



SOUTH SOMERSET DISTRICT COUNCIL

LAP DANCING POLICY

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South Somerset District Council

Lap-Dancing Licensing Policy

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Lap Dancing Policy

1. Introduction

The Council will have regard to the following factors and conditions when deciding any premises application or variation for table dancing, striptease or any similar entertainment:

2. Location of the premises

There will be a presumption against granting consent when the premises are:

- a) Outside a town centre
- b) In a close proximity to schools, nurseries and children's centres
- c) In close proximity to places of worship.

The mere fact that an application is for premises in a town centre and not in close proximity to the places listed in b) does not necessarily mean that an application will be granted. The Council will take account of other factors set out in this policy.

3. The number of such other premises offering the same or similar entertainment in the Area

The Council would wish to avoid the proliferation of such "entertainments" in a particular area as it could lead to more crime and disorder offences, especially with high end drug users involving substances such as cocaine.

4. The Degree and Nature of Support/Objections

The Licensing Act 2003 requires that all applications must be advertised and any letters of objection or support will be taken into account when considering the application. However, representations must be based on genuine reasons relevant to licensing, such as:-

- The prevention of crime and disorder;
- Public safety
- The prevention of public nuisance; and
- The protection of children from harm

The mere number of objections irrespective of their content will not be sufficient for an application to be refused.

5. The conditions under which the activity takes place

The applicant will have to submit, with his/her application, a statement showing how he/she will operate the premises, so as to comply with the conditions (as below) together with a plan showing:

- a) The area where the entertainers perform
- b) The seating layout for customers.

The statement, plan and the views of the Police and the Environmental Health & Community Protection Manager, and the general acceptability of the premises for the type of “entertainment” applied for will be important considerations for the Committee considering the application.

6. Designated Areas

The Authorised Entertainment must only take place in designated areas approved by the Council.

7. No Admittance under the age of 18/21 Years

No person under the age of 18/21 must be on the premises when the entertainment authorised by this consent is taking place.

A clear notice must be displayed at each entrance to the premises, in a prominent position so that it can be easily read by people entering the premises, stating:

“NO PERSONS UNDER 18/21 YEARS WILL BE ADMITTED”

8. Performers Under 18/21 Years

No performers or other employees on the premises during the authorised entertainment shall be under 18/21 years of age,

9. No physical contact

There must be no physical contact between performers.

There must be no physical contact between performers and customers before, during or after the performance, (other than the transfer of money or tokens to the hands of the dancer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

10. Performance

- Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience.
- Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation.
- No performance shall be visible to any person outside the premises (e.g. through windows or open doors).

- Sex toys must not be used and penetration of the genital area by any means must not take place.

Lap dancers must not:-

- Open their legs when completely undressed
- Dance for longer than 1 minute when completely undressed
- Show their genitals
- Sit on customer's laps (dry ride).
- Leave the dance area in a state of undress.
- If requested by a patron for a further dance, the dancer must put their undergarments back on.

Podium dancers must not:

- Entice other dancers onto the podium
- Remove their undergarments in such a way as to show their genitals
- Interfere with their undergarments in such a way as to show their genitals

11. Patrons

The Licensee must take all reasonable steps to ensure patrons remain seated and fully clothed whilst the authorised entertainment is taking place. No voluntary audience participation will be permitted.

Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

Patrons shall not be permitted to throw money at the performers.

12. CCTV

CCTV must be installed, maintained and operated to the satisfaction of the police. It must cover all areas where dancing will take place and at the entrance of the premises. All camera's shall continually record whilst the premises are open to the public.

All CCTV tapes or other medium used for CCTV recording, must be kept for 31 days with accurate time and date markings, and must not leave the premises unless requested by the Police or the licensing authority; or destroyed at the premises with the records kept of such destruction. Destruction records must include the name and position within the organisation of the person(s) who destroyed the tape or other medium, the reason for the destruction and the identity of the tape or other medium that was destroyed.

No copies of the CCTV tapes or other mediums is permitted.

The Data Protection Act 1998 also covers the use of CCTV tapes and other CCTV mediums.

13. Door Supervisors

There shall be at least 1 door supervisor per 100 persons on the premises when the authorised entertainment is taking place to ensure good order and the safety of performers and customers. Door supervisors must be Security Industry Authority (SIA) registered.

14. No Nudity Visible Outside

Entertainment including dancing, which involve nudity or sexual performances of any kind must not be visible from outside the premises.

15. Advertising

There must be no display visible on the outside the premises either in writing, symbols or of photographs or other images, which indicate that entertainment involving nudity or sexual performances takes place on the premises. Performances shall not be subject to any advertising involving the distribution of leaflets; promotion by canvassers or touting.

16. Legal Implications

When considering its functions, a local authority has to bear in mind the Human Rights Act 1998 and The Crime and Disorder 1998.

Article 1 of the First Protocol, of The Human Rights Act states, "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided by law and by the general principals of international law.

The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

Article 6 of the First Schedule of the Human Rights Act states, "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

Article 10 of the First Schedule of the Human Rights Act states, "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

The Committee must also consider its obligations under section 17 of the Crime and Disorder Act 1998. This section imposes a general duty on local authorities to exercise their functions with regard to the likely effect of the exercise of those functions on, and the need to do all that it can reasonably can to prevent, crime and disorder in its area.

It is considered that the policy meets the requirements of both the Human Rights Act and the Crime and Disorder Act.

17. Appeals

The Licensing Act 2003 at Schedule 5 part 1 states that if the application is refused or conditions are imposed on the licence the applicant can appeal to the Magistrates' Court, similarly a person who made a relevant representation may also appeal if they contend that the licence ought not to have been granted or they can also appeal against conditions imposed or not imposed on the licence.

18. Private events

There is no requirement for operators to obtain consent for this form of entertainment if it is held in private.