

TRAFFORD COUNCIL

Report to: Public Protection Sub-Committee
Date: 24th March 2016
Report for: Decision
Report of: Head of Regulatory Services

Report Title

REQUEST TO WAIVE THE REQUIREMENT TO HOLD A SEX ESTABLISHMENT LICENCE – VICTORIA WAREHOUSE, TRAFFORD PARK ROAD, TRAFFORD PARK

Summary

To advise the Sub-Committee of a request from Adam Geoffrey Management Limited for a waiver of the requirement to hold a Sex Establishment Licence for a proposed Erotic Trade Exhibition at Victoria Warehouse.

Recommendation(s)

- To refuse to grant a waiver from the requirement to hold a sex establishment licence for the proposed event on the 19th, 20th and 21st August 2016; or
- to grant a waiver from the requirement to hold the aforementioned licence subject to an undertaking that Adam Geoffrey Management will comply with all the conditions and policy which would apply to the grant of a Sex Establishment Licence.

Contact person for access to background papers and further information:

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1. BACKGROUND

- 1.1 On the 23rd November 1982, Trafford Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) which conveyed powers on the Council to regulate sex shops and sex cinemas in its area. The provisions came into effect on the 1st January 1983.
- 1.2 On the 1st December 2010 the Council adopted Section 27 of the Policing and Crime Act 2009 which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow local authorities to also license sexual entertainment venues, where 'relevant entertainment' is provided. 'Relevant entertainment' means "any live performance or any live display of nudity" i.e. striptease, lap dancing.
- 1.3 These new provisions came into effect on the 1st March 2011.
- 1.4 At the same time the Council adopted a policy covering how it would deal with applications for sex shops, sex cinemas and sexual entertainment venues (Sex Establishments) including the criteria it would take into account when considering location (see Appendix A).
- 1.5 The Council also agreed prescribed conditions which would be applied to all sex establishment premises (see Appendix B).
- 1.6 These controls give local communities a greater say in deciding whether, for example, a lap dancing premises is appropriate for a particular locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people may have legitimate concerns about where such premises are located.
- 1.7 In adopting the provisions the Council did not take a moral stand on such premises but recognised that Parliament had made it lawful to operate a sex establishment; and that such businesses are a legitimate part of the retail and leisure industries.
- 1.8 The Council's role as a licensing authority is to administer the licensing regime in accordance with the law and the adoption of the legislation and the formulation of a Sex Establishment Licensing Policy ensured greater control over such establishments.
- 1.9 The Policy provides guidance to Members and Officers when considering applications; and informs potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing function.

2. WAIVER OF THE REQUIREMENT TO HOLD A LICENCE

- 2.1 The Act contains provisions allowing the licensing authority to waive the need for a licence. The test for the waiver is that the Council consider that to require a licence would be unreasonable or inappropriate.
- 2.2 Philip Kolvin QC an acknowledged expert on the laws relating to the commercial sex industry gives examples in his book 'Sex Licensing' of how a waiver might be used. One example given is that of a short festival of erotica at a trade centre.
- 2.3 A waiver can either be for a specific period as the Council thinks fit or it can be open-ended. In the latter case, the waiver can be brought to an end by at least 28 days' notice.
- 2.4 The waiver system is not a substitute for the licensing system, but forms a useful adjunct in appropriate cases, such as those which sit on the borderline, where events are minor or temporary, or where clarity or regularisation is required.

3. REQUEST FOR A WAIVER

- 3.1 The Licensing Section has received a request from Adam Geoffrey Management Ltd, the owners of Victoria Warehouse, Trafford Park Road, Trafford Park, for the grant of a waiver from the requirement to hold a Sex Establishment Licence (see Appendix C).
- 3.2 The request is in respect a proposed erotic trade event to be held on the 19th, 20th and 21st August 2016.
- 3.3 It is envisaged that all of the Victoria Warehouse Event Space and Hotel will be utilised for the trade exhibition.
- 3.4 The proposed trade event would run as follows:

Hotel Reception - VIP Ticketing / Check in for guests.

Friday Daytime: Retail and exhibitions spaces with fashion shows through the day.

Friday Evening: Award Ceremony with Dinner in main arena.

Saturday Daytime: Retail and exhibitions spaces with fashion shows and workshops through the day.

Saturday Evening: Stage show with Dinner in the main arena

Sunday Daytime: Retail and exhibitions spaces with fashion shows and workshops through the day.

4. OPTIONS

- 4.1 The Sub-Committee is invited to consider the request and determine either:

4.1.1 To refuse to grant a waiver from the requirement to hold a sex establishment licence for the proposed event on the 19th, 20th and 21st August 2016; or

4.1.2 To grant a waiver from the requirement to hold the aforementioned licence subject to an undertaking that Adam Geoffrey Management will comply with all the conditions and policy which would apply to the grant of a Sex Establishment Licence.

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**TRAFFORD
COUNCIL**

**SEX ESTABLISHMENT LICENSING
POLICY**

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1. INTRODUCTION

- 1.1 This document sets out Trafford Council's draft policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.
- 1.2 This document relates to applications for Sex Establishment Licences covering:

- sex shops
- sex cinemas
- sexual entertainment venues

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

- 1.3 The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 on the 1st December 2010 and the provisions came into effect on the 1st March 2011.

- 1.4 The Council is mindful of possible concerns of the local community with regard to applications for sex establishment licences or premises in any locality and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities and will inform applicants and objectors of the parameters under which the Council will make licence decisions.

- 1.5 The procedure sets out:
- the process for making an application; and
 - the process the Council will follow in considering and determining an application for a Sex Establishment Licence.

2. DEFINITIONS

- **The Act**
This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- **The Policy**
This refers to Trafford's Sex Establishment Licensing Policy.
- **Relevant Locality**

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This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that Relevant Locality will be determined on a case by case basis for the purpose of decision making.

- **Character of the Relevant Locality**

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This Council has not defined what type of area would or would not be acceptable in terms of character. The Council will consider the character of the area on a case by case basis and will take into account such factors as: the uses and users of the area; how the area is perceived; the vision/plan for the area; the views of the planning authority.

- **The Council**

This means Trafford Council.

- **Display of nudity**

This means:

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

in the case of men: exposure of his pubic area, genitals or anus.

- **The Licensed Premises**

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions to operate. Note that licences are not required for the sale, supply or demonstration of birth control items.

- **The Organiser**

This is any person who is responsible for the organisation or management of the Relevant Entertainment or the premises.

- **Permitted Hours**

These are the hours of activity and operation that have been authorised under a Sex Establishment Licence.

- **Sex Article**

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

- **Sex Shop**

A sex shop is any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with or for stimulating or encouraging

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sexual activity or acts of force or restraint which are associated with sexual activity.

- **Sex Cinema**

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures, however 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 excretory functions.

- **Sexual Entertainment Venue**

A sexual entertainment venue is any premises where Relevant Entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. 'Relevant Entertainment' means any live performance or any live display of nudity of such a nature that, regardless of financial gain, it must reasonably be assumed to be provided solely or primarily for the purpose of sexually stimulating any member of the audience whether by verbal or other means.

3. GENERAL POLICY

Principles to be applied

- 3.1 The Act lists those people who are excluded from being able to hold a licence.

A licence cannot be granted:

- a) To anyone under 18 years of age
- b) To someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) To someone who has been refused a new or renewal of licence within the last 12 months prior to the date of making the application
- d) To an individual who is not resident in the United Kingdom or has not been resident for six months prior to making of an application
- e) To a company not incorporated in the United Kingdom.

- 3.2 On determining an application the Council shall have regard to all relevant considerations, including any representations received and comments made by:

- Ward Councillors
- Police
- Fire Authority
- Planning Authority

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- Pollution
- Children and Young Peoples Services
- Licensing Authority
- Interested Parties (local residents/businesses)
- Any representations made by the applicant

3.3 The grounds on which an application for the grant, renewal or transfer of a licence may be refused are set out in the Act.

The Council may refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason;
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves;
- c) the number of sex establishments or 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) the grant or renewal of licence would be inappropriate having regard to:
 - i. the character of the relevant locality;
 - ii. the use to which any premises in the vicinity are put; or
 - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.4 The Council has not set a limit on the number of sex establishments or sex establishments of a particular kind that it thinks is appropriate for any Relevant Locality. Each application for the grant, refusal, renewal, transfer or variation of a licence will be determined by the Council on its merits on a case by case basis. This part of the Policy may be subject to change following any future review.

Character of the Relevant Locality

3.5 The Council will not normally grant or renew a licence for a Sex Establishment if the character of the Relevant Locality would make the grant or renewal inappropriate.

3.6 When considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the Relevant Locality, the Council will have regard to the following:

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- The proximity of residential premises, including any sheltered housing and accommodation of 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);
- Any adverse impact on crime and disorder and public nuisance in the Relevant Locality which the operation of the sex establishment is likely to generate;
- the nature and concerns of any objections received from residents or establishments in the Relevant Locality;
- any evidence of complaints about noise and/or disturbance caused by the premises;
- any current planning considerations;
- the proximity of other sex establishments;
- whether there is planned regeneration of the area.

Layout, Character and condition of the Premises

3.7 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the following:

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

3.8 Sex establishments should not to be functionally visible to passers by on retail thoroughfares or pedestrian routes. In more sensitive

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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.

Disability Access

- 3.9 Applicants are reminded of their duties under the Disability Discrimination Act 1995 and should provide such facilities so as to enable the admission of disabled people.

Suitability of the Applicant

- 3.10 The applicant will be required to demonstrate that he is a suitable person to hold a licence. In determining suitability, the Council will normally take into account:
- 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 or the Police and any criminal convictions or cautions of the applicant;
 - any other relevant reason.
- 3.11 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.
- 3.12 All applications for new licences for sex establishments, as described in the Act will be referred to the relevant Sub-Committee of the Council for decision.

Renewal Applications

- 3.13 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.
- 3.14 When considering a renewal application the Council may take into account the criteria set out at paragraphs 3.6 to 3.9 and 3.10 above and:
- past demonstrable adverse impact from the activity
 - whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- 3.15 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the

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relevant locality or in the use to which any premises in the locality are put.

- 3.16 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the relevant Sub-Committee for decision.

Variation Applications

- 3.17 Where an application is made to vary any terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 3.6 to 3.9, and 3.12 above.

4. THE APPLICATION PROCESS

Making an Application

- 4.1 An application should be made in writing to: The Licensing Office, Trafford Council, Town Hall, Stretford, M32 0YJ. Telephone: 0161 912 4144. Fax 0161 912 4142.
- 4.2 Applications may also be made electronically via the Council's website at www.trafford.gov.uk/licensing.
- 4.3 Applicants for a licence must complete the application form and submit to the Licensing Office together with:
- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
 - five sets of plans showing the existing and front elevation of the premises depicting all signage;
 - five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
 - five sets of plans (scale 1:50) showing the layout of the sex establishment;
 - the correct fee as set by the Council.
- 4.4 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. A specimen notice is available from the Licensing Office. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

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- 4.5 Applicants are also required to place a public notice in a local newspaper giving details of the application. A specimen notice is available from the Licensing Office. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 4.6 Officers from the Licensing Authority and the Fire Authority will inspect the premises to ensure that required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 4.7 As part of the process the Licensing Authority will also consult the Noise Pollution Section of the Council. If there is the possibility of noise nuisance, for example, from amplified music, an inspection may be carried out and noise insulation work recommended.
- 4.8 Comments on applications will also be sought from local Ward Councillors, the Police, the Planning Authority and any other relevant person as deemed appropriate by the Council.
- 4.9 Applicants are warned that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 4.10 The Council will not 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 applicant and the premises.
- 4.11 Any licence approved does not constitute any approval under any other Acts. The applicant must ensure that all necessary consents and approvals are obtained prior to operation.

Renewal of Licence

- 4.12 An application to renew the licence must be made in the appropriate form prior to the expiry of the existing licence.
- 4.13 The Council will not determine an application for the renewal 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 applicant and the premises.
- 4.14 Where, before the expiry of a licence, an application has been made for its renewal, it shall remain in force even though the expiry date has

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passed, until the withdrawal of the application or its determination by the Authority.

Variation of Licence

- 4.15 The application form, together with relevant plans and the fee should be sent to the Licensing Office. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in paragraphs 4.4 and 4.5 above.
- 4.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in licensee must be the subject of a transfer application.
- 4.17 All variation applications for sex establishment licences will be referred to the relevant Sub-Committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

Transfer of Licence

- 4.18 The Council will not determine an application for the transfer 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 applicant and the premises.
- 4.19 Where, before the date of expiry of a licence, an application has been made to transfer, it shall be deemed in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the expiry date has passed or that the person to whom the licence is to be transferred is carrying on the business of the sex establishment.

Representations on an Application

- 4.20 Any person wishing to object to an application must submit a written representation within the specified 28 day consultation period, setting out the grounds of objection.
- 4.21 The Council will balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 4.22 Unless the person making a representation consents, their name and address shall not be revealed to the applicant.

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- 4.23 The general terms of any objection must be provided to the applicant prior to the determination of the application. The report to the relevant Sub-Committee may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 4.24 The Council shall give an opportunity of appearing before and of being heard by the relevant Sub-Committee of the Council:
- a) before refusing to grant a licence, to the applicant;
 - b) before refusing to renew a licence, to the holder; and
 - c) before refusing to transfer a licence, to the holder and to the person to whom he desires that it shall be transferred.
- 4.25 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Sub-Committee before the application is determined.
- 4.26 Where the Council refuse to grant, renew or transfer a licence, it shall, if required to do so by the applicant or the holder of the licence, give him a statement in writing of the reasons for its decision within 7 days of his request.

Duration of Licence

- 4.27 Sex establishment licences will normally expire on an annual basis, but may be issued for a shorter period if deemed appropriate.

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STANDARD CONDITIONS FOR ANNUAL LICENCES FOR SEX ESTABLISHMENTS EFFECTIVE FROM 1st March 2011

- NOTES:**
- (i) Except where the context demands otherwise the singular includes the plural and masculine includes the feminine.
 - (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
 - (iii) These rules are divided into seven Parts as follows:
 - Part I - General
 - Part II - General Conditions relating to management conduct etc. which apply to all Sex Establishments
 - Part III - Conditions in respect of fire and safety which apply to all Sex Establishments
 - Part IV - Other Safety Conditions and Conditions relating to sanitation and noise which apply to all Sex Establishments
 - Part V - Additional Conditions which apply to Sex Shops.
 - Part VI - Additional Conditions which apply to Sexual Entertainment Venues.
 - Part VII - Additional Conditions which apply to Sex Cinemas.
 - (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.

Disabled People

It is the policy of the Council that there should be access and facilities for disabled people at sex establishments. Licensees are therefore, encouraged in the strongest possible terms to provide such facilities so as to enable the admission of disabled people and are reminded of the duties imposed by the Disability Discrimination Act 1995.

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PART I - GENERAL

Definitions

- 1 In these rules, unless the context otherwise requires:
- 'Approval of the Council' or 'Consent of the Council' means the approval or consent of the Council in writing.
- 'Approved', 'accepted', or 'permitted' means approved, accepted or permitted by the Council in writing.
- 'Approved arrangements' means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.
- 'Council' means Trafford Council.
- 'Escape lighting' (safety lighting) means lighting, obtained from a source independent of the general supply for the building, provided to assist the public and staff to leave the premises without the aid of normal lighting.
- 'Licensee' means the holder of a Sex Establishment Licence.
- 'Non-combustible' material means material which is deemed to be non-combustible when tested in accordance with the provisions of British Standard 476: Part 4, or such other material or combination of materials as the Council accepts as being non-combustible for the purpose of these rules.
- 'Officer' means any person authorised in writing by the Council.
- 'Premises' means any premises within the Council's area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.
- 'Sex Establishment', 'Sex Cinema', 'Sex Shop', 'Sexual Entertainment Venue' and 'Sex Article' shall have the meanings ascribed to them in the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Police and Crime Act 2009.

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- Dispensation or modification of conditions**
2. (a) These conditions may be dispensed with or modified by the Council in any special case.
 - (b) Where in these conditions there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
 - (c) If the licensee wishes any of the terms of the licence to be varied an application must be made to the Council.

PART II

GENERAL CONDITIONS RELATING TO MANAGEMENT, CONDUCT ETC WHICH APPLY TO ALL SEX ESTABLISHMENTS

- Exhibition of Licence**
- 3 The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
- Hours of Opening and Closing**
- 4 The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.
- Persons in charge of Licensed Premises**
- 5 (a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.
 - (b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
 - (c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.
 - (d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee

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or person (apart from, where employed, performers, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

Conduct of premises 6

- (a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:
 - (a) Unlawful possession and/or supply of drugs;
 - (b) Indecent behaviour, including sexual intercourse;
 - (c) The offer of any sexual or other indecent service for reward;
 - (d) Acts of violence against person or property and/or the attempt or threat of such acts.
- (b) 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.
- (c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Soliciting shall include the distribution of leaflets.
- (d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.
- (e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public without the prior consent of the Council.

Doorway Opening, Windows etc 7

- (a) All windows, doors or other means by which the interior of the premises would otherwise be visible to any person lawfully using any street, highway, close, yard, footpath or place to which the public has access shall be obscured or screened in such a way as to prevent the interior of the said premises or any article, material or display of any kind therein from being visible to any said persons.

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- (b) Any external doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.
- Change of Use** 8 No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sexual entertainment venue).
- Alterations** 9 No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

PART III - CONDITIONS IN RESPECT OF FIRE AND SAFETY WHICH APPLY TO ALL SEX ESTABLISHMENTS

- Maintenance** 10 The approved arrangements shall be maintained at all times in good order, repair and condition.
- Overcrowding** 11 (a) Overcrowding shall not be permitted in any part of the premises.
- (b) The licensee shall maintain a register in a form approved by the Council indicating which staff are on duty at any time whilst the premises are in use under this licence. This register shall be produced immediately on request by a police officer or an authorised officer of the Council.

NOTE: The register will be used by police officers or authorised officers of the Council to assist in deciding how many members of the public are present on the premises at any given time. It is essential, therefore, that the register is properly maintained at all times and that it is readily available for inspection. Compliance with this condition is of the utmost importance and any breach would be regarded as extremely serious.

- (c) The licensee shall ensure that any accommodation limit specified on the licence is not exceeded and shall at any time whilst the premises are in use under this licence be aware of the precise number of patrons currently on the premises. This information shall immediately be divulged on request by a police officer or an

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authorised officer of the Council.

Maintenance of means of escape

- 12**
- (a) All exit routes shall be maintained with nonslip and even floor/step surfaces and be free of trip hazards at all times. Such exit routes shall be unobstructed and available for immediate use at all times.
 - (b) All exit doors shall be available for immediate use, without use of a key or similar fastening, the whole time the public are in the premises. Only fastenings that have been approved by the Council in writing may be provided on such doors.
 - (c) All fire doors shall be maintained effectively self-closing, and not wedged open.
 - (d) Any removable security fastenings approved by the Council shall be removed from the doors prior to opening to the public. All such fastenings shall be kept in a position approved by the Council during the whole time the premises are in use.

Curtains, decorations etc

- 13**
- (a) Where approval is given for curtains to be used, the curtains shall where necessary be periodically resprayed to maintain their fire resistance. Curtains shall be arranged so as not to obstruct EXIT notices and/or fire extinguishers or other fire fighting equipment.
 - (b) Curtains where permitted across doors shall be in two halves, on a free running rail to enable them to be parted easily. Such curtains shall have a clearance of at least 75mm between the bottom of the curtain and the floor.

Fire Alarms

- 14**
- Any fire alarm system shall be checked monthly to ensure it is fully operational. In addition any system shall be serviced yearly by a qualified engineer and all results recorded in a log book to be retained on the premises.

Fire Fighting Equipment

- 15**
- (a) All fire extinguishers and fire fighting equipment shall be checked yearly by a competent person and the test date recorded on the equipment, or in the case of hose reels and sprinkler systems the test results shall be recorded in a log book retained on the premises.
 - (b) Any extinguisher discharged shall be replaced or recharged immediately.

Outbreaks of Fire

- 16**
- The Fire Brigade shall be called to any outbreak of fire, however slight. Suitable notices shall be

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displayed indicating how the Brigade can be summoned.

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|--|-----------|--|
| Cleansing of Ventilation Ductwork | 17 | (a) Filters within kitchens, serveries and grill extract systems shall be cleaned daily. The associated extract ductwork shall be thoroughly cleaned and degreased at regular intervals. |
| | | (b) The ventilation system(s) shall be maintained in a clean condition and full working order. |

PART IV - OTHER SAFETY CONDITIONS AND CONDITIONS RELATING TO SANITATION AND NOISE WHICH APPLY TO ALL ENTERTAINMENT VENUES

- | | | |
|--------------------------------|-----------|---|
| Sanitation | 18 | <p>The licensee shall ensure that adequate sanitary accommodation is available in the premises for the free use of both staff and members of the public and in particular shall:</p> <ul style="list-style-type: none">(a) maintain each sanitary convenience in clean and efficient order;(b) ensure that any room which contains a sanitary convenience is suitably and sufficiently lighted and ventilated and is kept clean.(c) ensure that in the sanitary accommodation provided there are installed and maintained suitable and sufficient wash-hand basins and that each basin is provided with an adequate supply of hot and cold water or of hot water at a suitably controlled temperature: together with an adequate supply of soap and suitable hand drying facilities.(d) the premises are so constructed with the adequate provision of efficient drains, suitable wall, floor and ceiling finishes etc. so that satisfactory sanitation can be maintained. |
| Lighting | 19 | All lighting (including escape lighting) shall be maintained in full working order. |
| Electrical Installation | 20 | The electrical installation for the premises and any equipment used therein shall be maintained in a safe working condition as prescribed by the Electricity at Work Regulations 1989, and the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers. |
| Electrical Certificates | 21 | Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical |

APPENDIX B

Engineers, for the electrical installation associated with the sex establishment shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

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|---|-----------|---|
| Escape Lighting | 22 | The escape lighting installation shall be tested every six months by a qualified engineer and a certificate for each test submitted to the Council. |
| Heating | 23 | <p>(a) The heating system and/or appliances used within the premises shall be fully maintained in good working order for use when required. Any guards required by the Council shall be securely held in position.</p> <p>(b) Portable heating appliances shall not be used without the Council's written consent.</p> <p>(c) No alterations/additions to the approved heating system shall be made without the written consent of the Council.</p> |
| Electrical, Gas and Mechanical Ventilation Systems | 24 | No alterations shall be made to any part of the electrical, gas or mechanical ventilation systems without the written consent of the Council. |
| Gas and Electricity Meters | 25 | <p>(a) Gas and electricity/mains intake enclosures shall not be used for any other purpose (e.g. storage).</p> <p>(b) Where meters are not in an enclosure the meters shall not be obstructed and shall be available for immediate access.</p> |
| Paraffin and Mineral Oil | 26 | Paraffin or other mineral oil shall not be used in any lamp, stove or other appliance in premises except with the prior written consent of the Council. |
| Noise and Vibration | 27 | <p>(a) The licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.</p> <p>(b) Without prejudice to the generality of this condition the licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.</p> |

NOTE: The licensee must ensure that appropriate

APPENDIX B

measures are taken to prevent any nuisance which may be caused by the operation or use of ventilation or other equipment.

PART V

ADDITIONAL CONDITIONS APPLYING TO SEX SHOPS

- | | | |
|--|-----------|---|
| Goods available in Sex Establishments | 28 | All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged. |
| | 29 | All printed matter offered 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. |
| | 30 | No film or video 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 or video film so certified. |

PART VI

ADDITIONAL CONDITIONS APPLYING TO SEXUAL ENTERTAINMENT VENUES

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|-------------------------------------|-----------|-----|--|
| Display of Tariff of Charges | 31 | (a) | There shall be prominently and legibly displayed 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. |
| | | (b) | No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction. |
| Seating | 32 | (a) | The premises shall not be used for a closely-seated audience, except in accordance with plans approved by the Council. |
| | | (b) | No article shall be attached to the back of any seat which would either reduce the clear width of seatways or cause a tripping hazard or obstruction. |
| Standing and | 33 | (a) | A copy of the approved seating plan(s) shall be kept available at the premises and shall be shown to Council officers on request. |
| | | (a) | In no circumstances shall persons be permitted |

APPENDIX B

Sitting in Gangways

to:-

- (i) Sit in any gangway; or
 - (ii) Stand in any gangway which intersects the seating; or
 - (iii) Stand or sit in front of any exits.
- (b) Waiting and standing shall not be permitted except in areas approved by the Council; and subject to the conditions specified in such approval.

Wheelchairs

34

Wheelchairs and similar equipment shall not be allowed within the premises except in accordance with the terms of any consent issued by the Council.

NOTE: In addition to the duties imposed by the Disability Discrimination Act 1995, it is the Council's policy that wherever possible there should be proper access for disabled people including wheelchair users. Consequently the Council will grant consent whenever it can do so without risk to persons using the premises.

Special Risks and Special Effects

35

Any activity which involves special risks or special effects, (e.g. lasers, dry ice and smoke machines, strobe lighting, real flame, pyrotechnics), or the bringing onto the premises of any explosive or flammable substance may only be permitted or used with the Council's prior consent in writing. At least seven days' notice shall be given for an application for consent under this rule. Full details of what is proposed shall be given including the date and time of any proposed rehearsal.

Conditions relating to lap dancing

36

- (a) Only those activities previously agreed in writing by the Council shall take place.
- (b) The agreed activities will take place only in designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst lap dancing/striptease entertainment is taking place and immediately thereafter.
- (c) The performers only shall give lap dancing/striptease entertainment. No audience participation shall be permitted.
- (d) Whilst lap dancing/striptease entertainment is taking place, no person under the age of 18 shall

APPENDIX B

be on the licensed premises and a clear notice to this effect shall be displayed at each entrance to the premises in a prominent position. The notice shall read: **“NO PERSON UNDER 18 SHALL BE ADMITTED”**

- (e) There shall be no physical contact between the customer and performer before, during or after the performance.
- (f) Notices to the effect of the above condition number 37 (d) shall be clearly displayed at every table, be on display at the entrance of the premises and each bar area.
- (g) The performers shall at all times wear a G-String which shall not be removed as part of the performance, and they shall not expose at any time, wholly or partly, their genitalia.
- (h) Dancers shall only perform on the stage area or to seated customers.
- (i) Performers shall be aged not less than 18 years.
- (j) The Licensee shall not permit the display outside the premises of photographs or other images which indicate and suggest that lap dancing/striptease or similar dancing takes place on the premises.
- (k) There shall be at least one supervisor on the premises when dancing involving the agreed form of nudity takes place and at any time when such performances are taking place in the licensed area the number of covers made available to the public shall not exceed 150.

PART VII

ADDITIONAL CONDITIONS APPLYING TO SEX CINEMAS

Minimum lighting	37	The level of normal lighting in the auditorium shall be as great as possible consistent with the effective presentation or exhibition of the pictures.
Film categories	38	The categories U, PG, 12, 15 and 18 have the following effect:- U Universal - suitable for all PG Parental Guidance. Some scenes may be unsuitable for young children.

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12/12A	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 to be shown only in specially licensed cinemas or supplied only in licensed sex shops.

The addition of (Trafford) after the category means that the film has been passed by the Council for exhibition in Trafford in the category shown.

Exhibition of films	39	<p>No film shall be exhibited at the premises unless:</p> <p>(a) It has been passed by the British Board of Film Classification as a U, PG, 12A/12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or</p> <p>(b) it has been passed by the Council as a U, PG, 12A/12, 15, 18 (Trafford) or RESTRICTED (18) (Trafford) film.</p>
RESTRICTED (18) films - Council's consent	40	<p>Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.</p>
Unclassified films	41	<p>Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rule 39 or 40 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.</p>
Age Restriction Notice	42	<p>When the programme includes a film in the 12, 15 or 18 category no person appearing to be under the age of 12, 15 or 18 as appropriate shall be admitted to any part of the programme. 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 THE AGE OF (insert 12, 15 or 18 as appropriate) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME.</p>

APPENDIX B

NOTE: Where films of different categories are shown the notice shall refer to the oldest age restriction.

Category notices

43

Immediately before each exhibition at the premises of a film there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium:-

- (a) For a film passed by the British Board of Film Classification - a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board;
- (b) For a film passed by the Council - a notice in the following form without the addition of any other words:-

TRAFFORD COUNCIL

(Here insert title of film)

has been passed by Trafford Council (insert the definition of category and the category assigned).

Provided that as regards a trailer advertising a film the notice shall be in the following terms:-

TRAFFORD COUNCIL

*.....(.....) trailer advertising + film

(*Here insert the category of the trailer)

(Here insert the category of the film)

Objection to Exhibition of a film

44

No film shall be exhibited at the premises:-

- (1) which is likely:-
 - (a) to encourage or to incite to crime; or
 - (b) to lead to disorder; or
 - (c) to stir up hatred against any section of the public in Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex; or
 - (d) to promote sexual humiliation or degradation of or violence towards women.
- (2) the effect of which is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely to see it; or
- (3) which contains a grossly indecent

APPENDIX B

performance thereby outraging the standards of public decency.

If the licensee is notified by the Council in writing that it objects to the exhibition of a film on any ground, such film shall not be exhibited.

Posters, Advertisements, etc. **45** Every poster, advertisement, photograph, sketch, synopsis or programme of, or relating to a film exhibited or to be exhibited at the premises, which is displayed, sold or supplied anywhere by or on behalf of the licensee shall indicate clearly the category in which the film has been passed for exhibition.

Flammable Films **46** No flammable films may be upon the premises without the prior consent of the Council in writing.

Attendants - Numbers in Other Premises **47** Unless the Council otherwise requires or agrees in writing in any case:

- (a) there shall be a minimum of two attendants on duty on each floor or tier of the auditorium where the public, up to a number not exceeding 500, are present on that floor or tier and thereafter one additional attendant shall be on duty for each additional 250 persons or part thereof present on that floor or tier;
- (b) if an auditorium has only one floor or tier and seats 250 persons or less the number of attendants on duty in that auditorium shall be not less than one.

NOTE: Only one attendant is required to be on duty on any floor or tier of an auditorium when the number of persons present on that floor or tier does not exceed 100 and for the avoidance of doubt in the case of an auditorium which has only one floor or tier and which seats 250 persons or less there shall be not less than one attendant on duty in that auditorium.

Section C - Rule relating to television exhibitions

Entertainments Unsuitable for some Audiences **48** When any television entertainment or part of such entertainment is described by the broadcasting authority in advance of the day on which it is to be broadcast as unsuitable for viewing by any particular group of persons, a notice to that effect, indicating the group of persons concerned, shall be displayed in a conspicuous position to the satisfaction of the Council at each entrance to the

premises.

Section D - Restricted 18 Category

**Additional
Conditions for
'Club' Cinemas
(Showing Films
in the Restricted
18 Classification)**

49 (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.

(ii) When the programme includes a film in 'restricted 18' category 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

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

(iii) All registers of members and all visitors' books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.

(iv) Tickets shall in no circumstances be sold to persons other than members

(v) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vi) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(vii) Membership rules for these club cinemas shall include the matters set out in Appendix A, 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.

MEMBERSHIP RULES FOR CLUB CINEMAS

The membership rules for club cinemas where restricted 18 films are to be shown should include the following:

- (a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.
- (b) Only members and their guests shall attend exhibitions of moving pictures classified in the restricted (18) classification.
- (c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.
- (d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.
- (e) 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.
- (f) 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 licensed proprietors may refuse to renew any membership without assigning reason for such refusal.
- (g) Members shall be entitled on any day to bring not 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.
- (h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made there under.
- (i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.
- (j) Membership cards shall be personal to the member and shall not be transferable to any other person.
- (k) Neither membership tickets nor guest tickets shall be transferable.
- (l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The licensed proprietors will reserve the right to refuse admission to any person.

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- (m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.
- (n) 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.

APPENDIX C (1)

Joanne Boyle,
Licensing Team Leader,
Regulatory Services,
Trafford Council.

Joe Marriott
Chartered Environmental Health Practitioner
28 Newbould Road, Cheadle, SK8 2AH.

Tel 07944 585495
email: joe.marriott28@gmail.com

Date: 22nd February, 2016

Dear Joanne,

Re: Application to Waive the need for a Sex Establishment Venue License

I wish to make an application on behalf of Adam Geoffrey Management Limited, to Waive the requirement for a Sex Establishment Venue License in regards to the proposed holding of an Erotic Trade Exhibition at Victoria Warehouse, Trafford Park Road, Trafford Park. Adam Geoffrey Management Limited, are the owners, and premises license holders (PL0631) for the Victoria Warehouse music and dance / hotel and conference venue, issued in September, 2010. Victoria Warehouse is establishing itself as a significant trade exhibition venue for commerce and industry.

It is requested that the Licensing Sub-Committee, uses its discretion to waiver the requirement for a full Sex Establishment Venue License (SEV), in view of it being unreasonable and inappropriate in this particular circumstance. The proposed erotic trade exhibition is to be held only once in 2016, is a temporary event, and should be determined as an infrequent occurrence not requiring a full SEV license. Also account should be taken that the activity is solely a trade exhibition, with no permanency or services provided.

The annual three day Erotic Trade Exhibition known as Sexhibition is proposed from the 19th to 21st August, 2016. The trade event includes exhibitions, workshops, classes, cuisine, music, lighting, burlesque / cabaret, erotica, and the display of a wide variety of relevant products. In some of the promotions there may be some incidence of minor nudity. The exhibition will occur during the day on the Friday, Saturday and Sunday, with dinners in the evening.

The hosting of the trade exhibition will generate no concern for the local community. The trade event within Victoria Warehouse will not be visible to the public. The venue has no proximity issues, and is remote from residential properties, educational establishments, schools / nurseries, swimming pools / public buildings, and shopping centres. The exhibition will be self contained within the venue site, and will have no adverse impact on crime and disorder or public nuisance.


Although this is a trade exhibition over a short timeframe, an undertaking will be provided that Adam Geoffrey Management Limited, will comply with all the conditions and requirements that apply to a full Sex Establishment Venue, and fully comply with Trafford's Sexual Entertainment Venue Policy.

These conditions will be incorporated in the Management Plan for the Exhibition e.g. no persons under eighteen, all film displayed to be approved by the British Board of Film classification or other approved authority, etc; in addition to standard requirements such as means of escape, patron information, electrical and general safety.

The application to Waiver the full SEV license is only in respect of this exhibition event. This being more suited to a minor or temporary events classification, where full licensing can be deemed as unreasonable or inappropriate. The Waiver will provide suitable clarity, and the undertaking to fully comply with all the conditions in Sex Establishment Venues, and Trafford's Sexual Entertainment Venue Policy, will achieve the same regulatory control.

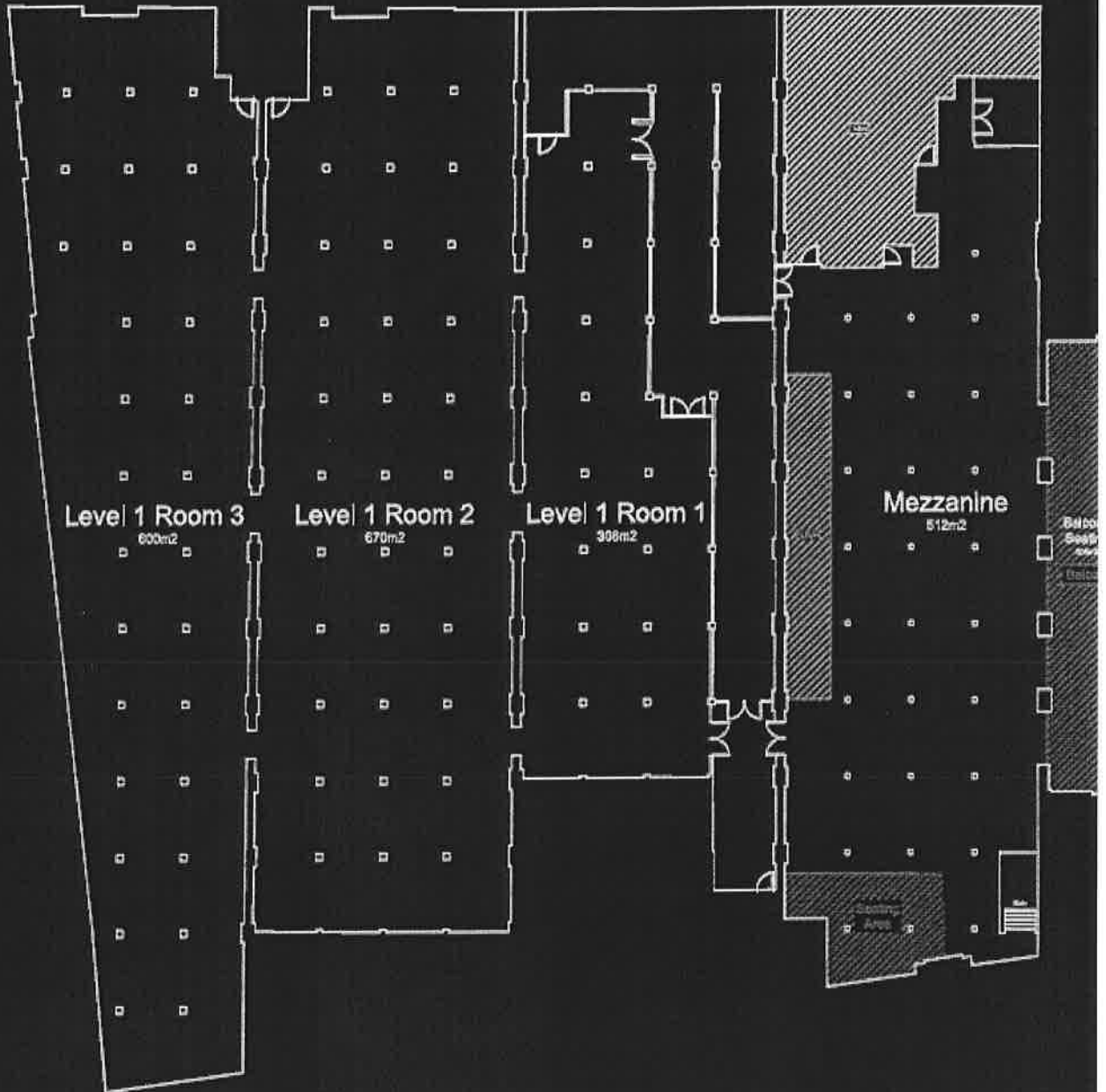
I trust this is acceptable to the Members of the Licensing Sub-Committee.

Yours sincerely,

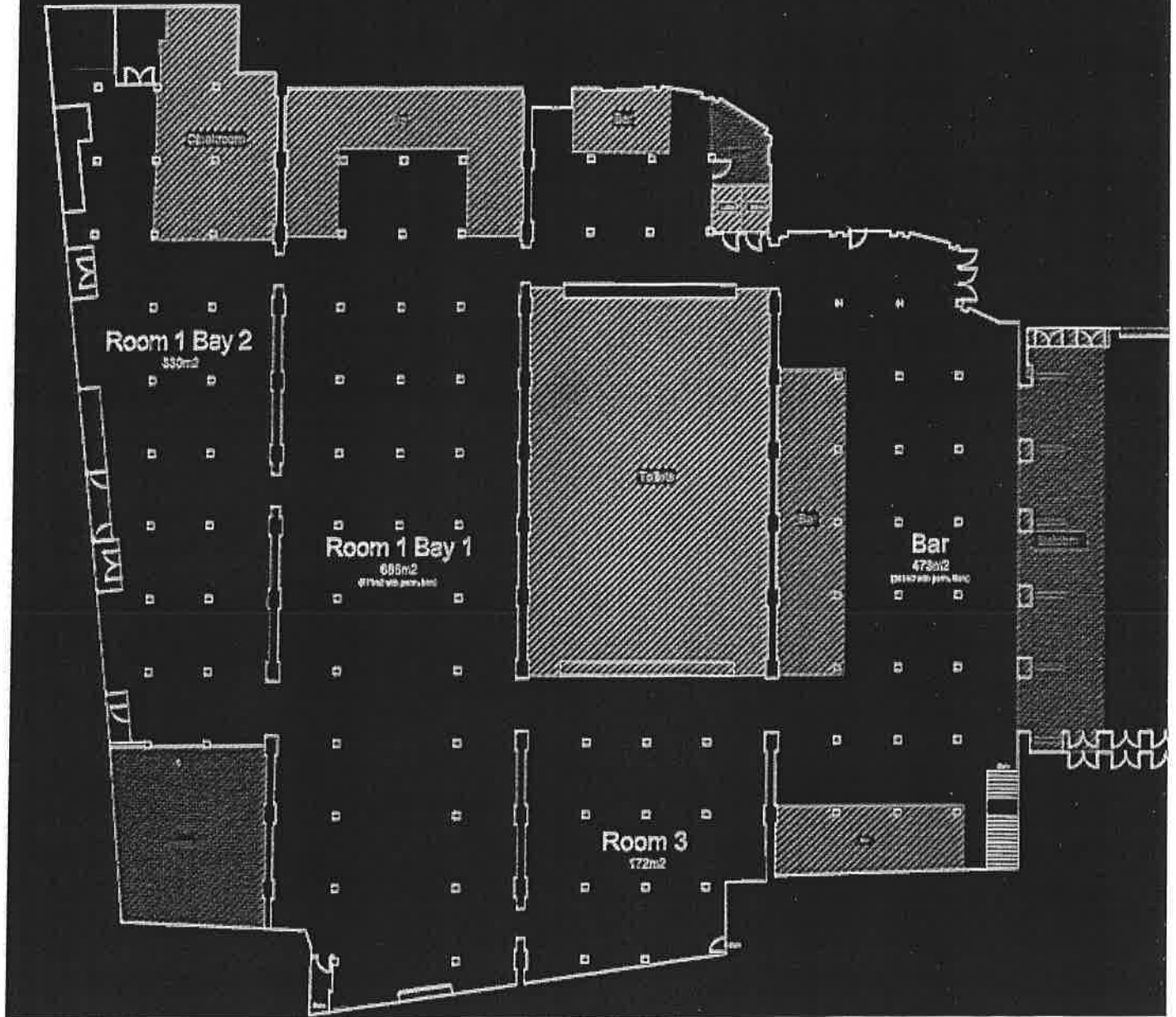
A handwritten signature in cursive script, appearing to read "Joe Marriott", with a long horizontal flourish extending to the right.

Joe Marriott.

MAIN EVENT SPACE LEVEL 1

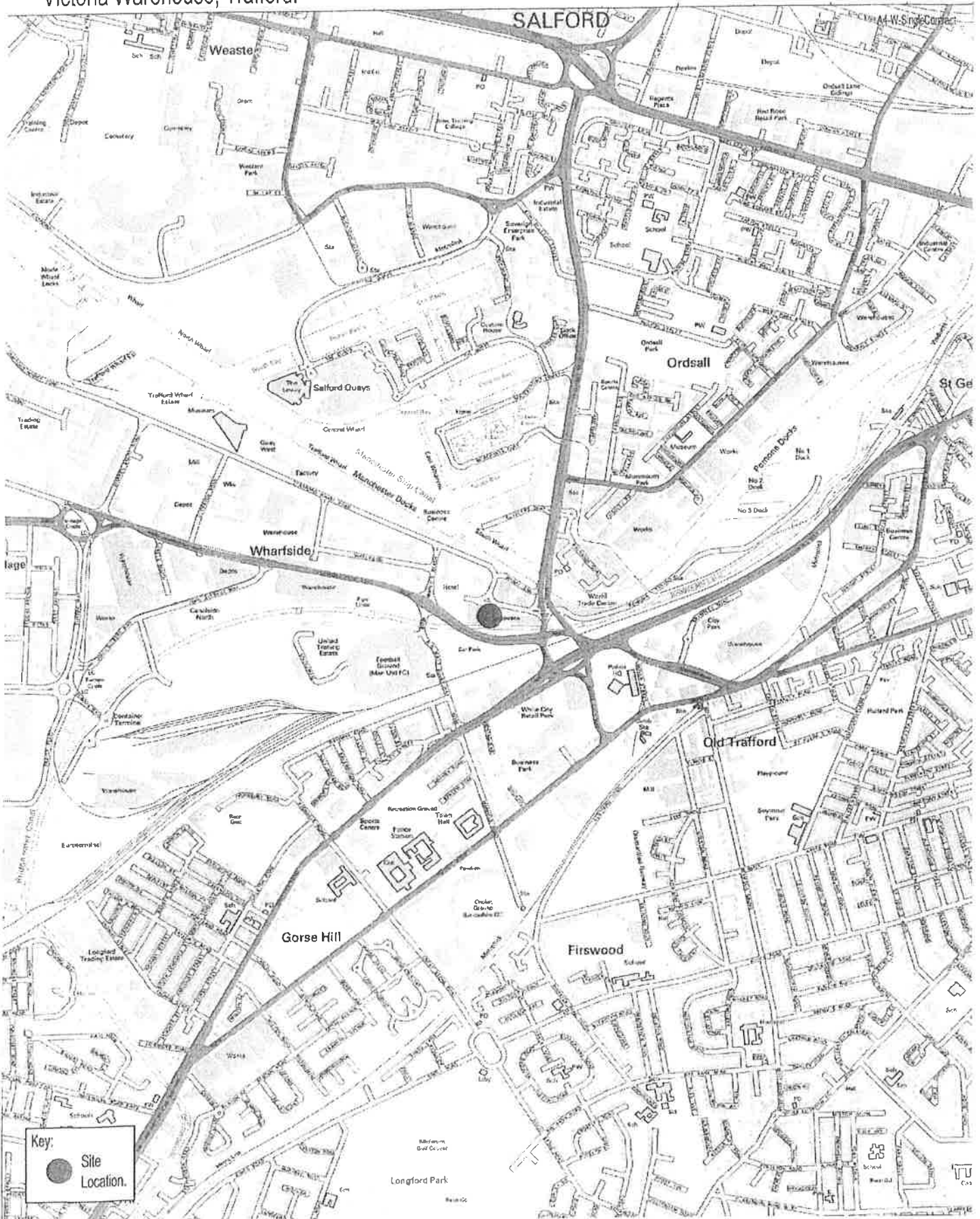


MAIN EVENT SPACE GROUND LEVEL



APPENDIX C(4)

Victoria Warehouse, Trafford.



APPENDIX C (5)

near Trafford Park — Manchester



