

GUIDANCE NOTES

SEXUAL ENTERTAINMENT VENUE LICENSING

On 15th September 2010 the 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 would apply in this District. The amended Schedule 3 gives the Local Authority more powers to control the number and location of lap dancing clubs and similar venues in the area. The Council also resolved a 'nil' policy for Sexual Entertainment Venues and Licences in line with the 'nil' policy for Sex Establishments and Sex Cinemas . This means that applications will not generally be deemed to be appropriate however each application will be dealt with on its merits.

Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant of a licence. This could be that the number of 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 appropriate for that locality, or that a sex establishment would be inappropriate having regard to the 'character of the relevant locality'. Nil may be the appropriate number.

The new powers took effect in St Albans from 1st November 2010.

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

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

There is an exemption for premises where the sexual entertainment is provided infrequently, ie. Not more than eleven occasions in a twelve month period, they must be greater than one month apart and must not last for more than 24 hours. These premises will still be regulated under the Licensing Act 2003 and would need to apply for Temporary Event Notices.

TRANSITIONAL ARRANGEMENTS

TRANSITIONAL PERIOD

The 'transitional period' will last for 12 months starting from 1st November 2010. Six months following the 1st appointed day will be known as the '2nd appointed day' (1st May 2010) and the day on which the transitional period ends will be known as the '3rd appointed day' (1st November 2011).

EXISTING OPERATORS

This area of the transition does not apply to St Albans as there are no existing operators.

NEW APPLICANTS

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence.

DETERMINING APPLICATIONS RECEIVED ON OR BEFORE THE 2ND APPOINTED DAY

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards. As the Licensing Authority is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together.

This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the Licensing Authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately.

DETERMINING APPLICATIONS RECEIVED AFTER THE 2ND APPOINTED DAY

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

DURATION OF SEXUAL ENTERTAINMENT VENUE LICENCES

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

APPLICATION PROCESS

HOW TO APPLY FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

You must submit your completed application and your fee to the Licensing Section, Civic Centre, St Peter's Street, St Albans, Herts, AL1 3JE

You must submit a copy of your application to Hertfordshire Constabulary, Police Station, Victoria Street, St Albans, Herts, AL1 3JL, within 7 days of submitting the application to the Licensing Section.

PUBLIC NOTICES

Applicants for a sex establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than 7 days after the date the application is made.

Where the application relates to premises, a notice should 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.

All notices should be in the form prescribed by St Albans City and District Council and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.

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. Click here to visit our Licensing Act 2003 information.

<http://www.stalbans.gov.uk/business/BusinessLicences/licensing-act-2003/>

CONDITIONS

LICENCE CONDITIONS

Once it has decided to grant a licence the Licensing Authority are 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 St Albans, the Licensing Authority has decided to produce standard conditions and these will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

FEES

FEES:

The fee for a Sexual Entertainment Venue Licence is £5,000

The fee for renewal of a Sexual Entertainment Venue Licence is £5,000

The fee for a Sex Establishments licence is £3,175

The fee for renewal of a Sex Establishments licence is £3,175

OBJECTIONS

MAKING A REPRESENTATION / OBJECTION

When considering an application for the grant, renewal or transfer of a 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 28 days of the application.

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

- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) 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;
- (c) 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;

- (d) 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, vehicle, vessel or stall 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.

All relevant objections to the application will result in a 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.