

# **Sheffield City Council**

## **Sex Establishment Policy 2025**

**Incorporating Sexual Entertainment Venues,  
Sex Shops and Sex Cinemas**

**Licensing Authority**

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# Part 1 – INTRODUCTION

This policy sets out the Council's approach to the regulation and licensing of sex establishments, which incorporates sexual entertainment venues, sex shops and sex cinemas, as set out in the Local Government (Miscellaneous Provisions Act) 1982 as amended by the Policing and Crime Act 2009, within the City of Sheffield.

# Part 2 – OVERVIEW

The sex establishments this policy applies to are:

- sexual entertainment venues
- sex cinemas
- sex shops

The Council is committed to promoting:

- High management standards at licensed sex establishments;
- Public safety of staff, performers and patrons of sex establishments;
- Safeguarding of staff, performers and patrons at sex establishments; and
- Safeguarding of adults working in the establishments, visiting as customers or adults and children in the locality of sex establishments.

The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application, South Yorkshire Police and members of the Licensing Committee when determining an application.

This policy will be kept under review and revised where necessary.

Each application will be dealt with on its own merits on a case-by-case basis.

# Part 3 – CATEGORISATION OF SEX ESTABLISHMENTS

## Categorisation of sex establishments

**"Sex shop"** means any premises, vehicle, vessel or stall used for a business consisting 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.

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

**"Sexual entertainment venue"** is 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" means 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 an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

This definition would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative.

The decision whether to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment and not the name given to it. An applicant must set out the exact nature, extent and scope of the relevant entertainment.

For the purpose of fees and conditions, this policy categorises sexual entertainment venues as follows:

- **Performance Establishments:**

Open to the general public, subject to an entry fee, these venues will likely exhibit the following forms of entertainment:

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

This list is not exhaustive.

The licence holder and performer will benefit financially.

- **Members Clubs**

Open only to private members that have applied and been accepted as members subject to a charge, these venues will likely involve a person paying an admission fee to enter the venue for the purpose of engaging in sexual activities with another person who has entered the venue on the same terms and who did not receive any form of payment or reward, whether directly or indirectly, for engaging in sexual activities.

The licence holder will benefit financially.

## Part 4 – CONSULTATION ON THIS POLICY

The draft policy was first subject to a public consultation process between 14/4/19 and 31/10/19.

The draft policy was amended, and a subsequent round of consultation was carried out between 28/1/2020 and 23/2/2020 with an updated draft being circulated to all those that made comments during stage one.

The Coronavirus pandemic and the restrictions on Covid-19 related work for the Council halted subsequent progress until the production of this policy. The policy has since been reviewed and a further public consultation on this policy was carried out in 2024.

# Part 5 – INTEGRATION WITH OTHER STATUTES

## Equality Act 2010

The Council must when exercising its functions have due regard to the Public Sector Equality Duty (PSED) and the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Licensing Committee Members undertake equality and diversity training and review their learning on a regular basis.

## Equality Impact Assessment

An Equality Impact Assessment (EIA 2703) has been undertaken and kept under review throughout the drafting of this policy and the consultation processes. This EIA is subject to continuous review while the policy is in force.

This policy and the EIA consider that those working in and patrons of sex establishments, as well as persons generally, are likely to be impacted by their presence. The EIA has informed the development of the policy with a view to try and mitigate the disparate impact on persons with protected characteristics.

## Human Rights Act 1998

The Act incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way which is incompatible with a convention right. The Council notes its duties under the Act and will comply with the relevant provisions in the exercising of its functions.

## Provision of Services Regulations 2009

These Regulations require that applications are processed as quickly as possible and, in any event, within a reasonable period. The Regulations also specify that in the event of failure to process the application within the period or as extended in accordance with the provisions of these Regulations, the authorisation is deemed to be granted (tacit approval) by the Council, unless different arrangements are in place.

The Council considers that it would not be in the public interest, for reasons of public safety, for tacit approval to apply with regards to applications for sex establishments.

The Regulations also state that any charges (fees) provided for by a competent authority, which applicants may incur under an authorisation scheme, must be reasonable and proportionate to the cost of the procedures and formalities under the scheme, and must not exceed the cost of these procedures and formalities.

The Regulations suggest that all fees within the scope of the Directive be separable in two parts.

Firstly, the pre-application costs; mainly the administrative costs incurred when dealing with the application from when it is first received up until it being determined (issued/refused).

Secondly, the on-going costs; monitoring and enforcing the terms and conditions of that licence. This is to show clearly which part of the fee is repayable should an application (applicant) be unsuccessful.

## Crime & Disorder Act 1998

Under this Act, Local Authorities must have regard to the likely effect of the exercise of their functions and do all that they reasonably can to prevent crime and disorder in their area.

# Part 6 – THE PROCESS OF APPLYING FOR A LICENCE

## Making an Application

Licences under the Local Government (Miscellaneous Provisions Act) 1982 ('the Act') remain in force for a period of one year, or for a shorter period where the Authority sees fit.

An application for the **grant, variation, renewal** or **transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.

There are three separate notice requirements:

[1] The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.

[2] Where the application is in respect of a premises, the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.

[3] The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the local authority itself to send the copy within seven days of receipt of the application.

The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.

Applicants must, at the time of submission of a new grant, renewal or variation application, provide:

- a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business.
- details as to the exact nature, extent and scope of the business for consideration by the Licensing Authority.
- a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority (SEV's only). This should detail the location of all CCTV cameras.
- a copy of the codes of practice for performers, the rules for customers and the policy of welfare for performers (SEVs only).

Part 8 of this policy sets out information on resources available in formulating codes of practice, rules and welfare policies.

## Determination of Applications

The Act sets out five mandatory grounds and four discretionary grounds for refusal of a licence. Each application will be considered on its own merits and the Licensing Authority will give reasons for its decisions. Any decision to refuse a licence **MUST** be in relation to one or more of the following grounds:

### MANDATORY GROUNDS FOR REFUSAL

Specific mandatory grounds for refusal of a licence are set out in Schedule 3, Paragraph 12(1)(a to e) in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any 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 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 that 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.

### DISCRETIONARY GROUNDS FOR REFUSAL

The discretionary grounds upon which the Licensing Authority may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3, Paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (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/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number 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 layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

## Objecting to Applications

The Act enables a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a licence. Objectors may include residents, resident associations, trade associations, businesses, Councillors or local MPs.

Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection; and
- the premises to which the objection relates.

Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the Act. The relevant grounds of objection are:

- That the applicant is unsuitable to hold a licence;
- That the licence, if granted, would be carried on for the benefit of person/s who would be refused a licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed establishment;
- That the use of the premises as a sex establishment would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as a sex establishment would be inappropriate due to the character of the relevant locality; and / or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

South Yorkshire Police are a statutory consultee for all applications.

### **Licensing Sub-Committee - Determination Hearings**

Where relevant objections are received, the application will be referred to the Licensing Sub-Committee for determination.

The applicant will be informed of any representations and the objection(s) will become public documents. Each objection will be presented in the report to the Licensing Sub-Committee. The Licensing Authority will not reveal names or addresses of an objector to the applicant without their consent.

At the hearing, all relevant parties will be given an opportunity to state their case in accordance with the Licensing Committee's procedure for hearings.

The hearing report and procedure will be circulated to all parties to the hearing as soon as practicably possible and at the latest, 21 days before the date of the hearing.

Should the applicant wish to submit further evidence following receipt of the report, they must ensure it is submitted as soon as practicably possible and at the latest, 14 days before the hearing and be made available to all interested parties with any sensitive material redacted.

Following the hearing, a written determination will be sent to all parties notifying of the decision and the reasons.

### **Appeals**

Any applicant who is refused a licence, or refused renewal of a licence, or who wishes to appeal against a condition on the licence may do so to the local Magistrates' Court within 21 days of being notified of the decision.

However, the right to appeal does not apply where the licence was refused on grounds that:

- it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- the use of premises in the vicinity or the layout, character, or condition of the premises.



# Part 7 – POLICY IN RELATION TO DISCRETIONARY GROUNDS

## Discretionary Grounds a & b: SUITABILITY OF THE APPLICANT, MANAGER & BENEFICIARY

The Licensing Authority needs to be satisfied of the suitability of the following persons relevant to the application:

- A. the applicant;
- B. each of the partners (if a partnership);
- C. each of the directors, secretary or other persons (if applicant is a company);
- D. each of the managers;
- E. each person the business will benefit. This includes third parties such as funders and suppliers where the arrangements are not on normal arm's length commercial terms or any persons who may share in the profits.

The provision of a management structure as part of the application will assist the Authority in determining suitability.

In order for the Licensing Authority to be satisfied that the individuals detailed in points A to E above are suitable to operate a sex establishment, a basic "Disclosure and Barring Service" (DBS) certificate that is dated no earlier than 5 weeks prior to the application being submitted should accompany the application.

Where any of the individuals detailed in points A to E above have convictions for:

- (a) dishonesty;
- (b) violence, including civil orders for domestic abuse as well as convictions for violence (including domestic violence) stalking, harassment, coercive control and other offences against women that may be passed in future legislation;
- (c) sexual offences;
- (d) drugs;
- (e) public order; or
- (f) people trafficking;

the licence will not be granted.

Further,

- if the individual has previously been involved in running an unlicensed sex establishment; or
- if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves;

the application will not be granted.

The Licensing Authority needs to be satisfied that those applying for a licence for a sex establishment (individuals detailed in points A to E above) are suitable to operate the business by ensuring:

- (a) that the operator is honest;
- (b) that the operator is qualified by experience to run the type of establishment in question;
- (c) that the operator fully understands the licence conditions;
- (d) that the operator is proposing a management structure which will deliver compliance with licence conditions;
  - i. managerial competence;
  - ii. attendance at the premises;
  - iii. a credible management structure;
  - iv. enforcement of business rules (internal) through training and monitoring;
  - v. a viable business plan (e.g. sufficient to employ door staff and install CCTV (SEV only)); and
  - vi. existing policies in place for the welfare of staff, performers and patrons (SEV only)
- (e) that the operator will act in the best interests of the staff and performers, in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only).

It is anticipated that the above expectations will be demonstrated by the operator through their completed application form, accompanying documentation, and disclosure certificates as part of the application process.

### **Reports of unsuitability of a licence holder, manager and/or beneficiary made during the term of a licence**

Where reports are received by the Licensing Authority during the term of a licence that call into question the suitability of any of the individuals detailed in points A to E of this section, the matter will be investigated, and the licence will be referred to the Licensing Sub-Committee for consideration.

### **Discretionary Ground c) NUMBER OF SEX ESTABLISHMENTS**

The number of licensed establishments in Sheffield at the time of writing this policy is:

<b>Sexual Entertainment Venue</b>	<b>Sex Shop</b>	<b>Sex Cinema</b>
0	1	0

The Act allows local authorities to impose controls on the number of sex establishments within a particular locality. This can be to the number of establishments overall and/or the number of each type of establishment and allows that the appropriate number may be 'nil'.

The Licensing Authority has carefully considered:

- The Council Plan and associated strategies
- the Equality Impact Assessment
- the 'Area Rationale'
- the 'Discretionary Ground d) LOCATION (i) and (ii)' detailed below,

and has not identified an appropriate locality for the licensing of a sexual entertainment venue; it will however accept and determine any application and come to a decision based on matters as they stand at that time.

All applications will be considered on their own individual merits. An application may be refused if either, at the time it 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.

Any decision to refuse an application remains discretionary. Applicants may be able to demonstrate that a particular locality is relevant at the time it is determined and, as such, a licence may be granted.

### **Discretionary Ground d) LOCATION**

Applications may be refused:

- i. where the grant would be inappropriate having regard to the character of the relevant locality;
- ii. where the grant would be inappropriate having regard to other premises in the vicinity;
- iii. on the basis of the layout, character or condition of the premises.

#### **i) Character of the relevant locality**

The Licensing Authority will have regard to, but not limited to, the following factors:

- (a) the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;

- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest and other tourist attractions.
- (f) the premises are sited near civic buildings.

## **ii) Use of other premises in the vicinity**

The Licensing Authority will have regard to, but not limited to, the following:

- (a) schools, nurseries or other premises substantially used by or for children under 18 years of age;
- (b) parks or other recreational areas designed for use by or for children under 18 years of age;
- (c) places primarily used for religious worship;
- (d) hospitals, mental health or disability centres, substance misuse treatment centres, sexual exploitation services, sexual abuse centres or similar premises;
- (e) any central gateway to the city or other city landmark, historic building or tourist attraction;
- (f) predominately residential areas
- (g) educational and cultural activities; and
- (h) industrial businesses

Whether a premises is in close proximity to the above will be a matter of fact in each individual case and cannot be determined by reference to a fixed distance. What constitutes a city landmark, historic building, tourist attraction or cultural area will be determined by the Licensing Authority on a case-by-case basis.

The nature of the operation of the premises and the opening hours will also be considered in relation to the above.

In the case of renewal applications, whether particular development has occurred since the premises were first in operation will be considered. Applicants are advised to detail in renewal applications how potential negative impacts on new developments may be mitigated.

The Licensing Authority will also consider the following factors when deciding if an application is appropriate:

- (a) any cumulative adverse impact of existing sex establishment related activities in the vicinity of the proposed premises;
- (b) proximity to areas with high levels of crime;
- (c) whether the premises has met the relevant planning requirements;
- (d) the design of the premises frontage (signage/images etc.);
- (e) any relevant representation to the application; and/or
- (f) the proposed operating hours.

## **iii) Suitability of the Premises**

The Licensing Authority expects:

- when an application for a licence at a permanent commercial property is made, the applicant will be able to demonstrate that the layout, character and / or condition of the premises is appropriate to the relevant entertainment proposed at the premises.
- when an application for a licence at a permanent commercial property is made, that property should have the appropriate planning and building regulation consents.
- the applicant to consider and detail in any application, the visible and physical impact of the premises including any external signage, advertising or displays.

## **CONDITIONS**

The Licensing Authority is permitted under The Act to make regulations prescribing standard conditions.

The standard conditions that may be attached to a sex establishment licence are available by contacting the Licensing Authority.

Management of sex establishments must ensure that all members of staff working in a licensed premises are aware of the conditions on the licence.

This involves providing staff with a copy of the conditions when they begin working for the business and providing training on how to comply with the conditions as well as details of the consequences and procedures for when the licence conditions are deemed to have been breached.

Any applicant who considers the standard conditions ought not apply will need to state so in their application and provide justification as to why.

## **Part 8 – POLICY IN RELATION TO SAFEGUARDING**

This section details training, policies and processes that premises must have in place.

The Licensing Authority recommend the inclusion of materials and information referred to in this section in an employee induction pack at the point of recruitment. Refresher training should also be made readily available to staff throughout the course of their employment.

Unannounced safeguarding visits will be made to sex establishments and licence holders/managers must ensure records are up to date in order to demonstrate due diligence.

A checklist has been drafted by Public Health, Safeguarding and the Licensing Authority that would form the basis on which to design/strengthen codes of practice, rules, and welfare policies (see Appendix A).

Public Health welcome the opportunity to review drafts produced by applicants/licence holders and may provide evidence-based feedback to consider. Further information is available on (see Appendix A).

### **Policies & Procedures**

Procedures should be in place and information available to allow staff to understand what to do if they have a problem at work.

Written policies/procedures should be in place in relation to:

- the welfare of staff, performers and patrons (SEV only);
- code of conduct for staff and performers;
- social media policy for all staff and performers;
- the disciplinary procedure to address an employee's conduct;
- the grievance and appeal procedure to deal with a problem or complaint that an employee raises; and
- the health and safety policy measures in place that reduce the risk of violence to staff.

Records should be maintained that staff have read and understood the above.

A whistleblowing system is in place for sex establishment workers to contact the Licensing Authority in confidence to report any work-related matters of concern. Staff should be aware of this system and contact details of the department should be provided in the employee induction pack.

### **Support Services**

Holders of SEV licences must make information available on public health support services to workers.

An induction pack containing welfare information from a recognised body should be available to all staff.

Management of SEV's must undertake a "Safeguarding & Welfare Awareness Session" provided by SWWOP (Sheffield Working Women's Opportunities Project), either on an annual basis or earlier where there has been a change in the management of the premises. There will be a charge for the training - please contact [info@swwop.org](mailto:info@swwop.org) for further details.

A member of the premises management must be assigned to act as the 'Safeguarding Coordinator'.

SEV licence holders should consider having a trained occupational health first aider present at all times that the venue is operating. This will provide a first point of contact for workers experiencing health (including mental health) issues and can signpost them to more comprehensive support services.

Contact information on independent support mechanisms available for workers should be promoted, for example, literature and/or posters should be displayed in changing rooms and staff rooms and information should be provided in induction packs at the point of recruitment.

Specifically, information on peer to peer education resources such as 'You My Sister' (<https://youmysister.org.uk>) should be included.

Specifically, information on Trade Union representation for the industry which supports staff welfare, health and safety should be included.

For example, literature could be displayed in changing and staff rooms.

Support can be accessed through You My Sister ([Home - You My Sister](#)) for performers wishing to exit the industry.

Further local support services can be found here:

SOHAS - [Home - Sheffield Occupational Health Advisory Service \(sohas.co.uk\)](#)  
Sheffield Mental Health Guide [Local support for when you're feeling low | Sheffield Mental Health Guide](#)  
[Sexual Health Sheffield - Meeting Your Sexual Health Needs](#)  
[Home - Sheffield Money Support Guide](#)

### **Mandatory Safeguarding Training**

The licence holder of all categories of sex establishments must ensure that all members of management and staff attend the free "Introduction to Safeguarding" training provided by the Sheffield Adult Safeguarding Partnership.

The online booking system for this course can be accessed at [www.sheffieldasp.org.uk/events](http://www.sheffieldasp.org.uk/events).

This training supports management and staff (including door staff, bar staff, DJ staff and performers) to recognise, report and respond to 'vulnerability' in adults and adults 'at risk' who are employees, voluntary workers, self-employees, performers, or customers.

Refresher training must be carried out every 3 years.

Staff training records must be maintained and signed by the trainee.

### **Age Checks**

A policy must be in place to ensure that identity and age checks are undertaken and authenticated on all employees, voluntary workers, self-employees, performers and a legible record of authenticating documentation, including photo identification, must be maintained. A customer refusals records must also be maintained and signage prominently displayed in the premises.

### **Literature and Signposting**

SEV licence holders must display and make available, without charge, literature on matters relating to:

- information about local health services as may be supplied to them by relevant local bodies;
- mental health;
- sexual health;

- substance misuse;
- financial management and debt;
- safeguarding concerns;
- sexual or domestic abuse services; and
- who to contact with concerns of trafficking and with issues of persons under the age of 18 years.

This information should be made available to patrons, employees and performers, for example, leaflets/posters in toilets.

Licence holders must have health and safety policy measures in place in relation to the risk of violence to staff.

## Part 9 - ENFORCEMENT

Licensing Service Principles of Enforcement:

- **Open:** The Licensing Authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The Licensing Authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff, and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible, enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The Licensing Authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The Licensing Authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The Licensing Authority will also ensure that before action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the Licensing Authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing, in most cases within five working days and, in all cases, within 10 working days.

### Better Regulation Delivery Office: Regulators' Code 2014

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators' Code. This sets out the standards that the Licensing Authority should follow when undertaking compliance and enforcement checks. Therefore the Licensing Authority will:

- carry out their activities in a way that supports those they regulate to comply;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory framework activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

The Licensing Authority will work very closely with South Yorkshire Police and the Planning Service and look to establish task teams to deal with problem premises.

### Complaints

The Licensing Authority and South Yorkshire Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. They will investigate complaints regarding premises and conduct proactive enforcement exercises to ensure that licences are being complied with. This may include the licence being referred to the Licensing Committee for consideration.

### Data Sharing

Subject to the provisions of the Data Protection Act 2018 and the [General Data Protection Regulation \(UK GDPR\)](#), the Licensing Authority and Police may share information about licensees, licensed premises and the activities associated with them.



## Part 10 - Definitions

**“the Act”** refers to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

**“the Council”** means Sheffield City Council.

**“the Policy”** refers to the Sheffield City Council Sex Establishment Policy.

**“sex establishment”** the collective term for sex shops, sex cinemas and sexual entertainment venues.

**“relevant locality”** means the locality in which the premises, vehicle, vessel or stall are situated. For the purposes of this policy, each application will be determined on a case-by-case basis. In individual cases, if it is necessary to decide the precise boundaries of the relevant locality, this will be done on the facts of the individual case.

**“character of the relevant locality”** means the character or characteristics of the locality in which the premises, vehicle, vessel or stall are situated. In determining the character of the area, the Licensing Authority will consider what the primary use premises in the locality are put to, any additional uses of premises in that locality, and any purposes that may require persons to use that locality, for example transport hubs, cultural hubs, etc.

**“the premises”** means the premises, vehicle, vessel or stall that are the subject of the sex establishment licence or of the application for a sex establishment licence.

**“sex articles”** include written or visual material such as sex magazines or books, or visual or audio recordings concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

**“relevant entertainment”** means 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 an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths). This definition would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment and not the name given to it. An applicant must set out the exact nature, extent and scope of the relevant entertainment.

**“display of nudity”** means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.

**“the organiser”** means any person involved in the organisation or management of relevant entertainment.

**“significant degree”** in the context of sex shops, shall be considered by the Licensing Authority on a case-by-case basis. In considering significant degree, the Licensing Authority will consider, amongst other things:

- the amount of shelf space devoted to relevant articles
- the annual turnover in relation to relevant articles and other things
- the way the business is marketed and advertised and
- the primary intention of the majority of customers in visiting the shop.

**“permitted hours”** are the hours of activity and operation that have been authorised by the Licensing Authority under the sex establishment licence.



## Checklist for Regulatory & Welfare Visits to Sexual Entertainment Venues

This checklist has been developed by Public Health, Safeguarding and the Licensing Authority to provide assurance about the health, safety, and welfare of staff and customers in licensed sexual entertainment venues.

The checklist can be completed by venue management and/or staff representatives as a self-assessment to identify areas where improvements could be made to the health, safety, and welfare of staff.

It may be used by partners offering welfare visits into venues such as South Yorkshire Police and Sheffield sexual health services.

The checklist does not provide a “quality mark” or endorsement of your premises.

Sheffield City Council would welcome feedback on the checklist: [DPHOffice@sheffield.gov.uk](mailto:DPHOffice@sheffield.gov.uk)

<b>Name of person completing checklist:</b>				
<b>Organisation of person completing checklist:</b>				
<b>Venue Self-assessment? (+/✓)</b>				
<b>Date of visit:</b>				
<b>Time of visit:</b>				
<b>Venue name:</b>				
<b>Venue manager:</b>				
	<b>Not evidenced (+/✓)</b>	<b>Partially evidenced (+/✓)</b>	<b>Evidenced (+/✓)</b>	<b>Comments</b>
<b>Age verification (ID)</b>				
Staff records include 2 forms of ID for age verification, one photo ID passport or driving licence, one with current address e.g. driving licence, utility bill to be kept on file for 12 months confidentially and securely.				
Customer age verification is taken at the door using photo ID				
Customer membership includes 2 forms of ID for age verification, one photo ID passport or driving licence, one with current address e.g. driving licence, utility bill to be kept confidentially and securely for the period of membership.				
<b>Staff notice boards</b>				
Welfare information is displayed in staff areas (e.g. sexual health, sexual violence/abuse, mental health, drug and alcohol use, debt, immigration, domestic abuse)				
<b>Under 25s</b> – welfare information regarding young people, including college and university welfare services, is displayed in staff areas.				
In-reach visit times/dates from welfare organisations are visually displayed (including on staff timetables so that staff can attend) e.g. Sexual Health STI testing				

	Not evidenced (+/-✓)	Partially evidenced (+/-✓)	Evidenced (+/-✓)	Comments
Dancers info and UK Network of Sex Work Projects information is displayed in staff areas <a href="http://dancersinfo.co.uk">http://dancersinfo.co.uk</a> <a href="https://uknswp.org/um/safety/">https://uknswp.org/um/safety/</a>				
Trade Union and/or peer support information is available in staff areas.				
Occupational health contact information is displayed in staff areas. Should the employer not have an occupational health offer, they should promote the Sheffield Occupational Health Advisory Service: <a href="http://Home-SheffieldOccupationalHealthAdvisoryService(sohas.co.uk)">Home - Sheffield Occupational Health Advisory Service (sohas.co.uk)</a>				
Venue welfare and/or safeguarding contact person information is displayed in staff/customer areas.				
Information is displayed regarding complaints of abusive staff/customers and how these will be managed/contact person.				
Information – names, description, photographs – of barred/banned or otherwise risky customers (“Ugly Mugs”) from the local area is displayed in staff areas.				
<b>Staff changing areas</b>				
Staff changing areas are adequately heated and ventilated.				
Staff changing areas are of adequate size for the number of staff.				
Staff changing areas have locked storage (e.g. lockers) for staff personal belongings.				
Staff changing areas are smokefree.				
Staff changing areas have access to free drinking water and facilities to make hot, cold drinks and prepare basic snacks.				
Staff changing areas are private with no customer access e.g. door code key pad.				
Stocked First aid kits (including plasters) are available in staff areas.				
<b>Staff health, safety and welfare</b>				
Private or more secluded areas of the premises have appropriate measures in place for protection of staff/customers e.g. line of sight from venue management, panic buttons, mirrors, CCTV.				
Licensed taxi firm numbers displayed for staff transport in late evening.				
Employee records include emergency contact information and health needs/medication				
Staff sign in/sign out is in operation for safety of staff				
A code of conduct for expectations of customer behaviour towards staff is clearly displayed in staff and customer areas.				
Venues have policy and procedures for safeguarding vulnerable adults (staff and customers)				
Receipts are provided for house fees and fines.				