

Sexual Entertainment Venue (SEV) Licensing

(Form Last Revised March 2023)



Sexual Entertainment Venue Licensing

Introduction and Background

On 20 October 2010, East Lindsey District Council resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) so that the provisions for the control of sexual entertainment venues (e.g. lap and pole dancing venues) would apply in this District. Schedule 3 gives the Local Authority powers to control the number and location of lap dancing clubs and similar venues in the area.

These licensing powers took effect in the East Lindsey District in 2011/12.

The forms of "relevant" entertainment commonly understood to be connected with Sexual Entertainment Venues (SEVs) are (though this is not a comprehensive list):

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

Applicants are advised that there is an exemption from licensing for premises which provide such entertainment less frequently than once a month.

In considering the characteristics of a locality, where a SEV is proposed, this Authority will take account of the density and proximity of:

- Residential accommodation
- Parks and children's play areas
- Other retail units (and their uses)
- Schools and nurseries
- Religious and communal buildings
- Alcohol or entertainment licensed premises

Detailed guidance for applicants and interested parties in relation to SEVs can be found in the following Home Office document:

- Sexual Entertainment Venues
– Home Office Guidance

The full General Licensing Committee (consisting of Councillors) will consider all applications for sexual entertainment venue licences; Officers of the Council acting under delegated powers will not consider applications of this type.

Planning Consent

Planning consent is not a matter that can be considered in determining a licence application. However, applicants are strongly advised to contact the Council's Planning Officer before making a licence application in case the activities they propose require planning permission. You can contact the Planning Department on 01507 601111. If you fail to do so and the activities you carry out are unauthorised under planning law, you may be prosecuted or closed down. For this reason we advise you in the strongest possible terms to obtain any necessary planning consent before making your licence application.

Duration of Sexual Entertainment Venue Licences

Licences for sex establishments can be granted for up to one year.

Applying for a Sexual Entertainment Venue Licence

Please note that the relevant application form must be completed in BLACK ink. You can obtain a copy of the licence application form by contacting the Licensing Team by email at licensing@e-lindsey.gov.uk

You must submit your completed application and your application fee to:

The Licensing Team,
East Lindsey District Council,
The Hub,
Mareham Road
Horncastle, LN9 6PH

You must submit a copy of your application to the address below within 7 days of submitting the application to the Licensing Team:

Licensing (Alcohol),
Lincolnshire Police,
Police Headquarters,
PO Box 999,
LINCOLN LN5 7PH

When completing your application, you must also complete the Notices and Certifications detailed later in this leaflet.

As part of the application, the applicant will have to submit an Operating Schedule showing how the licensee will operate the premises, so as to comply with the Authority's standard conditions, together with a plan showing:

- the area where the entertainers perform,
- the means of access and egress to and from the performance area,
- the performers' dressing room,
- the seating layout for the customers.

This Authority's detailed requirements in relation to the plan of the premises can be found at **Appendix A** of this guidance leaflet.

The operating Schedule will detail:

- stewarding arrangements, including the means by which physical contact between the audience and performers will be prevented.
- the appearance and content of any advertising material outside and inside the premises.
- the means by which potential customers will be made aware of the nature of the performance.

Notices and Certifications

Applicants for a SEV licence must give public notice of the application by publishing an advertisement in the Statutory Notices section of a local newspaper that is circulated in the area no later than 7 days after the date the application is made:

- A template for the Newspaper Advertisement can be found at **Appendix B** of this leaflet.

- A Newspaper Advertisement Certification Form, which should be completed by the licence applicant, can be found at **Appendix C** of this leaflet.

You must organise and pay for the newspaper advertisement yourself. There are four newspaper groups the Council recommend for this purpose:

Lincolnshire Target Group of Newspapers
(published weekly) Telephone: 01205 315000

Lincolnshire Standard Group of Newspapers
(published weekly) Telephone: 0207 023 7931

***Cleethorpes Chronicle**
(published weekly) Telephone: 01472 204020

***Grimsby Telegraph**
www.grimsbytelegraph.co.uk

**The Cleethorpes Chronicle and the Grimsby Telegraph – these newspapers are to be used only in relation to applications for premises licences in Holton le Clay and its immediate surrounding area.*

You must make sure that the advert is placed in the edition of the newspaper that covers the area of the proposed licensed premises – you will not fulfil the public notice requirement if this is not the case.

We would suggest that you email an A4 copy of your notice to the newspaper of your choice so they can copy the wording for you.

A notice must also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 days beginning with the date the application was made:

- A template for the Site Notice can be found at **Appendix D** of this leaflet.
- A Site Notice Certification Form, which should be completed by the licence applicant, can be found at **Appendix C** of this leaflet.

All notices should be in the form prescribed by East Lindsey District Council and clearly identify the premises. You must send both Forms of Certification to the Licensing Authority when you submit the application.

Most sexual entertainment venues will require a Premises Licence or Club Premises Certificate granted under the Licensing Act 2003, as well as a sex establishment licence, in order to sell / supply alcohol, provide regulated entertainment, and provide late night refreshment. Further information in relation to the Licensing Act 2003 is available by contacting the Licensing Team by email at licensing@e-lindsey.gov.uk

Licence Conditions

Once it has decided to grant a SEV licence the Licensing Authority is able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual or standard conditions applicable to all sex establishments, or particular types of sex establishments.

In East Lindsey, the Licensing Authority has decided to produce standard conditions and these will apply to every SEV licence granted, renewed or transferred by the Authority, unless they have been expressly excluded or varied.

Copies of this Authority's standard conditions are available by contacting the Licensing Team by email at licensing@e-lindsey.gov.uk

Licence Conditions – Private Booths or Performing Areas

There will be a presumption against granting consent for private booths or private performing areas on the premises, unless the Council are satisfied that the relevant risk assessments have been undertaken and adequate safety measures and assurances are in place.

Sexual Entertainment Venue Licensing – Fees

- The fee for a new Sexual Entertainment Venue Licence is £1,200.00
- The fee for renewal of a Sexual Entertainment Venue Licence is £200.00
- The fee to transfer a Sexual Entertainment Venue Licence is £200.00
- The fee to vary a Sexual Entertainment Venue Licence is £200.00

Sex Establishment Licensing Policy

This Authority has adopted a licensing policy in relation to sex establishment licensing. A copy of the policy can be found on the Council's website: www.e-lindsey.gov.uk

Sexual Entertainment Venue Licensing – Objections

When considering an application for the grant, renewal or transfer of a SEV licence the Licensing Authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within 21 days of the application.

Any person can object to an application. Objections should not be based on moral grounds, but should be relevant to the following:

1. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
2. that 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 made the application himself;
3. that the number of sex establishments 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 that locality;
4. that 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 in respect of which the application is made.

Objectors must give notice of their objection in writing to the Licensing Authority, stating the general terms of the objection.

Where the Licensing Authority receives notice of any objection it shall, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, unless the objector gives their consent, their name or address will not be revealed to the applicant

All relevant objections to the application will result in a licensing hearing being convened to determine the application. If the application is refused, it may only be refused based on the above listed grounds.

The outcome of the hearing and the reasons for the decision shall be made available to all parties involved with the application by way of a Notification of Decision. This Notice will inform all parties of any right of appeal.

Objections to SEV licence applications should ideally:

- Be made in writing (unless submitted electronically)
- Be in black ink on single sides of A4 paper
- Indicate the name and addresses of the person or organisation making the representation
- Indicate the premises to which the objection relates
- Indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
- Clearly set out the reasons for making the objections.

The information and guidance contained in this leaflet is provided for information purposes only. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself. Every reasonable effort is made to make the information and commentary accurate and up to date, but East Lindsey District Council assumes no responsibility for its accuracy and correctness, or for any consequences of relying on it. Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

The information and commentary does not, and is not intended to, amount to legal advice to any person on a specific case or matter. You are strongly advised to obtain specific personal advice from a solicitor or licensing consultant about your case or matter and not to rely entirely on the information or comments in this leaflet.

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Application for a Licence for Sexual Entertainment Venue (SEV) - Plan of the Premises

The licence application must be accompanied by a scale plan of the premises, which meets the detailed requirements described below. The recommended scale of the plan is 1:100. Any different scale must be agreed with the Licensing Authority prior to the submission of the licence application.

The plan must show:

1. The layout of the premises including:
 - The area where the entertainers will perform,
 - The means of access and egress to and from the performance area,
 - The performers' dressing room,
 - The seating layout for the customers,
 - The cloakroom,
 - The bar or bars.
2. The extent of the boundary of the premises outlined in red.
3. The extent of the public areas outlined in blue.
4. Uses of different areas in the premises, (e.g. performance areas, reception, etc.)
5. Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment.
6. Location of points of access to and egress from the premises.
7. Any parts used in common with other premises.
8. Position of CCTV cameras.
9. Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.
10. Where the premises includes any steps, stairs, elevators or lifts, the location of the same.
11. The location of any public conveniences, including disabled WCs.
12. The position of any ramps, lifts or other facilities for the benefit of disabled people.
13. Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.
14. The location and type of any fire safety and any other safety equipment.
15. The location of any kitchen on the premises
16. The location of emergency exits.

The plan must also show how the premises lie in relation to the street.

Appendix B - Newspaper Advertisement

Application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

NOTICE IS HEREBY GIVEN THAT I / WE (Full Names)

APPLIED ON (Date)

TO East Lindsey District Council
in respect of the premises known as

at the following address

for a licence to use the premises as a 'Sexual Entertainment Venue'.

ANY PERSON wishing to oppose the application should write to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH, stating the grounds of objection, by no later than:*

Letters in support of the licence application should also be sent to the Licensing Team by that date.

The identity of an objector(s) will not be revealed to the licence applicant unless the objector(s) so agrees in writing.

** Insert 21 days after the date of application.*

Note: This form is recommended for the text of a newspaper advertisement for the purpose of the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3.

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Appendix C - Form of Certificate for Newspaper Advertisement

Application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

TO: The Licensing Team,
East Lindsey District Council,
The Hub,
Mareham Road,
Horncastle, LN9 6PH

I **CERTIFY** that a press notice of which a true copy is attached was on the Day of 20
published for the first time in the (*state newspaper*).

being a local newspaper circulating in the area which the premises (the subject of my licence application) are situated.

Date:

Signed:

Print name of signatory:

The applicant for a Sexual Entertainment Licence in respect of premises at:

Name and address premises:

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Appendix D - Site Notice

Application for a Sexual Entertainment Venue Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

NOTICE IS HEREBY GIVEN THAT I / WE (Full Names)

APPLIED ON (Date)

TO East Lindsey District Council
in respect of the premises known as

at the following address

for a licence to use the premises as a 'Sexual Entertainment Venue'

ANY PERSON wishing to oppose the application should write to the Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH, stating the grounds of objection, by no later than:*

Letters in support of the licence application should also be sent to the Licensing Team by that date.

The identity of an objector(s) will not be revealed to the licence applicant unless the objector(s) so agrees in writing.

**Insert 21 days after the date of application.*

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Appendix E - Form of Certificate for Site Notice

Application for a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act, 1982, Part II, Schedule 3

TO: The Licensing Team,
East Lindsey District Council,
The Hub,
Mareham Road,
Horncastle
LN9 6PH

I CERTIFY that on the Day of 20

I displayed a site notice of which a true copy is attached and ensured that the notice continued to be displayed on or at the premises at:

in a prominent position so that it could easily be read by passers-by, and ensured that the site notice remained in position for at least twenty one days.

Date:

Signed:

Print name of signatory:

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NOTES

If you would like this information
in a different format, please
contact us on 01507 601111.