

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY FOR GRANT, RENEWAL, VARIATION OR TRANSFER OF LICENCES FOR SEX ENTERTAINMENT VENUES (SEVs)

1.0 Preface

1.1 North West Leicestershire District Council has adopted Schedule 3 to the Local Government (Miscellaneous Provisions Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) so that it can licence sex shops, sex cinemas and sexual entertainment venues in the District.

1.2 The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with any moral standing. The Council recognises that Parliament has made it lawful to operate a sex entertainment venue.

1.3 The Local Government (Miscellaneous Provisions) Act 1982 and the Policing and Crime Act 2009 can be viewed in full at www.opsi.gov.uk

2.0 Introduction

2.1 Licenses for sexual entertainment venues (SEV) are required for 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

2.2 Schedule 3 to the 1982 Act (as amended) defines relevant entertainment as, 'any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience'. An audience can consist of just one person.

2.3 Relevant entertainment will generally apply to the following types of activity:

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

This list is not exhaustive and, taking into account that the exact nature of these descriptions may vary, each case will have to be dealt with on its own merits.

2.4 This policy will apply to all licence applications for SEVs and will only be overridden in exceptional circumstances.

3.0 Specific grounds for refusing a licence

Paragraph 12 of Schedule 3 to the 1982 Act provides specific grounds for refusing a licence some of these reasons include:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) at the time the application is determined, the number of sex establishments in the relevant locality is equal to or exceeds the number which the authority considers appropriate for that locality;
- (c) The grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality, or the use to which any premises in the vicinity are put, or to the layout, character or condition of the premises.

4.0 Renewals

4.1 Licences will normally be renewed unless circumstances have changed. The following matters would be taken into account:-

- (a) levels of recorded crime and disorder linked to the licensed premises;
- (b) evidence of a demonstrable impact on neighbours' safety or amenity;
- (c) effectiveness of appropriate measures, such as conditions, to mitigate adverse impacts.

5.0 Appropriate Numbers & Locality

5.1 Except in exceptional circumstances, a new licence for a SEV will not be granted in the relevant locality if at the time the application is made the number of licences issued is equal to or exceeds the number which the authority considers appropriate for the locality. The appropriate number for each locality is as follows:

Locality	Appropriate number
Ashby Town Centre	Nil
Coalville Town Centre	Nil
All other areas within the District	Nil

5.2 Notwithstanding the fact the number of sexual entertainment venues has been set to zero, the Licensing Authority will still consider applications for a locality. However, the applicant will have to demonstrate to the Licensing Authority why they should depart from the policy.

5.3 Licences for SEVs will not be granted within family residential areas, family leisure areas or retail areas where commercial occupiers argue plausibly that SEVs would lower the retail attraction of the area. The following areas will also not be considered appropriate areas:

- Main shopping streets
- Areas with strong faith communities
- Educational areas
- Areas earmarked for regeneration
- Areas where tourism members and officers advise there should be no SEVs

- Areas with history of social difficulties
- Areas with high levels of recorded crime.

5.4 Licences for SEVs will not be granted within sightlines of:

- Schools, youth facilities and colleges
- Public buildings and community facilities

6.0 Policy and tacit authorisation

6.1 All applications must be properly determined, tacit authorisations further to EU Services Directive will not apply.

7.0 Standard Conditions

7.1 All licences granted shall be subject to the Council's prescribed standard conditions listed at paragraph 9.0

7.2 Where it is reasonable to do so, the Licensing Committee may attach additional, proportionate conditions to a licence. Where possible these additional conditions will be discussed in advance with operators by licensing officers.

8.0 Length of Licence

8.1 Unless there are exceptional circumstances a licence will be granted for a maximum of 12 months

9.0 Prescribed standard conditions made by regulations for SEVs

1. No persons under 18 will be admitted to the premises. The premises will operate a 'Challenge 25' scheme, whereby anyone who appears to be aged 25 or younger is asked for photographic ID to prove their age. The only ID that will be accepted are passports, a driving licence with a photograph or Portman Group proof of age cards bearing the 'PASS' mark hologram. The above list of acceptable proof of age items may be extended to other forms of ID on the future with advance written agreement of the Police without the need to review the actual licence. The Challenge 25 rule and the stipulated forms of acceptable age identification will be clearly stated both on the premises website and on all membership applications, booking forms, customer contractual documents and promotional literature etc. In addition the licensee will provide a photographic identification system for all entrants to the premises. Recordings to be provided to the police at the request.
2. No under 18's events will be hosted anywhere on the premises at any time.
3. Whilst striptease entertainment is taking place, no customer under 18 shall be on the premises and clear notices shall be displayed at the entrance to the premises in a prominent position so that it can easily be read by persons entering the premises in the following terms:

NO PERSONS UNDER 18 TO BE ADMITTED

ENTERTAINMENT WITHIN THESE PREMISES INVOLVES

A FORM OF NUDITY

IF YOU ARE LIKELY TO BE OFFENDED, PLEASE DO NOT ENTER

4. No intoxicating liquor shall be supplied for consumption off the premises

5. The only form of relevant entertainment which is approved and may be provided at the premises is striptease entertainment in the form of tableside and pole dancing by club dancers only.
6. The approved striptease entertainment shall be given only by the performers and entertainers and no audience and no audience participation shall be permitted
7. There shall be no physical contact between the customer and the dancer, with the exception of shaking hands with a customer and/or leading a customer by the hand from a seated area to a booth for a private dance. In addition and with the exception of the above, there shall be no deliberate physical contact between the customer and the dancer, either immediately before, during or after a dance.
8. Dancers shall only perform on the stage area or at a tableside to seated customers. All booths will have adequate lighting to ensure the safety of the dancer and to ensure that both the member / guest / audience and the performer are adhering to the Club rules at all times. A SIA licensed door supervisor will have a full and unrestricted view of any dancer performing in a booth at all times.
9. There shall be no physical contact between dancers whilst performing
10. Dancers may never give out personal information, including telephone numbers, email addresses or other contact details to audience members. Dancers may never accept any telephone number, addresses, business card or any other information from any customer.
11. The private booths will be designed in such a way that there can be no curtain or other visual barrier that can be pulled across the entrance, this concealing activities inside the booth area. The booths will be designed in such a way that the door supervisors / security staff can see into the booths to ensure the safety of the dancers performing inside and to ensure that the club rules are being strictly adhered to at all times.
12. All dancers / performers will be aged over 18 years of age and legally entitled to work in the UK before they perform at the Club. Copies of all dancers files will be made available to the Police Licensing for inspection upon request.
13. The licence holder shall ensure no dancers are trafficked, exploited or controlled for another's gain.
14. Where possible all dancers will be escorted from the premises at the end of each evening to their transport (e.g. taxis) to ensure their personal safety and security
15. Members and their guests may not at any time take photographs, film, video or mobile phone photographs or footage of performers.
16. The Licensee will ensure that there is no display outside the premises of photographs or other images that indicate or suggest that striptease or similar entertainment takes place on the premises.
17. Any promotional website for the premises must comply with A.S.A regulations and will not display photographs or other images of topless or nude performers, or show photographs or other images that may reasonably be construed as offensive. The website will include a clear requirement stating the challenge 25 proof of age.
18. Promotional literature. Any promotional literature circulated outside of the premises will not display photographs or other images of topless or nude performers, or show photographs or other images or words that may reasonably be construed as offensive. All promotional literature will include clear statements as to the requirements for challenge 25 proof of age.

9.0 Hearing Procedures

- 9.1 New applications will be determined by Licensing Committee. The usual hearing procedures for Licensing Committee will apply, accommodating provisions for objectors set out in paragraphs 9 of Schedule 3 to Local Government (Miscellaneous

Provisions) Act 1982 concerning the objectors' names and addresses. Notice of hearing should be sent to all parties prior to hearing.

- 9.2 Applicant and objectors will have an opportunity to be heard.
- 9.3 A notice of hearing will be sent to all parties.
- 9.4 Renewal applications will normally be granted unless circumstances have changed. The Director of Services has delegated authority to determine renewal applications where relevant objections have not been received.
- 9.5 Where there is any possibility that an application may be refused, the applicant must be given the opportunity to be heard by the Licensing Committee.
- 9.6 Any reasons for refusal will be notified orally as soon as possible and in a written statement within 7 days.

