application may be inspected at the offices of the Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ

ANY PERSON wishing to make objections on the application shall do so in writing at the Council Offices to the Senior Licensing Officer, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ or by e-mail at [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk). The grounds of the objection must be stated in general terms. The objection must be received by the Council no later than 4<sup>th</sup> May 2016

Name: Emma Sexton  
Organisation: Players,

Address: 57, High Street,  
MAIDSTONE, KENT ME14 1SY  
Date: 6<sup>th</sup> April 2016



## Bradstow School

*Living and learning together within a culture of gentleness*

Bradstow is a creative and unique residential school for children between the ages of 5 & 19. It is situated in 13 acres of parkland just a few hundred metres from the sandy beaches of Broadstairs. We seek to meet the needs of children and young people with autism and severe learning difficulties with associated behaviours that may be challenging. We have achieved national recognition for our developments in Communication and Behaviour Management.

### HOME MANAGER – Residential Care

To organise and manage a group of staff working in a residential home. To arrange and manage the care of the children and young adults in that home on shift. To manage the administration of the home. To take a lead role in the home.

£27,924 - £30,178 pa – 41 hours per week, (including weekends) – Term time only, plus 2 weeks \*

### DEPUTY HOME MANAGER

To assist the Home Manager in organising and managing a group of staff working in a residential home. To arrange and manage the care of the children and young adults in that home on shift. To manage the administration of the home. To take a lead role in the absence of the Home Manager

£23,698 - £26,293 pa – 41 hours per week, (including weekends) – Term time only, plus 2 weeks \*

### HOUSEPARENT – EXTENDED PROVISION

Working as part of the childcare team, this role involves providing care and support to students mornings, evenings and weekends being a student's Keyworker and some management responsibility.

£22,442 - £25,416 pa - 41 hours per week. All year round

### HOUSEPARENT

Working as part of the childcare team, this role involves providing care and support to students mornings, evenings and weekends being a student's Keyworker and some management responsibility.

£20,253 - £22,937 pa - 41 hours per week (including split shifts and weekends) – Term time only, plus 2 weeks\*

### CHILDCARE SUPPORT ASSISTANTS

As part of the childcare teams, these roles involve providing care and support to the children and young people mornings, evenings and weekends. No experience required, full training will be given.

£11,752 - £12,085 plus 10% pa – 36.5 hours per week, (including weekends – more hours available) – Term time only, plus 2 weeks\* or 15 hours per week part-time pro-rata.

### FEMALE WAKING NIGHT ATTENDANT – EXTENDED PROVISION

To be responsible for the supervision and care of the children and young people at night.

£23,459 - £26,144 (inc night allowance) - 36% hours per week, (nights inc weekends) All Year Round  
Due to the nature of the personal care being provided, Section 7 (2) (a) of the Sex Discrimination Act 1975 applies

### FEMALE WAKING NIGHT ATTENDANT

To be responsible for the supervision and care of the children and young people at night.

£20,712 - £23,082 pa (including night allowance) - 36% hours per week, (nights including weekends) Term Time Only, plus 2 weeks\*  
Due to the nature of the personal care being provided, Section 7 (2) (a) of the Sex Discrimination Act 1975 applies.

### WEEKEND TEAM SUPPORT WORKERS – CHILDCARE

As part of the childcare team, these roles involve providing care and support to students in Childcare Teams during weekends. These roles are aimed at candidates with some experience of Care work.

£14,338 per annum – pro-rata 15 hours per week, (weekends) Term time only, plus 2 weeks\*  
Also available

### FLEXIBANK TEAM SUPPORT WORKERS

We have some additional opportunities to provide additional cover within either the classrooms or residences on an ad-hoc hourly paid basis, up to 41 hours per week including split shifts and weekends. Please contact us for further details.

### LEARNING SUPPORT ASSISTANTS (TEAM SUPPORT WORKERS – EDUCATION)

The successful applicants will be responsible for assisting teachers in the school, for which previous experience is required:

£13,047 - £13,838 pa - 37½ hours per week, 8:30 a.m. – 4:30 p.m. Mon-Fri - Term time only, plus 2 weeks\*

### (INDIVIDUAL LEARNING SUPPORT ASSISTANTS)

The successful applicants will be responsible for assisting teachers in the school, no previous experience is required, full training will be provided:

£12,075 - £12,420 pa - 37½ hours per week, 8:30 a.m. – 4:30 p.m. Mon-Fri - Term time only, plus 2 weeks\*

\*For these roles there will also be up to a maximum of two weeks for the school's respite care provision if required, for which extra payment would be paid.

For all posts we look for candidates who are mature, warm, creative and open to learning with a patient and caring attitude to deal sensitively with vulnerable children.

We are committed to sustainability and preserving the environment and therefore encourage applications by email, so for an application form and information pack please email [personnel@bradstow.wandsworth.sch.uk](mailto:personnel@bradstow.wandsworth.sch.uk).

Or you may call 01843 608727 (24 hour recruitment answer machine).

Please note that CV's will not be considered.

The closing date for all applications is midnight Thursday 22nd April 2016.

Spencer Private Hospitals are two hospitals situated in East Kent. The larger of the two hospitals is a 22 bed independent hospital situated at the QEOM Hospital in Margate, whilst the second hospital is a 4 bed independent hospital based at the William Harvey Hospital in Ashford. Both hospitals have a reputation for providing excellent medical and surgical facilities supported by Specialist Consultants, Specialist Nurses and Physiotherapists. We have state of the art diagnostic equipment and exceptionally high standards of nursing care.

The continuing growth of our business has resulted in a vacancy for the following staff:

## Staff Nurses - Ward - Ashford & Margate

Full time Hours: 37.5 per week Closing date: 11/04/2016

Salary: £23,000 – £27,000

Dependent on qualifications and experience

### Qualifications and Experience

- Registered Nurse 1st level
- Evidence of continual professional development
- Experience in a surgical/medical environment with a knowledge and understanding of surgical/medical procedures
- Excellent communication and interpersonal skills

To discuss this opportunity, or to arrange an informal visit, please contact: Liz Justice, Ward Manager on 01843 234552.

Interviews to be held on 18/04/2016 & 19/04/2016.

For a job description and application form please visit

[www.spencerprivatehospitals.com/careers](http://www.spencerprivatehospitals.com/careers)

Alternatively, please contact Mathew Thomas, HR Assistant Apprentice

Telephone: 01304 222690

E-mail: [recruitment@spencerhospitals.com](mailto:recruitment@spencerhospitals.com)

Previous applicants for this specific role need not apply.

Spencer Private Hospitals is an equal opportunity employer. These positions are subject to a Disclosure and Barring check.



## LEGAL AND PUBLIC NOTICES

**MAIDSTONE BOROUGH COUNCIL**  
Notice of application for renewal of a Sex Establishment Licence pursuant to Schedule 3  
Local Government (Miscellaneous Provisions) Act 1982

TAKE NOTICE that on 6th April 2016 Emma Sexton applied to Maidstone Borough Council for the renewal of a sex establishment licence in respect of Players Gentlemen's Club, 57, High Street, Maidstone, Kent ME14 1SY

DAYS AND HOURS OF OPERATION: Mondays to Sundays inclusive from 20.30 to 02.00 hours and on New Year's Eve – 20.30- 03.00

ACTIVITY: sexual entertainment venue

The application may be inspected at the offices of the Licensing Department, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ

ANY PERSON wishing to make objections on the application shall do so in writing at the Council Offices to the Senior Licensing Officer, Maidstone Borough Council, Maidstone House, King Street, Maidstone, ME15 6JQ or by e-mail at [licensing@maidstone.gov.uk](mailto:licensing@maidstone.gov.uk). The grounds of the objection must be stated in general terms. The objection must be received by the Council no later than 4th May 2016

Name: Emma Sexton

Organisation: Players,

Address: 57, High Street,  
MAIDSTONE, KENT ME14 1SY

Date: 6th April 2016

**Goods Vehicle Operator's Licence**  
Laurence Pearson and Karen Batten trading as L+K Transport of High Winds, Gallants Lane, East Farleigh, Maidstone, ME15 0LF is applying for a licence to use The Yard adjacent to Hill Top, Gallants Lane, East Farleigh, Maidstone ME15 0LF as an operating centre for 5 goods vehicles and 1 trailer. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representors must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

**SELL.FIND.SAY anything**  
[www.sell.smallads24.co.uk/london](http://www.sell.smallads24.co.uk/london)

Please mention this paper when replying to **SMALL ADS**



**From:** Neil Barnes PC 46010051 <neil.barnes@kent.pnn.police.uk>  
**Sent:** 18 May 2016 10:05  
**To:** Lorraine Neale  
**Subject:** Players  
**Attachments:** ATT00001.txt

Kent Police can state that in regards to "Players Gentlemen's Club", 57 High Street, Maidstone, in the last year we have recorded no crime reports that relate to the premises and could be considered relevant. There was a burglary reported at the venue in July 2015 and there was an arson in October 2015 but neither of these were connected to the daily business. We have also had no problem in contacting the designated premises supervisor when we have needed to.

PC Neil Barnes 10051  
West Division (Maidstone)  
Licensing Dept.

This email and any other accompanying document(s) contain information from Kent Police and/or Essex Police, which is confidential or privileged. The information is intended to be for the exclusive use of the individual(s) or bodies to whom it is addressed. The content, including any subsequent replies, could be disclosable if relating to a criminal investigation or civil proceedings. If you are not the intended recipient, be aware that any disclosure, copying, distribution or other use of the contents of this information is prohibited. If you have received this email in error, please notify us immediately by contacting the sender or telephoning Kent Police on 01622 690690 or Essex Police on 01245 491491, as appropriate.

From:  
Sent: 18 April 2016 17:38  
To: Licensing (MBC)  
Subject: renewing licence of players

Dear the licensing officer,

I am writing as a recent employee of the players club, (57 High Street, Maidstone). I have been an employee for a number of years. Due to the very high levels of drugs in the club I found it unacceptable

and unbearable and I could not condone working in such environment any longer. This club has a serious drugs problem and further action is required for immediate closure of the premises to prevent the destruction of lives.

I found it necessary to inform you of this. I hope you act upon this matter.

**From:**

**Sent:** 25 April 2016 11:54

**To:** Licensing

**Subject:** Players strip club

To whom this may concern,

I recently worked as a dancer at players nightclub. There were NO rules or regulations to follow or put in place by management which left me uncertain of my role.

I have worked in many other similar type clubs as a dancer which were very well run.

I was often approached in players to take drugs and further money was offered for sexual activities which made me feel degraded.

I could not work in such an environment with no restrictions on the dances.

This club is NOT fit establishment to have a licence of any description

Thanks

██████████

From: Lorraine Neale  
Sent: 27 May 2016 18:02  
To:  
Subject: RE: renewing licence of players

Dear Sir/Madam

Could I ask that you respond to my e-mail of 13.05.2016 as we are in the process of deciding whether a hearing will be required or not. Currently we would have to say that your e-mail will be discounted unless some verification is given.

Kind Regards  
Lorraine Neale  
Senior Licensing Officer  
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ t 01622 602028  
e [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) w [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

-----Original Message-----

From: Lorraine Neale  
Sent: 13 May 2016 13:39  
To:  
Subject: RE: renewing licence of players

Dear Sir/Madam

As you are aware if we receive objections in relation to an application we need to hold a hearing. We also need to establish to our satisfaction whether the objections we receive in respect of an individual or their operation are valid especially in light of the allegations being made here . In order to give your objection some merit and to establish whether there is a need for a hearing I would ask that you give me some information about yourself, this information is not given to anyone else and you remain anonymous at all time unless you give your express permission to waive it.

The information I would like you to provide is as follows:

Your full name and address

The period of time that you were employed at the premises giving the from and to dates.

More specific detail of the incidents of drug taking at the establishment, I;e. the amount of times they occurred, whether you reported them to anyone Police/door staff/management.

Please provide any other information with detail that you think may be relevant.

Also could you advise if you would attend the hearing once the date is set.

I look forward to hearing from you at your earliest convenience

Kind Regards  
Lorraine Neale  
Senior Licensing Officer  
Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ t 01622 602028  
e [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) w [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

**From:** Lorraine Neale  
**Sent:** 27 May 2016 18:01  
**To:**  
**Subject:** FW: Players strip club

Dear

Could I ask that you respond to my e-mail of 13.05.2016 as we are in the process of deciding whether a hearing will be required or not. Currently we would have to say that your e-mail will be discounted unless some verification is given.

Kind Regards

**Lorraine Neale**

**Senior Licensing Officer**

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ  
**t** 01622 602028 **e** [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) **w** [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

**From:** Lorraine Neale  
**Sent:** 13 May 2016 13:34  
**To:**  
**Subject:** RE: Players strip club

Dear

As you are aware if we receive objections in relation to an application we need to hold a hearing. We also need to establish to our satisfaction whether the objections we receive in respect of an individual or their operation are valid especially in light of the allegations being made here. In order to give your objection some merit and to establish whether there is a need for a hearing I would ask that you give me some information about yourself, this information is not given to anyone else and you remain anonymous at all time unless you give your express permission to waive it.

The information I would like you to provide is as follows:

Your full name and address

The period of time that you were employed at the premises giving the from and to dates.

More specific detail of the incidents of this nature, i.e. the amount of times they occurred, whether you reported them to the management and anything else you think is relevant.

Also could you advise if you would attend the hearing once the date is set.

I look forward to hearing from you at your earliest convenience

Kind Regards

**Lorraine Neale**

**Senior Licensing Officer**

Maidstone Borough Council, Maidstone House, King Street, Maidstone, Kent ME15 6JQ  
**t** 01622 602028 **e** [lorraineneale@maidstone.gov.uk](mailto:lorraineneale@maidstone.gov.uk) **w** [www.digitalmaidstone.gov.uk](http://www.digitalmaidstone.gov.uk)

Players, 57, High Street, Maidstone, Kent ME14 1SY

Att'n Lorraine Neale – Senior Licensing Officer,  
Licensing Team,  
Maidstone Borough Council,  
Maidstone House,  
King Street,  
Maidstone,  
Kent ME15 6JQ

29<sup>th</sup> June 2016

Dear Ms Neale,

---

### **Management of the Premises**

I am the tenant and DPS at the Premises. [redacted] is my Assistant Manager and the House Mother. She is a personal licence holder. Additionally I have two bar girls and two girls involved in the promotion of the business. We have door staff one of whom is a female as recommended by the council. She is a really nice person. We are currently looking to recruit another female member of door staff.

### **Allegation of Drug Use at the Premises**

There is no truth in the suggestion that drugs are being used at the premises. The police have confirmed that there is no correlation of crime that they would expect in premises that are involved in drugs. The allegation just does not match up with the facts. I would make the following points:

1. The club has full CCTV coverage and I know the police recently inspected the system,
2. There are 21 points of coverage.
3. Our CCTV has to be kept for a period of a month
4. If there is anyone dealing with drugs this would be caught on CCTV.
5. We attract a diverse range of customers, some of whom I suspect are police officers.
6. If this was going on we have no doubt it would have been seen and reported well before now.
7. We are subject to random inspections by the police and council and if anything of this nature occurred it would have come to light by now.
8. We have a door person that walks the floor.
9. All door staff communicate via walkie talky devices.
10. The girls know they have to report any incidents and no such reports have been made as referred to in these e-mails.

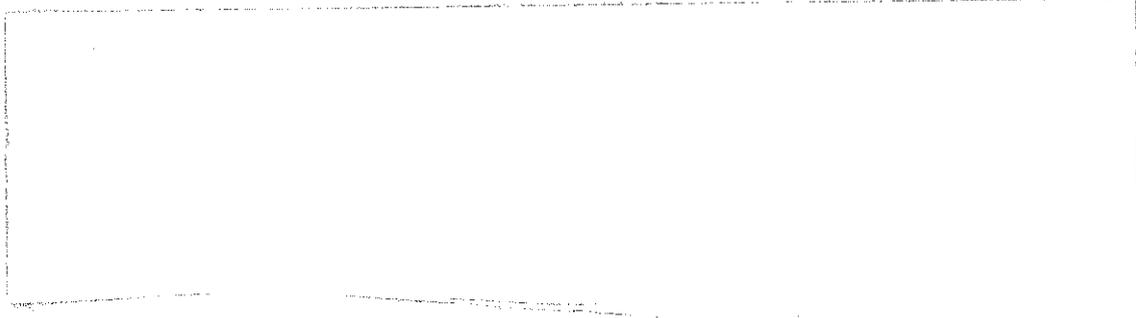
It does not happen. I would not allow my livelihood  to be put at risk in this way.

### **Observance of House Rules**

The rules are in place and strictly observed. We know that we can be visited and adherence to the rules can be checked by the Council at any time. The girls are required to notify us of any misconduct by customers and our door team do provide close surveillance to prevent problems arising. Customers know the rules and do not wish to get into trouble. We have a good set up with a supportive network of girls, a good House Mother, door staff who look after us and care for us and a very carefully structured regime.

The Police

spoke to me when the objections were received and I understand that they have no objection to me being the Licence Holder.



In support of the contention that I am a fit and proper person I make the following points:

1. The police do not raise objection to my suitability,
2. I have no convictions,
3. I was found to be a fit and proper person to hold the licence last year
4. My experience as House Mother, the confidence Admiral Taverns have in me and the fact that I have been DPS at the premises for 2 years clearly show that I have every qualification to run this type of premises,
5. I fully understand the conditions on the licence,
6. I have a track record of compliance
7. I run the premises myself with the assistance of my Management team,
8. Having been a House Mother the performers and their welfare come first
9. There has been no criticism of the manner in which I have run the premises in the past,

**Conclusion**

I am trying to sort my future out and achieve stability in a business and industry which I understand and can succeed in. We have run the premises without problems since the licence was last renewed. Indeed we are known as premises that do not cause a problem.



I have asked my staff to contact my solicitor independently to clarify and verify our procedures.

Yours faithfully,



## APPENDIX H

Players  
High Street,  
Maidstone  
Kent  
ME14 1SY

Licensing Officer,  
Maidstone Council,  
King Street,  
Maidstone,  
Kent ME15 6JQ

29<sup>th</sup> June 2016

Dear Sir,

### Players Renewal

I have been the Assistant Manager at Players since August 2015, I am also the House Mother. I work behind the bar in the night subject to holidays. I have staff who assist me. I have worked in many pubs, bars and restaurants and been an assistant manager of a lap dancing club.

I have 15 years' experience in the licensed trade and received on-site training in looking out for and recognizing signs of possible drug misuse or supply. We also have the support of a door team to ensure that no drugs are used on the premises and that the rules are complied with.

The customer rules are on display. I am aware that if the dancers do know the club rules. Additionally we carry out random bag checks on the girls. I, my bar staff and the door team are vigilant to ensure no issues arise at the premises.

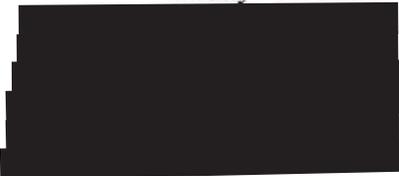
I have been shown two emails that have been sent to the council. I absolutely deny that drugs are used at the premises. One of my duties is to clean the premises. In addition to what I can see when the club is open, I also have the opportunity of to determine if drugs are being used whilst cleaning the premises. I can confirm that no drugs are being used at the premises.

If a dancer was concerned about the use of drugs she is required to report the matter to us.

I keep in contact with the girls, we have a friendly relationship and there is no reason why anyone should not mention this to me if it was true.

I am aware that all dancers are advised of the rules and regulations and signed in my present. If a customer is found to be in breach of the rules then appropriate action is taken. Off duty police have attended and I am sure if there was anything untoward going on as alleged in the emails these people would not return.

Yours faithfully



30<sup>th</sup> June 2016

Maidstone Borough Council,  
King Street,  
Maidstone  
Kent ME15 6JQ

Dear Sir,

**Objections to Players Renewal of SEV**

I am a construction site manager and have been working as a doorman at Players for the past 12 months. I am the senior doorman.

I work every night the club is open subject to holidays. I am familiar with the customer, house and dancer rules. There is a clear list of rules and every girl is given a copy. They go through these and they know they could lose their job if they are in breach.

When a customer arrives he or she is greeted, the rules are drawn to their attention. An admission fee is charged on a Friday and Saturday night.

We have two staff on the door, one on the cameras and one of the floor. We all have walkie talkies. We have a female member of door staff who works at the front.

If anyone appears to be under the influence of drugs or drink they are not allowed in. Through camera surveillance, walking the floor and regular checks we would soon know if anyone was abusing drugs or trying to supply drugs. Additionally the assistant manager cleans the premises daily and if anything came to light would advise us.

We also carry out random checks of the girls bags.

As far as I am concerned Players is an easy bar to run, friendly and a set of premises whose customers and staff do not cause trouble.

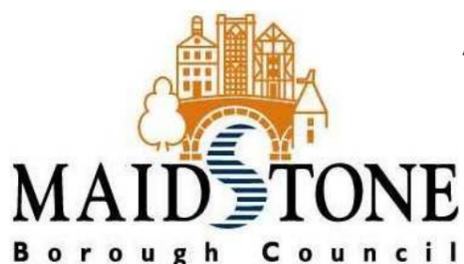
I am aware that there was an issue with one girl who broke the rules and was dismissed. I have been shown two e-mails by the club's solicitor. The suggestion that there are no rules is totally untrue. Every dancer knows the rules.

If this person had been approached by someone to take drugs she would be expected to report it to us. Given that the precautions we have in place to prevent drug misuse or supply I believe this person to be lying.

If money was offered it should be reported to us. Nothing has been reported. We have a good reputation and make no apology for requiring high standards from all users of the club.

Yours faithfully,





**Policy  
in respect  
of the  
Licensing  
Of  
Sex Shops,  
Sex Cinemas  
and  
Sexual Entertainment Venues**

**March 2011**

## 1. Overview

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) provides that a local authority may, by resolution, adopt schedule 3 to that Act.
- 1.2 The Maidstone Borough Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009.
- 1.3 The adoption of schedule 3 as amended will enable the licensing authority, within its area, to discharge its function in relation to the following:
  - sexual entertainment venues (providing relevant entertainment)
  - sex shops
  - sex cinemas
- 1.4 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment) then this is not a provision of relevant entertainment and they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.
- 1.5 In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 1.6 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of relevant entertainment be regulated entertainment under the Licensing Act 2003.
- 1.7 If a local authority has not made a resolution to adopt the provisions introduced by section 27, Policing and Crime Act 2009 within one year of the Act coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution. The purpose of this duty is to ensure that local authorities consider the views of local people whether, for whatever reason, they have not adopted the provisions. This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.

- 1.8 The Licensing Authority have also taken into consideration the provisions of Section 17 Crime and Disorder Act 1998 that requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.
- 1.9 The Licensing Authority is also aware that, at the time of formulating this policy, there is no evidence of any crime or disorder directly attributable to the operation of such establishments in the Maidstone area.
- 1.10 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement which is in compliance with:
- a) The Regulator's Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede progress by the regulations we set out and, particularly, to consider the impact of regulations on small businesses; and
  - b) The Provisions of Services Regulations 2009 to ensure requirements are:
    - i) Non-discriminatory
    - ii) justified by an overriding reason relating to the public interest
    - iii) proportionate to that public interest objective
    - iv) clear and unambiguous
    - v) objective
    - vi) made public in advance
    - vii) transparent and accessible
- 1.11 In certain instances we may conclude that a provision in the policy is either not relevant or is outweighed by other provisions. We will ensure that any decision to depart from the policy will be properly reasoned, based on material evidence and documented; giving clear and compelling reasons for doing so.
- 1.12 The Council sees the licensing process as an integral part of its approach to achieving its strategic and corporate objectives which encompasses the visionary goals of:
1. A place to achieve, prosper and thrive
  2. A place that is clean and green
  3. A place that has strong healthy and safe communities
  4. A place to live and enjoy
  5. A place with efficient and effective public services

## **2. Policy**

2.1 The purpose of this policy is to:

- Set out the expectations of the local authority in meeting the requirements of the legislation
- Provide guidance on the process for making an application and the process the Council will follow in considering and determining an application.
- Assist any persons making representations in respect of an application to make properly directed and evidenced representations.

2.2 Notwithstanding this policy, each application will be assessed on its individual merit and granted or refused purely on that merit. Whilst this policy will set out the broad scope of expectations, it should not be seen as restricting or predetermining the outcome of any application or representation in respect of the licensing of any premises.

### **3. Functions**

3.1 Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.

3.2 This authority delegates its functions to those who sit on its Licensing Committee, or a sub-committee appointed for the purpose, with the exception of a renewal of a licence to which no objections are received, which will be delegated to officers as set out in the Council's constitution.

### **4. Consultations**

4.1 The Policing and Crime Act 2009 is not prescriptive about how local authorities should consult with local people in order to comply with this duty. The Council has extensive experience of engaging with local people and will utilise that knowledge to ensure that any consultation exercise carried out under this duty will be fair and meaningful. The Council will seek to make any relevant information available to local people in order to inform them of the legislation, criteria and outcomes of the consultation.

4.2 For the purpose of this duty 'local people' are defined as anyone who lives or works in the local authority area.

4.3 The council will seek to consult with all those consulted on the Licensing Act 2003 and current sex establishment licence holders. A full list of those consulted is attached at Appendix C.

### **5. Definitions**

5.1 For the purposes of this policy the following definitions will apply:

#### **5.2 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

- a) sex articles; or
- b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:

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

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

### 5.3 Sex Article

Anything made for use in connection with, or for the purpose of stimulating or encouraging—

- a) sexual activity; or
- b) acts of force or restraint which are associated with sexual activity; and anything to which sub-paragraph below applies.

This sub-paragraph applies

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

### 5.4 Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

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

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

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

**5.5. Sexual Entertainment Venue:**

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

**Exemptions from being a Sexual Entertainment Venue**

The following are not sexual entertainment venues for the purposes of this policy:

- a) sex cinemas and sex shops;
- b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
  - i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - ii) no such occasion has lasted for more than 24 hours; and
  - iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in subparagraph (i));
- c) premises specified or described in an order made by the relevant national authority.

**5.6. Relevant entertainment:**

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).

Home Office Guidance states relevant entertainment would therefore apply to the following forms of entertainment, as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

However this list is not exhaustive and local authorities will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

**5.7 Nudity**

Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

#### **5.8 Spontaneous Entertainment**

Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

#### **5.9 The 'Organiser'**

Any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

### **6. Planning**

6.1 The Licensing Authority will not normally undertake action where another, more appropriate, regime exists to resolve matters. Failure to obtain planning permission is not a ground for refusal of the grant of an application under the Local Government (Miscellaneous Provisions) Act 1982 and such a failure to obtain planning permission will normally be dealt with as part of the normal planning process.

6.2 Operators and persons making representations should be aware that in many cases there would be a need to obtain planning permission before a premise may be used for the purposes relevant to this policy. The Licensing Authority will not normally consider planning matters such as 'need' in determining a licence application as this is more appropriately dealt with by Planning legislation.

6.3 Applicants are advised to seek independent advice in relation to both planning and licensing prior to making any application under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

### **7 European Convention on Human Rights**

- 7.1 The Local Authority fully supports the European Convention on Human Rights. When determining applications for licences under this policy the Licensing Authority will give consideration to any rights an existing operator may have under Article 1, Protocol 1 of the European Convention on Human Rights (ECHR) which entitles every person to the peaceful enjoyment of their possessions and Article 10 (freedom of expression).
- 7.2 The Secretary of State has certified that the Policing and Crime Act 2009 is covered by Section 19, Human Rights Act 1998 as being in compliance with the ECHR.
- 7.3 Whilst the rights under Article 1 and 10 may be activated the weight to be accorded to these rights in this context is low level. The right of freedom of expression to participate in the activities of sex shops, sex cinemas and sexual entertainment venues is not prohibited but may be controlled by licensing. Similarly the right to possession of an existing licence is proportionally protected subject to a fair balance of the rights of the holder and the public interest.

## **8. The Application Process**

- 8.1 Applications for licences for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by the requisite fee.
- 8.2 A site plan of radius of  $\frac{1}{4}$  of a mile (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.11.
- 8.3 A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar.
- 8.4 The plan of the premises must show the position of all CCTV cameras and shall be with the approval of Kent Police and in accordance with the CCTV code of practice.
- 8.5 Plans may be considered in other scales with prior agreement with the licensing authority.
- 8.6 The council will not usually determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the premises.

## **9. Notices**

- 9.1 Applicants for a sexual establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than seven days after the date the application is made.
- 9.2 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The

notice should be displayed for a period of 21 days beginning with the date the application was made.

- 9.3 All notices should be in the form prescribed by the appropriate authority as detailed in Appendix B and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 9.4 The applicant is required to submit a copy of any application to the Chief Officer of Police for the area within seven days of submitting the original application to the local authority. The requirement does not apply in the case of electronic applications as it is the duty of the local authority to send a copy to the police.

## 10. **Objections**

- 10.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12, of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for refusing a licence. Objections should not be based on moral grounds/values and local authorities cannot consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 10.2 When considering an application for the grant, renewal or transfer of a licence the Licensing Authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else, (including statutory agencies such as Kent Fire and Rescue Service, UK Border Agency, The Local Safeguarding Childrens Board) within 28 days of the application.
- 10.3 Where the Licensing Authority receives notice of any objection the authority will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority will not without the consent of the person making the objection reveal their name or address to the applicant.

## 11. **Hearings**

- 11.1 Under paragraph 10(19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing Committee or Sub-Committee that is responsible for determining the application.
- 11.2 Whilst Schedule 3 does not make explicit provision for objectors to be heard, this Council believes it right to offer an oral hearing to objectors. This does however remain within their discretionary powers. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 11.3 Persons making written objections will also be informed of the date and time of the licensing sub-committee hearing where they will be invited to address the committee and ask questions relating to the application.

- 11.4 All objectors and applicants are reminded that they can if they wish be legally represented at their own expense at the hearing. Alternatively they may if they wish ask a Councillor to represent them.
- 11.5 In determining an application the Licensing Committee (or Sub-Committee) will consider the applicant's presentation, the Council's authorised officer report, police observations and objections.
- 11.6 All parties may use witnesses and supporting documentation however, copies of documents and details of witnesses must be submitted to the Licensing Committee (or Sub-Committee) for consideration prior to the hearing and in special circumstances with approval of all parties at the hearing.
- 11.7 The Licensing Committee (or Sub-Committee) will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicant and objectors. After the evidence has been presented all parties will be asked to leave to allow for Licensing Committee (or Sub-Committee) to come to a decision on the application.
- 11.8 When a decision is reached the Licensing Committee (or Sub-Committee) will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 11.9 The decision of the Licensing Committee (or Sub-Committee) will be confirmed, in writing, to the applicant within seven working days of the meeting at which the application was considered giving reasons for the decision.

## 12. Refusal of a Licence

- 12.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence **must not** be granted:
  - a) to a person under the age of 18;
  - b) to 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;
  - c) to 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
  - d) to a body corporate which is not incorporated in an EEA State; or
  - e) to 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.
- 12.2 A licence may be refused where:
  - a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
  - i) to the character of the relevant locality; or
  - ii) to the use to which any premises in the vicinity are put; or
  - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

12.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

12.4 In making any determination to refuse an application, renewal or transfer the local authority will give consideration to:

**a. Suitability of the applicant**

In determining the suitability or otherwise of an applicant the local authority will consider any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, drugs, offences of a sexual nature or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

Any other reasonable cause, arising from:

- previous knowledge and experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors

**b. Business carried out on behalf of a person who would be refused**

The local authority takes a serious view of any application that seeks to subvert the underlying principles of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason, be refused or disqualified from the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

**c. The application exceeds the limit set on the number of the specific type of sex establishments generally or of a specific type in an area**

**d. Appropriateness having regard to character of locality, use of premises in the vicinity or layout, character or condition of premises**

The local authority may refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality the use to which any premises in the vicinity are put or the layout, character or condition of the premises.

12.5 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 does not define 'relevant locality' further than to say that:

- In relation to premises, it is the locality where they are situated
- In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

12.6 Once the Council has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. 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.

12.7 Case law has indicated however that in defining the relevant locality the local authority should not seek to specify wide areas.

12.8 Although a ward area could be considered as a relevant locality it is determined that certain wards are substantial in size and would cover a wide area. It could also raise a problem with borders of other wards where there could be a cluster of sex establishments.

12.9 The Licensing Authority has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each application it receives on its own individual merits and the character of the locality at the time of the decision.

In determining the relevant locality each case will be decided on its merit having consideration to the individual circumstances of the application.

12.10 In licensing of sex entertainment venues the Licensing Authority will consider the impact of such premises and their operation on the character of an area. This would include but not be limited to:

- The type of location (residential, commercial, industrial)
- The likely effects of any increased footfall or vehicular traffic
- Any advertising or displays of an erotic or pseudo-erotic nature
- 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
- Any evidence of complaints about noise and/or disturbance caused by the premises
- The levels of crime and disorder in the area.

- 12.11 The Local Authority would consider use of other premises in the vicinity which would include but not be limited to:
- Establishments whose patrons are likely to be adversely affected 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 conservation areas, historic buildings and tourist attractions
  - The proximity of other sex establishments
- 12.12 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the layout, character or condition of the premises including but not limited to 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.
  - Suitability of management systems to take into account the safety of its performers, customers and staff.
- 12.13 Visibility to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

### **13. Waivers**

- 13.1 The amendments to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 allow for the Licensing Authority to waive the need for a sex entertainment venue licence under certain circumstances.
- 13.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The Local Authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.
- 13.3 The Licensing Authority will consider applications for such waiving of the need for licences on an individual basis. However, it is felt that unless clear and unambiguous evidence can be produced to support such a waiving of licence, the default position will be that a licence will be required.

#### **14. Conditions**

- 14.1 The Local Government (Miscellaneous Provisions) Act 1982 allows the Licensing Authority to attach both standard and specific conditions to a licence. The Licensing Authority has set out standard conditions (APPENDIX A) in respect of each type of licensed premises for which conditions may be taken and provided a pool of conditions. However, this list is not exhaustive and is merely to give an indication of what may be considered necessary for any individual licence.
- 14.2 The standard conditions will be placed on the particular type of establishment and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed premises. Each case will be dealt with on its individual merit.
- 14.3 Whilst conditions may be prescribed on any matter it is likely that the following considerations will attract the attachment of conditions:
- Hours of opening and closing
  - Visibility of the interior of the premises
  - Displays of advertisements
  - Any change to the type of premises
  - Minimum distance between audience and performers
  - The control of access to changing room facilities
  - The control of private viewings
- 14.4 The authority may specify other conditions specific to individual premises dependant on the type of activity undertaken. Such condition may not be listed in the pool of conditions.

#### **15. Duration of Licences**

- 15.1 Licences for sex establishments will be granted for up to one year.

#### **16. Appeals**

- 16.1 The Local Government (Miscellaneous Provisions) Act 1982, paragraph 27 permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made within 21 days of the decision of the Licensing Sub-Committee to the Magistrates Court.
- 16.2 An appeal can be made in the following circumstances:-
- Refusal of an application for grant, renewal or transfer of a licence
  - Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held
  - A grievance relating to any term, condition or restriction on or subject to which a licence is held
  - Revocation of a licence
- 16.3 There is no right of appeal for objectors.

- 16.4 There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.
- 16.5 A person wishing to appeal against the council decision is strongly advised to seek assistance from a solicitor.



## SEX ESTABLISHMENT LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
As amended by the POLICING AND CRIME ACT 2009  
(Section 2 and Schedule 3)

**Maidstone Borough Council** being the licensing Authority under Schedule 3 of the above Act as amended by the Policing and Crime Act 2009, **GRANT A LICENCE** to:

**Name:** Ms Sexton  
**At the premises situated and known as:** Players Gentlemen's Club  
57 High Street  
Maidstone  
Kent  
ME14 1SY

The licence is issued subject to the standard conditions contained in the Maidstone Borough Council policy as approved on 2nd March 2011 relating to such licences and also to the varied conditions set out in the attached Schedule.

**Licence number:** 15/01319/SEXEST  
**Date licence granted:** 30th October 2015  
**Expiry date of licence:** 15th May 2016



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

**John Littlemore**  
**Head of Housing and Community Services**  
**Maidstone Borough Council**

**Dated: 12th February 2016**





## SEX ESTABLISHMENT LICENCE CONDITIONS

### Sexual Entertainment Venue Conditions

#### Times of Opening

##### Condition 1

The premises shall not open unless otherwise permitted:

Monday to Sunday 20.30 - 02:00 hours

New Years Eve 20.30 - 03:00 hours

#### Conduct and Management of Premises

##### Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.

##### Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

##### Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be displayed within the sex establishment throughout the period during which he/she is responsible for its conduct.

##### Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

### **Condition 6**

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

### **Condition 7**

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

### **Condition 8**

Licensee shall maintain good order on the premises and in particular shall ensure that no

- o lewd conduct
- o indecent behaviour
- o unlawful possession and/or supply of controlled drugs
- o conduct likely to cause a breach of the peace on the premises
- o offers of any sexual or indecent service for reward
- o any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity.

### **Condition 9**

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

### **Condition 10**

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

### **Age Restriction**

### **Condition 11**

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

### **Condition 12**

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 years will be admitted and they may be asked to produce evidence of their age.

## **PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES**

### **Advertising**

#### **Condition 13**

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

#### **Condition 14**

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive. Any promotional advertising in respect of the premises must have prior approval of the Licensing Authority before its display/distribution.

#### **Condition 15**

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

### **External and internal access to an area holding relevant entertainment.**

#### **Condition 16**

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

#### **Condition 17**

Windows and openings within the premises other than entrances will have curtains/blinds of a type and size that covers windows and openings which render the interior of the premises, where relevant entertainment is taking place, invisible to passers by and/or other areas within the building that are open to the public for other activities.

#### **Condition 18**

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

### **Layout of the premises**

#### **Condition 19**

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

**Condition 20**

All temporary dance booths or cubicles are covered by CCTV which will be monitored throughout all performances by an SIA registered member of staff.

**Condition 21**

Any changes to layout of the premises must be informed to the Licensing Authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority.

**Condition 22**

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

**Condition 23**

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

**Condition 24**

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

**Entertainers/Performers**

**Condition 25**

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.

**Condition 26**

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

**Condition 27**

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

**Condition 28**

Performers shall be aged not less than 18 years old.

**Condition 29**

Only the performers shall provide the entertainment, no audience participation shall be permitted.

**Condition 30**

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

**Condition 31**

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

**Condition 32**

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

**Condition 33**

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

**Condition 34**

Photography or videoing of performances should not be allowed.

**Condition 35**

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

**Condition 36**

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises.

**Staffing****Condition 37**

During any lap dancing performance, or private dance, performers may not:

- o Touch any customers with their fingers.
- o Perform within 6" from any part of a patron save that they are allowed to sit on the lap of a customer provided they sit with their backs to the customer.
- o Climb onto furniture provided for patrons.
- o Simulate sex acts.
- o Use sex articles.

## **Sale of Goods**

### **Condition 38**

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

## **Display of Tariff and Charges**

### **Condition 39**

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

### **Condition 40**

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

### **Condition 41**

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

### **Condition 42**

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

## **Use of Premises**

### **Condition 43**

No change from a sex shop or sex cinema to a sexual entertainment venue cinema or from a sex entertainment venue to a sex shop or sex cinema shall be effected without the consent of the Council.

### **Condition 44**

The words "Gentleman's Club" will be removed from signs on the premises frontage and from any advertising signs for the premises.

## **Additional Conditions**

### **Security**

#### **Condition 45**

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

#### **Condition 46**

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

#### **Condition 47** Condition added October 2015

All premises rule documents must be reviewed and updated to correctly reflect current practice, for example removal of reference to pole shows and dancers being involved in promotions as referred to at the hearing. The revised documents should be submitted, within 28 days of the date of issue of this licence, to the Head of Housing and Community Services to confirm approval and form part of the premises information. Any notices displaying these documents on the premises or handed to employees should be amended within 7 days of the date of confirmed approval.

#### **Condition 48** Condition added October 2015

A sign shall be placed in a prominent place at each exit from the premises, where it can be easily read, stating that customers are reminded to leave quietly and consider the impact of their behaviour on those in the locality.

#### **Condition 49** Condition added October 2015

All current and any new door staff shall be specifically advised by management of the premises that those customers awaiting entry to and leaving the premises should be encouraged to behave appropriately and under no circumstances to harass those in the vicinity. Harassment is not to be tolerated.

#### **Condition 50** Condition added October 2015

A member of door staff at the entrance/exit must have clear sight of the outside of the premises at all times when there is a queue outside or persons leaving the premises.

**INFORMATIVE** Added October 2015

The licence holder should consider whether some use of female door staff would encourage the maintenance of appropriate behaviour in the immediate vicinity of the premises should harassment be found.

**STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS**

These regulations apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**Definitions**

In these regulations, save where the context otherwise requires, the following expressions shall have the following meanings:-

- i) "Sex Establishments", "Sex Cinema", "Sex Shop", "Sex Article", "Sexual Entertainment Venues" and "relevant entertainment and nudity" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- iv) "Approved" means approved by the Council in writing.
- v) "The Council" means the Maidstone Borough Council.
- vi) "Film" shall have the meaning ascribed to it in the Films Act 1985

**General**

The following terms, conditions and restrictions are applicable to sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

## **Sex Shops**

### **Times of Opening**

#### **Condition 1**

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

### **Conduct and Management of Premises**

#### **Condition 2**

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

#### **Condition 3**

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

#### **Condition 4**

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

- a) Duly authorised officer of the Maidstone Borough Council
- b) Police Officer, and
- c) Officer of the Fire Authority

#### Condition 5

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

#### Condition 6

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

#### Condition 7

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

#### Condition 8

No person under the age of 18 shall be permitted entry to the premises or be employed in the business of sex establishments.

#### Condition 9

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

#### Condition 10

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

#### Condition 11

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

#### Condition 12

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

#### Condition 13

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

### **Use of the Premises**

#### Condition 14

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

#### Condition 15

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

### **Goods available in sex establishments**

#### Condition 16

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop the respective charge being charged.

#### Condition 17

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

#### Condition 18

No film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film so certified.

- a) The screen of any equipment used should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- b) The screen shall be placed in such a position approved by the Council.
- c) Only clips for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) No film will be shown in its entirety.
- e) Films will not be shown at the customer's request.
- f) All trailers shown are to be approved by the British Board of Film Classification
- g) A warning notice will be placed on the screen stating "For staff use only" or "No customers allowed to operate".

### **External Appearances**

#### Condition 19

No advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from the outside of the premises except:- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence by a Council.

Such display, advertisement, word, letter, model, sign, placard, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

#### Condition 20

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

Suggested notice 'PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES'

Condition 21

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Condition 22

- (a) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screen or such other arrangements as approved by the Council.
- (b) This condition shall not be construed as lessening any obligation of the Licensee under Licence Condition 21.
- (c) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop window during any cleaning process.

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

Condition 23

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

Condition 24

Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex establishment is open to the public.

Condition 25

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit" or "Fire Exit".
- (ii) Doors and openings that lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".
- (iii) Save in the case of emergency no access shall be permitted through the premises adjoining or adjacent.

#### Condition 26

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

#### Condition 27

No alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall be made except with the prior approval of the Council.

#### Condition 28

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

### **Safety**

#### Condition 29

The Licensee shall take all reasonable precautions for the safety of the public and employees.

#### Condition 31

The Maidstone Borough Council reserves the right after grant, renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case.

### Condition 32

The licence may be revoked by the Maidstone Borough Council if at any time the holder is convicted of any 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 3 to the Local Government (Miscellaneous Provisions) Act 1982.

## **Sex Cinemas**

### **Film Categories**

#### Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

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

### **Unclassified Films**

#### Condition 2

The licences must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

### **Restricted Films**

#### Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

### **Persons Under 18**

#### Condition 4

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

**PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME**

Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

**Advertising**

Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

Condition 7

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

Condition 8

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

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

Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

## **Restricted 18**

### Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by authorised officer of the Council during any performance or at any other reasonable time.

### Condition 11

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

## **Membership**

### Condition 12

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

### Condition 13

Membership shall be open to persons of both sexes of not less than 18 years of age

### Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

### Condition 15

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

### Condition 16

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

### Condition 17

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

Condition 18

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

Condition 19

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

Condition 20

Membership cards shall be personal to the member and carry a photograph of the holder.

Condition 21

Neither membership tickets nor guest tickets shall be transferable.

Condition 22

Guest may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

Condition 23

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

**Sale of Sex Articles**

Condition 24

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

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

### **Display of Tariff and Charges**

#### Condition 25

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

### **Conduct and Management of Premises**

#### Condition 26

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

#### Condition 27

A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

#### Condition 28

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

#### Condition 29

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

#### Condition 30

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

#### Condition 31

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

#### Condition 32

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

#### **Internal access to cinema**

#### Condition 33

Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers by and/or other areas within the building that are open to the public for other activities.

#### Condition 34

The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

#### **Security**

#### Condition 35

A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

#### **Use of Premises**

#### Condition 36

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

#### **Safety**

#### Condition 37

The Licensee shall take all reasonable precautions for the safety of the public and employees.

## **Sexual Entertainment Venue**

### **Times of Opening**

#### **Condition 1**

The premises shall not open unless otherwise permitted:

[TIMES WILL BE SPECIFIED FOR EACH LICENCE]

### **Conduct and Management of Premises**

#### **Condition 2**

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

#### **Condition 3**

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

#### **Condition 4**

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

#### **Condition 5**

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

#### **Condition 6**

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral

purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

#### Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

#### Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity

#### Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

#### Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

### **Age Restriction**

#### Condition 11

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

#### Condition 12

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES

#### **Advertising**

#### Condition 13

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

#### Condition 14

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive.

#### Condition 15

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

#### **External and Internal access to an area holding relevant entertainment**

#### Condition 16

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

#### Condition 17

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

#### Condition 18

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

### **Layout of the premises**

#### Condition 19

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

#### Condition 20

All dance booths or cubicles are to be equipped with a panic alarm for safety.

#### Condition 21

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

#### Condition 22

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

#### Condition 23

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

#### Condition 24

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

### **Entertainers/Performers**

#### Condition 25

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable

activities are taking place and until such time as all performers using the dressing room have finished.

Condition 26

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

Condition 27

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

Condition 28

Performers shall be aged not less than 18 years old.

Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

Condition 34

Photography or videoing of performances should not be allowed.

#### Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

#### Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises  
Staffing

#### Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch customers in any way
- Performer must not be within 30cms (12") from any part of a patron
- Climb onto furniture provided for patrons
- Simulate sex acts
- Use sex articles

### **Sale of Goods**

#### Condition 38

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

### **Display of Tariff and Charges**

#### Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

#### Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

#### Condition 41

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

Condition 42

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

**Use of Premises**

Condition 43

No change from a sex shop or sex cinema to a sexual entertainment venue cinema or from a sex entertainment venue to a sex shop or sex cinema shall be effected without the consent of the Council.

## **Pool of Possible Additional Conditions**

### **Age Restriction**

#### **Condition a**

All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.

### **Security**

#### **Condition b**

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

#### **Condition c**

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

#### **Condition d**

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

### **Entertainers/Performers**

#### **Condition e**

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement

Condition f

There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

**Staffing**

Condition g

All staff employed to work at any premises licensed as a sex establishment shall be required to provide an enhanced criminal records bureau disclosure to the Licensing Authority in which the premises is located.

## **MAIDSTONE BOROUGH COUNCIL LICENSING COMMITTEE**

### **Hearing Procedure for Determining Applications for Sex Establishment Licences Following Representations**

#### **Introduction and Procedure**

**i)** The Chairman will request those persons participating in the hearing to identify themselves, starting with the:

- ✘ Members of the Committee.
- ✘ Head of Democratic Services.
- ✘ Legal Advisor.
- ✘ Committee Clerk.
- ✘ The applicant.
- ✘ Those making representations, who wish to speak.

**ii)** The Chairman will:

- ✘ Confirm that all parties are aware of the Committee hearing procedure and have a copy.
- ✘ Confirm that all Committee Members have read all the report and any other documents regarding this application.
- ✘ Ask whether there are any amendments to the application and/or whether any conditions put forward by objectors are considered acceptable to the applicant.

#### **The Hearing**

- ✘ The Chairman will ask the Legal Advisor or Head of Democratic Services to briefly outline the application and his report and the representations regarding the application.

#### **The Applicant**

- ⌘ Opening remarks by the applicant (or representative).
- ⌘ Evidence from the applicant and any witnesses.
- ⌘ Any questions of each person giving evidence by persons making representations (at the discretion of the Committee).
- ⌘ Any questions of each person giving evidence by Members.
- ⌘ If necessary the applicant (or representative) may clarify any matter that arose during questioning.

### **Those making representations:-**

The Chairman will ask, where appropriate, whether a spokesperson has been appointed. At the discretion of the Committee those making representations may each or through the spokesperson, in the order determined by the Committee:

- ⌘ Make opening remarks.
- ⌘ Present any evidence and/or witnesses.
- ⌘ Any questions of each person giving evidence by the applicant, (at the discretion of the Committee).
- ⌘ Where appropriate, at the discretion of the Committee, a question may be asked between parties making representations.
- ⌘ Any questions of each person giving evidence by Members.
- ⌘ If necessary those making representations may clarify any matter that arose during questioning.

The Legal Advisor will indicate if any further matters should be raised by the Committee.

## **Closing Speeches**

- ⌘ Those making representations will be given the opportunity to sum up their case.
- ⌘ The applicant will be given the opportunity to sum up their case.

## **End of Hearing**

The Chairman will confirm with the Members of the Committee and then the Legal Advisor that there are no further matters to be raised or resolved before the hearing is closed.

The Chairman will bring the hearing to a close and declare that the Committee will consider the application, all relevant representations, evidence, legislation, any guidance and policy in private session if it so wishes.

The Chairman may ask the Legal Advisor to remain to advise, if necessary, during deliberations.

The Chairman shall ask all other persons to withdraw.

## **The Decision**

- ⌘ The parties will be invited to return and the Chairman will announce the decision of the Committee.
- ⌘ The decision and reasons will be confirmed to the applicant and those making representations in writing within 7 days.
- ⌘ The applicant can appeal a refusal or against conditions [in relation to mandatory grounds of refusal, only where it is said the ground does not apply to the applicant and NOT in relation to discretionary grounds sch3 para 12(3) (c) and (d), (character of locality, number of premises in locality, use of premises in the vicinity or layout character or condition of premises) within 21 days of notification of decision to the Magistrates' Court. Those making representations have no statutory right of appeal but can apply to the Court to permit them to take part in any appeal made.

N.B. The Committee may amend the above procedure should it consider it necessary on the grounds of fairness or to meet the need to establish facts.





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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