



Sexual Entertainment Venues

Licence Application Procedure & Application Form

SEXUAL ENTERTAINMENT VENUES – LICENCE APPLICATION PROCEDURES

INTRODUCTION

These procedures set out the Council's standards for determining applications for, and enforcement of, sexual entertainment venues in the Council district.

Chorley Borough Council has adopted Section 27 of the Policing and Crime Act 2009 which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to licence sexual entertainment venues, where relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. The Council will apply these guidelines to sexual entertainment venues in its area to ensure consistency of decision making, however, each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

Section 1 Interpretation

In this procedure:

The Act means the Local Government (Miscellaneous Provisions) Act 1982

Applicant means the applicant for the grant, variation, renewal or transfer of a licence as appropriate

Application means an application for one or more of the following, as the case may be:

- a) grant of a licence;
- b) transfer of a licence;
- c) renewal of a licence;
- d) variation of a licence

Audience includes an audience of one

Authorised Officer means an officer employed by Chorley Borough Council and authorised by Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Display of nudity means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area genitals or anus.

Financial gain for the purposes of the meaning of sexual entertainment venue and relevant entertainment it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

Licence means any sexual entertainment venue licence that the Council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of such a sexual entertainment venue licence.

Objector means any person who has given Notice of Objection in accordance with Paragraph 10 (15) of the Schedule.

Observations means the giving of views by the statutory authorities such as the Police Authority.

The Organiser in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of (a) the relevant entertainment ; or (b) the premises

Parties means the applicant(s) and any objector(s) to the grant of the application. In the case of revocation proceedings it means the licensee and the persons seeking revocation.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

Relevant entertainment means 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 the audience (whether by verbal or other means). The following are not sexual entertainment venues for the purpose of this Schedule

- sex cinemas and sex shops
- premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time:

there have not been more than eleven occasions on which relevant entertainment has been so provided which fall(wholly or partly) within the period of 12 months ending with that time;

no such occasion has lasted more than 24 hours; and

no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided(whether or not that previous occasion falls within the 12 month period mentioned above)

- premises specified or described in an order made by the relevant national authority.

Relevant National Authority means in relation to England, the Secretary of State

Revocation means the revocation of a licence under Paragraph 17 of the Schedule or a proposal to revoke the licence.

Sexual Entertainment Venue means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (ie a person who is responsible for organisation of management of the entertainment or the premises).

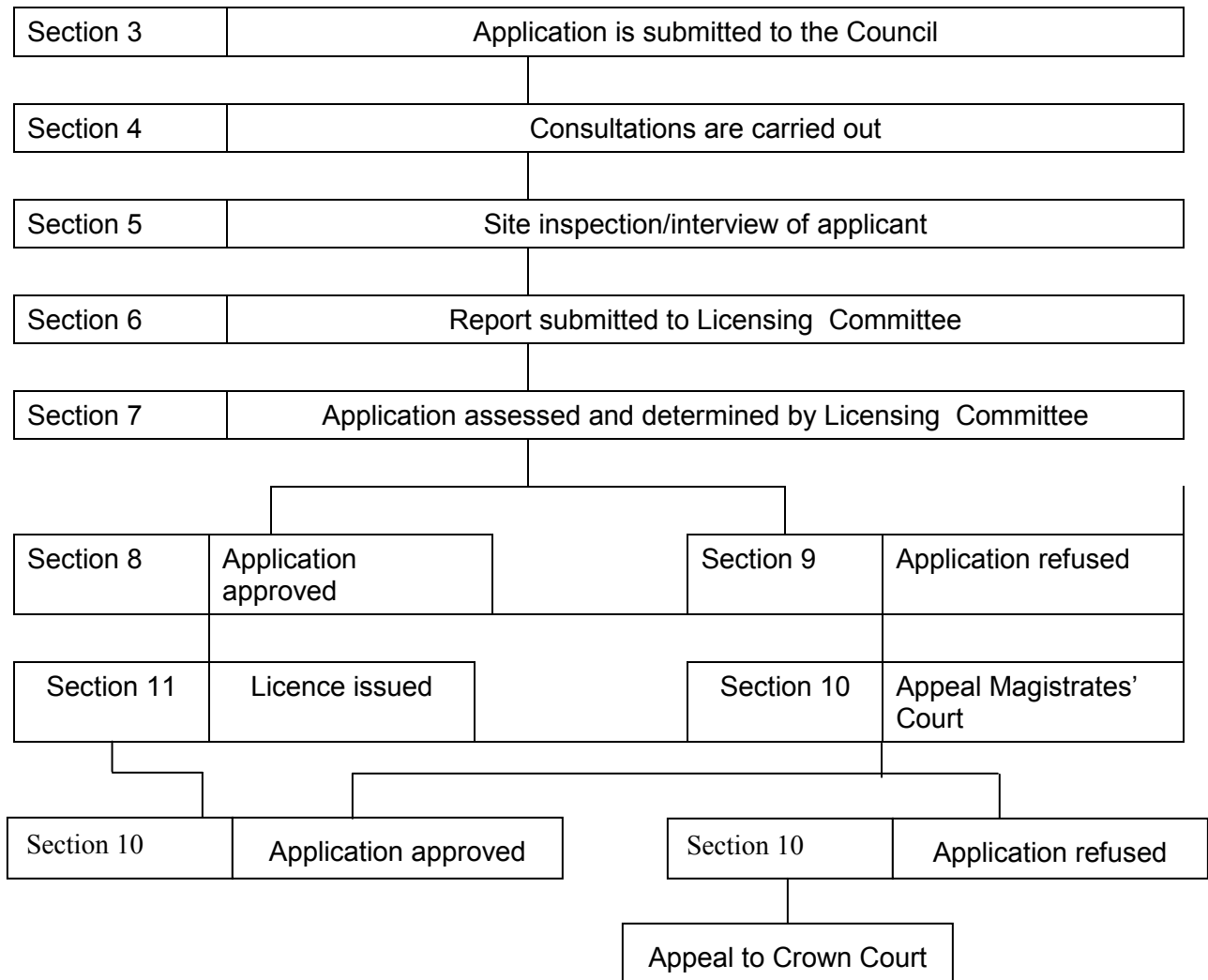
The Council means Chorley Borough Council.

The Committee means Chorley Borough Council's Licensing Committee.

The Schedule means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

Section 2 Procedure for Determining Sexual Entertainment Venue Licence Applications

The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the sequent sections of this guide:



Section 3 mission of the Application

An application for a sexual entertainment venue licence must be made to Chorley Borough Council on the form shown in **Appendix 1** and include:

- A site plan (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue by marking the site/premises boundary with a red line.
- A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to license as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan.
- Full Licence Fee and completed application form. This will be rejected and returned to the applicant if all the relevant boxes are incomplete or additional documentation not enclosed.

The application must be complete and all information provided otherwise it will be rejected.

Additionally, public notice of the application shall be given by:

- Displaying a prescribed notice in, on or near the premises, in a place where it can be conveniently read by the public, continuously for 21 days beginning with the date of the application. The Notice shall be of a size equal or larger than A4, of a Yellow colour and printed legibly in black ink or typed in a font of a size equal to or larger than 16. The format of the approved notice is given in **Appendix 2(a)**.
- By publishing an advertisement detailing the above notice in a local newspaper circulating in the area not later than 7 days after the date of the application, see **Appendix 2(b)**.
- By sending Chorley Borough Council one complete copy of the newspaper containing the Advertisement to the Council as soon as is reasonably practicable.

NB Templates of both Notice and advert are available from the authority upon request.

As well as sending a complete copy of the application together with the appropriate fee to Chorley Borough Council, the applicant must also send a copy of the completed application form to the Chief Officer of Police at Lancashire Constabulary within 7 days of the application being made.

Help in completing the application form can be obtained from the Council on 01257 515151 or by email: contact@chorley.gov.uk

Section 4 Consultations on Applications Made

Before a sexual entertainment venue licence is granted or renewed the applicant has to serve a copy of the application on the Chief Officer of Police at Chorley Police Station. Further, a Notice of the application has to be displayed on the premises for 21 days and another Notice advertised in a local newspaper, this forms the necessary consultation required (see Section 3 above). Details of all such applications will be posted on the Councils website at www.chorley.gov.uk for residents and local people to comment on.

Objections to the application must be made in writing and be received by the licensing authority within 28 days of the application being made. The objection should state in general terms the grounds of objection

Section 5 Inspection and interview of Sexual Entertainment Venue / applicant

On receipt of an application the premises will be visited and inspected by an Authorised Officer of the Council to determine compliance with the sexual entertainment venue licence conditions.. In addition, the applicant will be invited to attend an interview with the authorised officer to fully discuss the applicants proposals. Following on from both of these the authorised officer will prepare a report for submission to a hearing of the Councils Licensing Committee. The applicant will be notified in writing of the date and time of the hearing when their application is to be considered. The date of this hearing will be within 30 working days from the day following the end of the consultation period. One extension, for a limited period of time can be made to this timescale but notice will be given to the applicant with reasons for the extension before the expiry of the original time period.

NB please note that tacit consent will not apply for public interest reasons.

Section 6 Report Submitted to the Licensing Committee

Following inspection of the proposed establishment and interview of the applicant, a report will be prepared by the authorised officer for consideration by the Council's Licensing Committee. **NB All new and variation applications shall be referred to the Council's Licensing Committee.**

If objections are received against the granting of a sexual entertainment venue licence, copies of such objections will be included in the authorised officers report to the Licensing Committee for consideration when determining the application.

Persons making written objections will also be informed of the date and time of the Licensing Committee hearing where they will be invited to address the Committee and ask questions relating to the application. The Council shall not, without the written consent of the person making the objection, reveal his name or address to the applicant.

Sections 7 & 8 Determining and Granting an Application

In determining applications for sexual entertainment venues, the Licensing Committee shall have regard to the relevant matters of the relevant policy and licence conditions contained in the **Statement of Licencing Policy** document relating to sexual entertainment venues. Each case though will be assessed on its merits and individual circumstances where appropriate, may be taken into consideration.

The Licensing Committee has been established to consider applications, hear objections and appeals in relation to licensing matters. The Licensing Committee consists of elected members of Chorley Borough Council and is supported by the Council's Legal Officer and Licensing Officer. Licensing Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Licensing Committee is to:

- Determine applications, or
- Hear appeals from applicants against the imposition of a condition (see Section 9)

As stated above once arrangements have been made for the application to be heard by the Licensing Committee, the applicant will be advised, in writing, of the date, time and place where the application will be heard.

The applicant will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague. The Licensing Committee hearing will follow the same procedure that currently applies to applications under the Licensing Act 2003. Copies of this procedure will be sent to the applicant in advance of the meeting, along with the officer reports that will be presented at the hearing.

In determining an application the Licensing Committee will consider the applicants presentation and the Council's authorised Officers report. Either side may use witnesses and supporting documentation may be mitted to the Licensing Committee for consideration.

The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and the applicant. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Licensing Committee will inform the applicant of their decision and the reasons for coming to that particular decision. The decision of the Licensing Committee will be confirmed, in writing, to the applicant within 5 working days of the meeting at which the application was considered giving reasons for the decision.

Where objections have been raised to the granting of a sexual entertainment venue licence the Licensing Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Licensing Committee (contained in the authorised officers report) in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will be given a broad indication of the proximity of the objector's property in relation to the proposed Sexual Entertainment venue.

The Licensing Committee will always strive to ensure that when it is considering an application that all persons get a proper and fair hearing through:

1. Considering each case on its merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Dealing with the application in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their appeal or objection.

When a sexual entertainment venue licence is granted by the Licensing Committee, the Licence will be provided to the applicant as soon as possible.

Section 9 Criteria for Refusal of an Application

The grounds for refusal are given in the **Statement of Licensing Policy** document relating to sexual entertainment venues; The Council will consider its own policy when determining any application.

Section 10 Appeals Against Decisions

The Local Government (Miscellaneous Provisions) Act 1982, Section 27 permits appeals against the decisions of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates' Court. An appeal should be made within 21 days of the decision to the Magistrates Courts'.

An appeal can be made in the following circumstances:

1. Refusal of an application for the grant, renewal or transfer of a licence.
2. Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held.
3. A grievance relating to any term, condition or restriction on or subject to which a licence is held.
4. Revocation of a licence.
5. There is no right of appeal for objectors

There is a right of appeal against refusal on mandatory grounds, only where appellant alleges ground did not apply to them. There is no right of appeal against refusal on the grounds that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises. A person wishing to appeal against a Council decision on a sexual entertainment venue licence is strongly advised to seek assistance from a solicitor, prior to commencing action in a Court of Law.

Section 11 Issue of Sexual Entertainment Venue Licences

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'Council Borough Council'.

Fees

Licence Fee (grant new licence)	£8,000
Licence Variation	£4,000
Renewal Fee	£8,000
Transfer Fee	£177
Change of Name	£177

A charge of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

APPENDIX 1

For Office Use

Licence Ref. No.	
Visited	
Officer Licence Issued	

People and Places Directorate
Chorley Borough Council
Civic Offices
Union Street
CHORLEY
PR7 1AL

Local Government (Miscellaneous Provisions) Act 1982

Please complete in **BLOCK CAPITALS** and **BLACK INK**

Form of Application for a Sex Establishment Licence

Is the applicant:	a) An individual <input type="checkbox"/>
	b) A partnership or other unincorporated body <input type="checkbox"/>
	c) A body corporate <input type="checkbox"/>
Give the full name of the applicant(s,) or body applying for the licence. If an individual or partnership, please state any previous name(s), date name changed together with date and place of birth.	
Telephone number on which the applicant can be contacted during office hours	
Address to which any communications for the applicant are to be sent	
Applicants permanent address. If a company, please give the registered or principal address	
If the applicant is a company, please supply the following information on a separate sheet in respect of each Director and persons who will manage or otherwise be involved in running the establishment or who have an interest/will benefit	Forename, Surname, Former Names (and date name changed), Permanent Address, Date of Birth, Place of Birth.
What is the nature of the applicant's interest in the premises? Please state whether it is:	Freehold <input type="checkbox"/>
	Leasehold <input type="checkbox"/>
If the applicant's interest in the premises is leasehold, please supply the following information:	a) Is the lease headlease <input type="checkbox"/> underlease? <input type="checkbox"/>
	b) Landlord's name and address:

<p>Has the applicant been resident in the United Kingdom throughout the period of 6 months proceeding the date of this application?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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<p>Does the applicant or any persons named in this form have any Convictions/Cautions?</p> <p>If the answer to the above is yes, please give details below:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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Convictions						
Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Cautions						
Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

SECTION B – ABOUT THE PREMISES	
Trading name, address, telephone number and internet address (where applicable) of premises to be licensed	Name: Address: Tel: e-mail/website:
Part of premises to be licensed (e.g. ground floor, first floor etc)	
Please provide details of what form of relevant entertainment will be performed on the premises	
If only part of the premises are to be used, to what use are the other parts of the premises put?	
Please state the name(s) of the person(s) responsible for running the part(s) of the premises that are not to be used as a sexual entertainment venue.	

<p>If the premises are already used as a sexual entertainment venue, please give the name and address of the persons or body who now operate the business, and the date on which the premises were first used as a sexual entertainment venue</p>	
<p>Is the application in respect of a premises, vehicle or vessel?</p>	<p>Premises <input type="checkbox"/></p> <p>Vehicle <input type="checkbox"/></p> <p>Vessel/Stall <input type="checkbox"/></p>
<p>If the application is in respect of a vehicle, stall or vessel , please state where it is to be used as a sexual entertainment venue</p>	
<p>Are the premises fitted with a CCTV system</p>	
<p>Please confirm the number of SIA doorstaff to be present on the premises whilst relevant entertainment is being performed</p>	

SECTION C – ABOUT THE LICENCE

<p>FIRST APPLICATION Choose this option if this is the first time this premises has been licensed or if the previous licence held by the premises has lapsed. You MUST provide a copy of a plan of the premises with the application to enable it to be processed</p>	
<p>RENEWAL APPLICATION Choose this option if you already hold a licence for the premises that is due to expire shortly</p>	
<p>VARIATION APPLICATION Choose this option if you are proposing to change the hours of operation, or the premises layout (new plans may be required depending on the scale of alterations) etc</p>	
<p>TRANSFER APPLICATION Choose this option to transfer the licence from one licence holder to another</p>	

SECTION D – ABOUT THE BUSINESS

Under what name is or will the business be known?	
What means are to be taken to prevent the interior of the premises being viewed by passers by?	
State which days and hours you intend to open the premises	Monday
	Tuesday
	Wednesday
	Thursday
	Friday
	Saturday
	Sunday

SECTION E – OTHER PARTICULARS TO BE PROVIDED

A site plan, with the premises outlined in red – Scale 1:500	<input type="checkbox"/>
Scale plan of the premises (1:50) in respect of which the licence is sought including all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.	<input type="checkbox"/>
A complete copy of the newspaper in which the notice of the application has been published (this must be sent within seven working days of making the application)	<input type="checkbox"/>

SECTION F – DECLARATION

I/We enclose the requisite fee	<input type="checkbox"/>
I/We confirm that a copy of this application has been served on the Chief Officer of Police at Harrogate Police Station within 7 days of the application being submitted	<input type="checkbox"/>
I/We confirm that a notice publicising this application will be displayed for 21 days beginning with the date of the application on or near the premises and in a place where it can conveniently be read by the public	<input type="checkbox"/>
I/We confirm that a Notice of application has been given by publishing an advertisement in a Local Newspaper circulating in the local area. The publication of the notice shall not be later than seven days after the date of application	<input type="checkbox"/>

DECLARATION BY APPLICANT FOR LICENCE

I understand that any person who, in connection with an application for the grant, renewal or transfer of a licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

I declare that the information I have given in this form is true and complete in every respect.

Where the application is made on the behalf of a Limited Company, the Company Secretary or Director(s) should sign this form, In the case of a Partnership each Partner should sign.

Signed		Signed	
Name		Name	
Capacity		Capacity	
Date		Date	

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982 (as amended)

**SCHEDULE 3-CONTROL OF SEXUAL
ENTERTAINMENT VENUES**

**APPLICATION NOTICE FOR THE GRANT OF A
SEXUAL ENTERTAINMENT VENUE LICENCE**

Application has today been made to Council Borough Council in accordance with Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for a sexual entertainment venue licence in respect of the premises named below.

Address of Premises

Signature of Applicant

Name of Applicant

Date

Any objections to this application should be made not later than 28 days after the date hereon in writing stating in general terms the grounds for objection to:

**People & Places Directorate
Council Borough Council
Civic Offices
Union Street
CHORLEY
PR7 1AL**

PLEASE NOTE: Objections will be sent to the applicant and will become public documents. However, personal details such as name, address and telephone number will be removed.

This notice to be prominently displayed on the outside of the premises for a period of twenty-one days after the date hereon.

SEXUAL ENTERTAINMENT VENUE LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

APPLICATION FOR GRANT OF A LICENCE

Take notice that on

I/We

Of

Made application to Council Borough Council for the grant of a sexual entertainment venue Licence at (address of proposed premises):

Any objections to this application should be made to :

People & Places Directorate, Chorley Borough Council, Civic Offices, Union Street, Chorley, PR7 1AL

PLEASE NOTE: Objections will be sent to the applicant and will become public documents. However, personal details such as name, address and telephone number will be removed.

Within 28 days from the date of this advertisement stating in general terms the grounds of objection.