

# Sex establishment licence: Guidance Notes

The licensing of sex establishments is set out within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

The council has adopted the provisions contained in Schedule 3 for the licensing control of sex establishments. Anyone wishing to operate a sex establishment in Gravesham is therefore required to gain a licence from the Council before trading. Sex establishments include sex shops, sex cinemas and sexual entertainment venues.

## Sex Shops

A Sex Shop means any premises, vehicle, vessel or stall used for a business which consists of a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating 'sex articles' or other things intended for use in connection with, or for the purpose of, stimulating or encouraging sexual activity, or acts of force or restraint which are associated with sexual activity.

The main difference between a licensed and unlicensed sex shop is that a licence enables the sale of films classified as R18 by the British Board of Film Classification (BBFC). Such films may be supplied to adults only on the premises of a licensed sex shop. It is an offence to sell such films from unlicensed premises or by mail order. Additionally, a licensed sex shop cannot admit persons under the age of 18 into the premises, either as customers or to work, and allows the Licensing Authority to impose appropriate conditions on the premises controlling how the business is operated.

## Sex Cinemas

A Sex Cinema is defined as any premises (other than private dwellings to which the public are not permitted), vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

- are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, or acts of force or restraint which are associated with sexual activity; or
- are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

Premises shall only not be treated as a sex cinema by reason only:

- If they are licensed under Section 1 of the Cinemas Act 1985, of their use for a purpose for which a licence is required; or of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of that Act.

## Sexual Entertainment Venues (SEVs)

SEVs are the newest form of sex establishment and were introduced by the Policing and Crime Act 2009. They are defined as any premises at which 'relevant entertainment' is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment is defined as any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). Such entertainment is typically considered to include lap, pole and table dancing, and strip, peep and sex shows.

Premises which provide relevant entertainment on an infrequent basis are not required to be licensed as a sexual entertainment venue by the Council. This exemption applies where relevant entertainment has been provided at those premises on no more than 11 occasions in any 12 month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any other such occasion.

Such premises will instead be regulated under the Licensing Act 2003, in so far as they are providing regulated entertainment under that Act. The Council will carefully monitor the use of the exemptions and take firm action should there be evidence of abuse of them.

## **Photo Submission Guidance**

Your photo should be:

- Taken against a light background so that the applicant's features are distinguishable and contrast against the background.
- 45 millimetres by 35 millimetres.
- Full face uncovered and without sunglasses and, unless the applicant wears a head covering due to his/her religious beliefs, without a head covering.
- On photographic paper.

One photo should be endorsed as true likeness by one of the following:

- The Chief Executive of the Licensing Justices for the relevant licensing authority
- A solicitor or notary
- A person of standing in the community
- An individual with a professional qualification.